



NOTICE OF MEETING

HEARING BY COMMISSIONER

I hereby give notice that a Hearing by Commissioner will be held on:-

DATE: **Monday, 4 November 2002** **TIME:** **9.30 am**

VENUE: **Civic Centre, 6 Waipareira Avenue, Lincoln, Waitakere City**

to consider the business as set out herein and to take any necessary action connected therewith.

25 October 2002

Owena Schuster
COMMITTEE SECRETARY

Telephone (09) 836 8000 extn 8864

MEMBERSHIP:

Commissioner Alan Watson

(Quorum 4 members)

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(The reports and recommendations contained in all agendas are reports and recommendations only and are not to be construed, in any way, as Council policy until adopted.)

**AGENDA FOR AN ORDINARY MEETING OF A HEARING BY COMMISSIONER TO BE HELD
IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,
ON MONDAY, 4 NOVEMBER 2002, COMMENCING AT 9.30 AM.**

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**NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE
RESOURCE MANAGEMENT ACT 1991 BY VICKI POLL TO OPERATE A
CAFÉ/RESTAURANT AND A WEDDING RECEPTION/PRIVATE FUNCTION CENTRE FROM
THE EXISTING BUILDING AND GARDENS AT 164 BRIGHAM CREEK ROAD**

RMA 20020648

MASSEY WARD

N.B. This report sets out the advice of Consent Services to the Hearings Committee on the environmental issues raised by the application for resource consent. It is not the decision of the Council. The decision will be made after consideration of the application by the Hearings Committee.

APPLICATION DETAILS

Planner: Hamish Anderson

Site Address: 164 Brigham Creek Road

Applicant: Vicki Poll

Date Received: 16 April 2002

Building Consent No: N/A

Legal Description: Lot 2 Deposited Plan 110431

Address for Service: IJ Simmons 229 Amreins Road, RD2 Henderson, Auckland 8

Site Area: 1.64 hectares

Unit Site Area(s): N/A

Transitional Plan:

 Zoning: Rural 1

 Section: Waitemata

 Hazards: None on record

Proposed Plan:

 Human Environment: Countryside

 Natural Area: General, Restoration, Coastal, Coastal Edge (20m)

 Landscape Elements: None on record

 Hazards: Property affected by flooding

 Roading Hierarchy: District Arterial Road

Further Information Required: Yes

Date Requested: 1 May 2002, 21 August 2002

Date Received: 16 June 2002, 10 October 2002

1.0 INTRODUCTION AND RECOMMENDATION

1.1 Nature of the Application

The applicant seeks consent to operate a café/restaurant and a wedding reception/private functions centre from the existing building and gardens on the site.

1.2 Resource Management Issues Raised

The Resource Management Act 1991 requires that, when considering an application for a resource consent, a consent authority shall have regard to the environmental effects of the proposed activity, together with any relevant objectives, policies and rules of the Transitional and the Proposed District Plan.

The principal issue raised in previous applications regarding this site and through submissions against this current application concerns noise. The noise issue can be broken down to noise from music, noise from patrons on the subject site and vehicle movements to and from the subject site.

1.3 Planner's Recommendation

The planner who has prepared this report recommends that, subject to any contrary or additional evidence submitted at the Hearing, **consent be granted** to the application for an increase in the number of evening wedding receptions/private functions to 25 per year and extension to the operating hours. It is considered that the environmental effects that may be generated by the activity would be minor or could be adequately avoided, remedied or mitigated by the imposition of conditions, and that the relevant objectives and policies of both the Transitional and Proposed District Plans will be satisfied.

2.0 LOCATION PLAN



Legal Description:

Proposed Plan Human Environment:

Proposed Plan Natural Area:

Lot 2 Deposited Plan 110431

Countryside

General, Restoration, Coastal, Coastal Edge (20m)

3.0 PROPOSAL

The applicant seeks consent to operate a café/restaurant and a wedding reception/private functions centre from the existing buildings and garden on the subject site.

The proposed hours for the **café/restaurant** are:

Monday to Thursday:	7.00 am - 10.30 pm with the site vacated by 11.00 pm
Friday:	7.00 am - 11.00 pm with the site vacated by 11.30 pm
Saturday:	7.00 am - 12.00 am with the site vacated by 12.30 am
Sunday:	7.00 am - 10.00 pm with the site vacated by 10.30 pm

The applicants propose **wedding ceremonies/receptions and private functions** on the property:

- The maximum number of evening wedding/receptions or private functions would be 25 per year. Any wedding/reception that finishes after 6.00 pm is considered to be an evening function.
- For those evening/receptions the closing time for activities would be the same as for the restaurant usage, except in relation to Friday night. On Friday's the closing time is to be 12.00 am with the site vacated by 12.30 am.
- The wedding ceremonies can take place either in the garden areas and grounds to the rear of the building, or within the building itself.

The maximum number of people to be accommodated on the site at any one time being 80 persons. When private functions are held there will be no separate operation of the restaurant.

4.0 BACKGROUND

The following is a description of the activities resource consent has been granted to:

22 June 1988 (granted)

Application: Tearooms associated with a permitted use being a rose and herb garden.
Hours: 1 October to 1 March: 10.00 am to 8.00 pm, 2 March to 30 September: 10.00 am to 5.00 pm.
Numbers: 30 - including indoor and outdoor areas.

28 June 1989 (granted)

Application: Variation in size of building.
Numbers: Seating capacity of tearooms: 30.

17 December 1993 (granted)

Application: To utilise tearooms and garden area for weddings and associated receptions.
Hours: No change to tearoom hours.
Numbers: Maximum of 80 people for weddings.
Frequency: 12 wedding receptions per year.
Hours for Weddings: Conclude by 10.00 pm and guests vacated by 10.30 pm.

2 April 1998 (RMA 971267 was granted)

Application: Extend hours of operation of tearooms, remove restrictions of 12 weddings per year.
Hours: Monday and Tuesday 7.00 am to 10.00 pm, Wednesday to Sunday 7.00 am to 7.00 pm (with half hour to vacate site).
Numbers: Tearooms activity: 30 people.

Frequency: A maximum of 12 wedding receptions per year which extend beyond 6.00 pm. There is no limit on the number of weddings that can be held between 9.00 am and 6.00 pm.

Hours for Weddings: The 12 weddings must conclude by 10.00 pm and the site vacated by 11.00 pm.

Numbers: Maximum of 80 persons irrespective of time.

11 February 2000 (RMA 992095 was declined)

Application: To vary the hours and use of the café and reception centre.

Hours: Sunday to Thursday 10.00 am to 12.00 am, Friday to Saturday 7.00 am to 1.00 am.

Numbers: Not specified.

Frequency: Not specified.

Hours for Weddings: Not specified.

Numbers: Not specified.

5.0 EXISTING VERSUS PROPOSED

The following table shows the existing hours of operation, as lawfully established under RMA 971267, the proposed hours of operation for this consent application and differences between the two.

	Tearooms	Tearooms	Proposed Restaurant *		Wedding Functions	Proposed Wedding / Function	
	Open	Close	Close	Difference	Close	Close	Difference
Monday	7.00 am	10.00 (10.30*) pm	10.30 (11) pm	+ 0.30hr	10.00 (11) pm	10.30 (11) pm	+ 0.30hr
Tuesday	7.00 am	10.00 (10.30) pm	10.30 (11) pm	+ 0.30hr	10.00 (11) pm	10.30 (11) pm	+ 0.30hr
Wednesday	7.00 am	7.00 pm	10.30 (11) pm	+ 3.30hr	10.00 (11) pm	10.30 (11) pm	+ 0.30hr
Thursday	7.00 am	7.00 pm	10.30 (11) pm	+ 3.30hr	10.00 (11) pm	10.30 (11) pm	+ 0.30hr
Friday	7.00 am	7.00 pm	11.00 (11.30) pm	+ 4.00hr	10.00 (11) pm	11.00 (11.30) pm	+ 1.0hr
Saturday	7.00 am	7.00 pm	12.00 (12.30) am	+ 5.00hr	10.00 (11) pm	12.00 (12.30) am	+ 2.0hr
Sunday	7.00 am	7.00 pm	10.00 (10.30) pm	+ 0.30hr	10.00 (11) pm	10.00 (10.30) pm	no change

* Opening times for the activity will remain as they are at present. (time) denotes time the site would be vacated by.

5.0 REASONS FOR THE APPLICATION

Consent is required under those provisions of the Transitional and Proposed District Plans for the following reasons:

5.1 Proposed District Plan

The proposal is to extend the hours and frequency of operation of a retail activity so it is considered a non complying activity under Rule 7.5 (Countryside Environment).

The proposed increase in the hours of operation and the frequency of events would increase the existing non compliance and as the subject site fronts a major road the activity is considered a discretionary activity under Rule 8.3 (Transport Environment).

5.2 Transitional District Plan

The subject site is located in the Rural 1 Zone under the Transitional District Plan (Waitemata Section). The proposed activity is not provided for in the Rural 1 Zone so the proposal is considered a non complying activity.

5.3 Overall, the application is considered to be a non complying activity. The proposal complies with all other development controls under the Transitional and Proposed District Plans.

5.4 The applicant has applied to the Auckland Regional Council for an enlarged wastewater treatment system.

6.0 THE SITE AND NEIGHBOURHOOD DESCRIPTION

The subject site is a 1.6 hectare site located on the northern side of Brigham Creek Road. The site is relatively flat throughout and has three regular shaped boundaries and an irregular shaped fourth boundary being the Brigham Creek stream. The site is occupied by the residence of the site owner and the existing café and reception centre. The residence is located on the east of the site and the café and reception centre is located at the front of the site with car parking provided in front of that building. The grounds are extensively landscaped with a mixture of lawns and garden areas.

Car parking associated with the site is separated from the road carriageway by a wide berm (16 - 60 metres in width) and well screened from the road and neighbouring sites by existing planting.

The immediately surrounding neighbourhood is characterised by residential development and rural residential and lifestyle properties. Properties to the north, east and south are generally larger than the properties to the west of the site.

Brigham Creek Road is a reasonably busy road providing a link from areas such as Herald Island and the Whenuapai airbase to Hobsonville Road or Trig Road. Brigham Creek Road is a wide road but there is limited visibility for vehicles exiting the subject site given a bend in the road to the west and being that the Road had a speed limit of 80km/h. Brigham Creek Road is defined in the proposed District Plan as being a District Arterial Road.

7.0 SUBMISSIONS RECEIVED

The application was publicly notified on 28 June 2002 and the period for submissions closed on 30 July 2002.

18 submissions in total were received within the statutory time period.

13 submissions supported the application,

5 submissions opposed the application.

5 submissions were received after the closing date for submissions.

Pursuant to Section 37 of the Resource Management Act 1991 it is considered that Council should accept the 5 late submissions as:

- They have not delayed the timeframes involved with this application as they were received prior to completion of the reporting planners report.
- The nature of the late submissions (all in support of the application) is such that no new information is brought to light.
- Neither the applicant nor the submitters in opposition would be negatively affected due to the 5 being received late.

A petition was supplied by the applicant with signatures of approximately 1060 persons in support of the business (the signatures date back to April 2000 so some predate this application). The petition will be tabled at the hearing. It is considered that the petition gives an indication as to how existing patrons feel about the business but it should not be accorded weight as a submission.

A77-A80 Please refer to attachments at pages A78 to A80 for a summary of specific submissions and for copies of the submissions that were received. A map showing the location of the submitters is attached at page A77.

7.1 Submissions

The supporting submissions could be summarised as follows:

1. All submitters described the existing operation is a quality establishment which is needed in the area, and
2. The submitters who lived in close proximity said there was no issue of noise.

The opposing submissions could be summarised as follows:

1. There is an issue with noise from the operation of the business including music, patrons and vehicles.
- A81-A131* 2. Several of the submitters (specifically submissions 16 and 17) referred to the operation as effecting their enjoyment of life (reverse sensitivity), as attached at pages A81 to A131. Further to this, an on-site meeting with opposing submitters indicated that in addition to the above they feel their lifestyle is restricted by having to maintain a level of quiet on their own properties to avoid disturbing the weddings.

7.2 Pre Hearing Meeting

The opportunity of a pre-hearing meeting was mooted but the planners acting on behalf of the applicants and the submitters agreed that such a meeting would not be needed.

8.0 STATUTORY REQUIREMENTS

8.1 The Weighting of District Plans

The Council is obliged to administer both the Transitional District Plan and the Proposed District Plan. Once a proposed plan is notified, an application must be considered in terms of that plan as well as the existing plan. The weight to be given to a proposed plan depends on what stage the relevant provisions have reached, the weight generally being greater as a proposed plan moves through the notification and hearing process. In this case the Proposed Plan is at the stage where there are still outstanding references to the Environment Court. However, there are no outstanding references affecting this specific site or the relevant development controls. Therefore the Proposed Plan is considered to have greater weight in this particular case.

8.2 Non-Complying Activities

A180-A184 The relevant objectives, policies, rules and assessment criteria which apply under the Transitional and Proposed District Plan and the Resource Management Act 1991 are set out in more detail as attached at pages A180 to A184. These establish the legal framework within which the application should be addressed.

As noted, the proposal requires consideration as a non-complying activity under the provisions of the Resource Management Act 1991. Section 105(2A) of the Resource Management Act 1991 sets a threshold test which all resource consent applications for non-complying activities must first pass before a consent authority has jurisdiction to grant consent, having regard to the matters specified in Section 104. In short, the proposal must be able to establish and operate without generating more than minor adverse effects on the environment, or must not be contrary to the relevant objectives and policies of either the Proposed District Plan or the Transitional District Plan.

Section 104 of the Resource Management Act 1991 sets out those matters to be considered when assessing an application for resource consent. These include consideration of any actual and potential effects on the environment arising from the proposal, together with an assessment as to whether the application is consistent with relevant objectives, policies and rules of the Transitional and Proposed District Plan. All considerations are subject to the provisions of Part II of the Resource Management Act 1991, which sets out the purpose and principles that guide this legislation.

The Proposed District Plan has been prepared with an “effects based” emphasis, in keeping with the Resource Management Act 1991. As such, consideration of the application in relation to each of the assessment criteria relating to the various infringements ensures that all the relevant matters contained in Section 104 of the Resource Management Act 1991 have been addressed (Refer section 8 of this report for this discussion). However in addition to the discussion on the Transitional and Proposed District Plan provisions, analysis of the anticipated effects on the environment generated by the application is presented below.

9.0 EVALUATION IN ACCORDANCE WITH SECTION 104 OF THE RESOURCE MANAGEMENT ACT 1991

9.1 Assessment of Environmental Effects (104(1)(a)): Actual and potential effects on the environment.

9.1.1 Native Vegetation, Vegetation and Fauna Habitat, Ecosystem Stability and Water Quality and Quantity.

There is existing vegetation on the site, both native and exotic and there is also a riparian margin and restoration area on the property. The only physical change to the subject site would be an increase in size of the existing parking area and a sealing of the existing ingress and egress points. Those changes would not involve the removal of any vegetation nor would they involve working within the drip line of vegetation or within the restoration area. Any earthwork activity associated with that parking work would be subject to standard Council conditions related to sediment control. For these reasons it is considered there would be no adverse effects on the native or exotic vegetation, the fauna habitat or the adjacent watercourse.

9.1.2 Land / Soil

The subject site is not identified as having special soils and the applicants only physical alterations to the site involve a small increase in the parking area and a sealing of both the ingress and egress points. For the aforementioned reasons it is considered there would be no adverse effects on land or soil.

The subject site is identified in Council’s Hazard Register as being affected by flooding however, it is considered any work done would be to extend the existing car park and that area of the site is the highest point on the site and unlikely to be susceptible to flooding. It is noted that a complaint was made to Council (from Steve Tier on 12 September 2001) regarding stormwater runoff from the road onto the access to the subject site so any alterations to the surfacing of the access should account for that.

9.1.3 Air

Landscaping of a sizeable height surrounds the car park area on the subject site. It is recognised that the shingle car park could create dust but it is considered the surrounding landscaping would prevent that dust travelling off site. Further, a condition of consent would be imposed requiring the ingress and egress points to be sealed to mitigate potential noise effects from cars entering and existing the site and would provide the cars with a hard surface from which they can get traction to accelerate into the traffic flow. An additional benefit of that sealing would be a reduction in dust from those ingress and egress points.

9.1.4 Outstanding Landscapes, Outstanding Natural Features; Landforms, Geological Sites

The subject site is not identified as being in an outstanding landscape or is it an outstanding natural feature.

9.1.5 Natural Character of Coast and Margins of Lakes, Rivers and Wetlands

The subject site abuts Brigham Creek and that watercourse has a restoration area extending from it onto the subject site. This application would involve no work on that area or which would cause an adverse effect on that area.

9.1.6 Amenity Values - Health and Safety, Landscapes, Local Areas and Neighbourhood Character

- Visual Amenity

The application involves an existing operation on the site. There is no proposal to increase the built form of the existing buildings, nor is there a proposal to remove any vegetation from the property. The buildings, parking area and grounds are screened from immediately adjacent sites and Brigham Creek Road by extensive existing landscaping on the subject site. Further, it is noted that landscaped grounds of the site are one of the publicised draw cards and are therefore unlikely to be removed by the applicant. For these reasons it is considered there would be no adverse effect on the above through the proposed increase in the hours of operation of the operation or the proposed increase in the number of functions.

The submitters opposing the application have mentioned that if consent is granted the applicants could effectively have a wedding/function at least once a week during the summer and none in the winter as weddings are more common in the summer months. It is considered this is a potential reverse sensitivity issue which may need to be addressed. The freedom of neighbours on their own properties could be restrained if they feel they cannot disturb activities on the subject site, for example, mowing lawns in the weekend is desirable for many working people and the rights of those people should be recognised. For that reason a condition of consent could seek to limit the time of the day when a wedding could start for example, not before 12.00 pm on either Saturday or Sunday or public holidays, to ensure the activities of adjacent neighbours are not constrained.

- Noise

Countryside dwellers do have an expectation of a relatively quiet life. The noise associated with restaurants and function centres, such as music, loud voices, car door slamming and car engines, is more typical of an urban environment. Other types of noise are more common in the Countryside Human Environment, for example, animal noise, bird scarers or farm machinery.

This site and activity has a lengthy history and part of that history has been the subject of noise issues. Those issues culminated in an abatement notice being issued on 5 February 1998. The current proprietors took over the business in October 1998 and since that time there have been two complaints:

- Saturday, 9 January 1999: loud amplified music received 9.14 pm; and
- Saturday, 20 February 1999: loud amplified music received 10.41 pm.

It is considered two complaints in three years is not out of the ordinary or extreme given the number of functions that occur on the property. However, any noise complaint in this environment is considered avoidable and could be controlled if the onus were placed on the management of the business.

The applicant commissioned Dr Philip Dickinson of Philip Dickinson Acoustics to undertake an acoustic evaluation of the business. Dr Dickinson's report concluded that "there is no noise nuisance at present, and the activities undertaken do not produce any significant sound at the neighbours' boundaries." Furthermore, Dr Dickinson went on to say "the effect of the noise from operations at the Café and in the grounds of Heavenly Gardens if the extended opening times are permitted can be considered as less than minor compared to the existing ambient noise situation from the road traffic and when the Motorway comes into existence, ambient levels will rise and the effect of the noise from the operations at Heavenly Gardens will be correspondingly even less."

A191-A192 It should be noted that at the time of the previous resource consent application (RMA 992095) the new motorway was being planned but the specifics of its location were not known. Since that time the route that the motorway and associated feeder roads would take has been refined and the final scheme has been approved by Transit New Zealand and Transfund, as attached at pages A191 to A192 SH 18 alignment. The motorway would pass through the property immediately to the east of the subject site with the main carriageway approximately 160m from the main building on the subject site. The proposed interchange would be approximately 70m from that building. Furthermore, it is highly likely the motorway will be built and operating by 2007 and works are scheduled to start in the next construction season (1 October 2003).

A189-A190 It is noted that the applicant has indicated they would erect a fence along the western edge of the parking area to further soften the appearance and potential noise associated with cars on the subject site. The requirement to erect an acoustic fence would be included as a condition of this consent (the location of the fence is shown as attached at pages A189 to A190).

The application including the noise assessment has been assessed by Andrew Chalton of Council's Field Services Department. Mr Chalton has advised that on the basis of the information supplied the proposal could comply with the Proposed District Plan's noise rules for the Countryside Environment. Mr Chalton recommended a number of conditions based on those suggested by the Applicant's Planner but modified them to make them more enforceable. Those conditions relate to actions that need to be taken to meet Proposed District Plan noise levels and include prohibiting amplified music (with the exception of music associated with the wedding ceremony) outside the restaurant building/reception rooms, installing an electronic noise limiting unit to control amplified music on the site and installing signs in the parking area reminding the guests to be courteous to neighbours when leaving the site. As the management of the business is seen as being the most crucial factor in controlling noise on the site it is considered appropriate to include a condition requiring the proprietors to commission a suitably qualified and experienced acoustic engineer to undertake sound level measurements of weddings/receptions and functions for a defined period if this consent were to be granted. The measurements taken would be required to be provided to the Manager of Resource Consents within 1 week of each event taking place.

- Infrastructural Capacity & Availability

The applicants propose to replace the existing septic tank system with a new wastewater treatment system. An application for resource consent had been lodged (at the time of this application) with the Auckland Regional Council in relation to that system. It is considered that system would avoid any adverse effect associated with wastewater generated on the site.

- Traffic generation, on-street parking, driver safety, pedestrian safety, roading capacity and roading network, traffic noise, vehicle movements, access.

The Traffic Impact Assessment Report included as a part of this application concluded that traffic planning effects of the operation of a restaurant and function centre catering for up to 80 people can be accommodated on the road network without compromising its function, capacity or safety. Therefore the proposal would have no more than minor traffic impact.

The application and the Traffic Impact Assessment report included with that application were assessed by Council's Transport Assets Section who made the following comments:

- The Traffic Impact Assessment Report highlighted that the western entrance does not meet the minimum sight distance and that it should be designated as an entry only and that the eastern entrance be designated as exit only. Both existing vehicle crossings need to be formed and constructed in accordance to the Code of Practice and sealed right up to the site boundary.
- The Transport Assets Section agrees with the traffic generation data submitted with the Traffic Report. Council's Parking and Driveway Guidelines require 1 parking space per 3 customer places. The restaurant seats 80 customers and 25 on-site parking spaces are proposed which would be a shortfall of 2 spaces. In addition, the Traffic Report suggests the demand for either the restaurant or a wedding function would lead to parking demand exceeding the available parking spaces on site. It tabulates that at the peak times a maximum of 33 parking spaces would be required. The Traffic Impact Assessment Report makes reference that if there is a shortfall this can be accommodated on the road reserve between Brigham Creek and the property boundary. Whilst this may be practical this parking arrangement does not have approval from the Transport Assets section. The Transport Assets Section recommend that 33 on-site parking spaces be provided to meet the maximum estimated demands. If the applicants cannot provide the on-site parking or wish to provide parking in the road reserve and application would be required to be made to the Transport Assets Section for approval. It is considered preferable for the parking to be provided on-site to avoid possible detracting from the visual amenity of the site when viewed from Brigham Creek Road. The existing parking area is well screened by extensive existing landscaping on both the road reserve and subject site.

It is considered the applicants wish to provide some parking in the road reserve would not detract from the visual amenity of the area as there is screening provided by existing trees located further toward Brigham Creek Road. In addition, it is considered parking in the road reserve would mean that less vehicles would be required to be parked on the berm adjacent to Brigham Creek Road. For these reasons it seems appropriate to permit the on-site parking shortfall in the road reserve with a review condition in place to redress the parking in the unlikely event that the road reserve is required by Council.

It is not anticipated that the approximation of the proposed Brigham Creek Road interchange would cause an adverse traffic effect. The new road alignment would mean the ingress and egress points to the site would be to a road where traffic speeds would be reduced, from existing levels, associated with entering or exiting the interchange.

9.1.7 Positive Effects

- Uniqueness, Garden Setting, Rural Location

A81-A131 The subject site is a unique, well-established venue used as a restaurant and as a wedding/function centre. The site's garden and semi rural feel is a draw card for the area as identified by the applicant and by the submitters supporting the proposal (specifically submission numbers 4, 5, 8, 15, 18 and 21, as attached at pages A81 to A131).

A81-A131 The business is seen as being a unique local venue that many residents of the Whenuapi area utilise rather than driving to other areas of Waitakere City or into the Auckland central business district. A number of the submissions supporting the application (specifically submission numbers 1, 4, 5, 8, 9, 11, 12, 13, 19, 21 and 22, as attached at pages A81 to A131) recognised the quality of the establishment and that it provides a choice for people of the area to dine or have functions.

Another positive effect of the facility is that it provides employment opportunities in the area.

9.1.8 Summary

It is considered expanding the existing operation would create benefit to the wider community as it would enable the business to operate for longer hours and have more functions. All the submitters in support of the application point to the existing activity being an asset to the local area.

It is the report writer's opinion that the potential adverse effects of the proposed activity are no more than minor and can be adequately mitigated through appropriate conditions of consent and can therefore meet the requirements of Section 104(1)(a).

9.2 District Plan Considerations (104(1)(d)): Relevant Objectives, Policies, Rules and other provisions of a Plan or Proposed Plan

9.2.1 Proposed District Plan

9.2.1.1 Objectives, Policies, Rules and Assessment Criteria

The applicants propose to extend the operating hours of a café/restaurant and to increase the number of evening wedding receptions/private functions, in the existing building and gardens on the site to 25 per year.

A180 The District Plan provides a range of objectives, policies, rules and assessment criteria to be considered in relation to non residential activities in the Countryside Human Environment and these have been used as a guide in considering the proposal and are discussed below under the headings of noise, non residential activity, traffic and ecological. The full assessment criteria and relevant objectives and policies are attached at page A180. If a specific Objective or Policy is considered particularly relevant it has been included, in its entirety, prior to the discussion.

Noise

Objective 10

To maintain and enhance those natural and physical characteristics (amenity values) that contribute to the wellbeing of residents and workers, including maintaining an acceptable level of quiet and freedom from nuisance created by noise.

This Objective is intended to achieve, at the very least, a minimum level of physical health and wellbeing for residents, workers and visitors. The Resource Management Act requires the District Plan to manage the effects of activities on the environment and humans. It also requires the Plan to have particular regard for the maintenance and enhancement of those natural and physical characteristics that contribute to people's appreciation of, amongst other things, its pleasantness. Any enjoyment or sense of pleasantness derived from the environment is fundamentally dependent on whether residents, workers and visitors find it a healthy place to be.

Policy 10.2

Activities should not emit noise such that it causes a nuisance to occupants of surrounding properties.

Policy 11.13

Activities should be carried out in a way that maintains the characteristic levels of quiet of each Human Environment.

This policy is designed to protect a level of quiet found in different Environments, and avoids incremental rises in noise to the level such that the amenity value associated with that quiet is adversely affected.

Discussion

Noise has been identified, by opposing residents, as their most significant concern. It is recognised that noise, both single intensive noise sources and background or ambient noise levels, contribute to stress which in turn can become a significant factor affecting people's health. The Proposed District Plan has identified maximum noise levels which, if exceeded, have the potential to adversely affect amenity values. The noise report by Dr Philip Dickinson, submitted with the application, concluded that "there is no noise nuisance at present, and the activities undertaken do not produce any significant sound at the neighbours' boundaries." Furthermore, "the effect of the noise from operations at the Café and in the grounds of Heavenly Gardens, if the extended opening times are permitted, can be considered as less than minor compared to the existing ambient noise situation from the road traffic and when the Motorway comes into existence, ambient levels will rise and the effect of the noise from the operations at Heavenly Gardens will be correspondingly even less."

The peer review and noise report from Council's Field Services expert concluded that maximum noise levels need not be exceeded by the existing operation nor would they be exceeded by the proposed changes to that operation if the activity is managed correctly. Conditions of consent such as: prohibiting amplified music (with the exception of music associated with the wedding ceremony) outside the restaurant building/reception rooms; installing an electronic noise limiting unit to control amplified music on the site; and installing signs in the parking area reminding the guests to be courteous to neighbours when leaving the site would be imposed to control noise and would require management to adhere to them.

For the aforementioned reasons it is considered the application meets assessment criteria 9 (a) - (e) and is consistent with Objectives 10 and 11 and Policies 10.2 and 11.13.

Non Residential Activities

Policy 1.18

That a wide range of opportunities for non-residential activities be provided within the urban area to help reduce the need for travel, and as a consequence reduce the discharge of contaminants from motor vehicles onto roads and waterways.

This policy signals that the Plan must provide for sufficient opportunities within the City to meet a greater proportion of the employment needs of the community. Currently (1996 census) up to 60% of the City's labour force commutes out of the city each day. The vehicle trips created by this commuting are a major source of water pollution. The Plan promotes a range of opportunities for employment activities to stem this outward commuting. The Working and Community Environments have been specifically set up to cater for employment activities. Non-Residential Activities are possible in the other residential and rural human environments, provided that their effects are compatible with the quality of the environment in these areas.

Policy 4.1

Retail activities should be located in a way that minimises the adverse impacts of motor vehicles on air quality. Retail activities should be encouraged to locate in locations which will minimise vehicle trip length and numbers, promote passenger transport, support major town centres as key transport destination points, and reinforce those areas identified for population intensification. Any location of retail activity outside of town centres should not compromise the achievement of these aims.

Policy 11.10

Non-residential activities should be designed and managed in a way that:

- Maintains the visual amenity values of the Environment they are in;
- Maintains the amenity of the site and surrounding area when viewed from the street;
- Adequately screens any associated car parking, vehicle access and storage areas from view, from residential sites.

Policy 11.30

Non-residential activities in the non-urban areas of the city should be of a type, scale and intensity that will not, on an individual or cumulative basis, lead to adverse effect on the maintenance and enhancement of rural landscape and amenity values. In particular non-residential activities that may be more appropriately located in the urban area and which generate a significant number of trips from the urban area and/or cause other non-residential activities to group around them thereby leading to incremental urban growth, should avoid locating in non-urban areas.

Non-residential activities that serve the urban area often seek out locations that are on the edge of the city. The rural character of the city fringe can be lost through this pressure as incremental changes create a semi urban feel, while activities draw traffic into locations not designed to cater for this traffic, causing congestion. This policy recognises that a range of non-residential activities can locate in the non-urban areas of the city without adverse effects, particularly those serving the local area. However activities that have an urban focus are often best located within the urban area.

Discussion

The rural character of the immediately surrounding area is made up of a mix of both small and larger holdings, but with a concentration of dwellings around the intersection of Brighams Creek Road with Kauri Road. Given that the buildings on the subject site cannot be readily seen from the road, or from most of the adjacent houses, it cannot be said that it has a detrimental effect on the rural landscape or character.

The operation is already well established in the landscape, and has attractive gardens and parking areas. The extension of hours would make no difference to its physical presence or its impact on the landscape character.

It is considered the sealing of the ingress and egress points coupled with the existing vegetated screening of the site would ensure there would be no adverse dust effects external to the subject site.

The submissions in support of the application come from persons residing in the north Waitakere City area. For that reason it is considered the subject site provides a venue option in this area giving residents a local choice rather than necessitating a longer vehicle trip.

This activity is a unique one in this locality, as it is based on the attractive garden setting established years ago. The increase in hours and frequency of a function centre and restaurant in itself would not fragment the present rural character of this locality, which is on the edge of both urban and rural-residential growth areas. The presence of this one non residential activity would not in itself generate any demand for further growth of similar activities given its unique location.

For the aforementioned reasons it is considered the proposal meets assessment criteria **7(a) - (e)** and is consistent with **Objectives 1, 4, 10 and 11** and **Policies 1.18, 4.1, 10.1, 10.3, 11.7, 11.9, 11.10, 11.12, 11.17, 11.18 and 11.30**.

Traffic

It is recognised that Brigham Creek Road is defined as a District Arterial Road with a high volume of daily traffic. Further, the applicant requests extended night time hours of operation. For these reasons it is considered necessary that sufficient on-site parking is provided to ensure safety of patrons and other users of Brigham Creek Road. It is considered the on-site parking shortfall could be met by allowing patron to park in the road reserve. It was noted that there was limited visibility for vehicles when leaving the property which could be hazardous given the 80 km/hr speed limit on that road. Transport Assets considered a condition of consent requiring the ingress and egress points to be separate and clearly identifies coupled with a sealing of the two crossings would address that issue and would prevent noise of cars accelerating onto the road.

For these reasons it is considered the application meets assessment criteria 8(a) and (b) and is consistent with **Objectives 10 and 11** and **Policies 10.11, 10.14, 10.16, 10.27 and 11.12**.

Ecological

The application relates to an existing activity lawfully established in an existing building on the subject site. It is considered increasing the number of wedding receptions/functions and hours of operation would not lead to an increase in discharge to the stormwater system which is more than de minimis. Further the applicants have stated that they have applied to the Auckland Regional Council for a new stormwater system. For the aforementioned reasons it is considered the application is consistent with Policy 1.2.

The application relates to an existing activity lawfully established in an existing building on the subject site. It is considered increasing the number of wedding receptions/functions and hours of operation would not lead to an increase in vehicle movements to and from the site which is more than de minimis. It is acknowledged that there is a waterway on the site however, it is considered the parking spaces are sufficiently far from that waterway and buffered by existing vegetation to an extent that pollutants from those cars would not enter the waterway.

For these reasons it is considered the proposal is consistent with **Objectives 1 and 4** and **Policies 1.2, 1.3, 1.18, 4.1 and 4.7**.

9.2.2 Transitional District Plan

It is recognised that the proposal is non complying in terms of both the Transitional District Plan and Proposed District Plan. It is considered the content of the objectives and policies are similar in both Plans as both seek to limit and control non residential activities in the countryside environment. Due to the similarities of the two and as the Proposed Plan is considered to be the dominant document (as was discussed in Part 7 of the report) the discussion of the proposal in relation to the objectives, policies and rules of the District Plan has been limited to those of the Proposed Plan.

9.3 Auckland Regional Policy Statement (104(1)(c))

The Auckland Regional Policy Statement sets out the broad resource management issues, objectives and policies for the Auckland Region to achieve the integrated management of its natural and physical resources. The Policy Statement functions as an umbrella policy document for environmental planning and policy development within the Region, under which the Waitakere City Proposed District Plan has been prepared.

It is considered that the proposal is not contrary to the Strategic Objectives and Policies given that the activity is existing and the proposed extension in hours of operation and number of functions would not increase noise levels above that permitted by the Proposed City Plan. Further, the application is consistent with the principles of sustainable management and any off-site effects would be controlled through a condition of consent limiting where music can be played and ensuring vehicle ingress and egress points are sealed to minimise any noise from the site.

9.4 Any Other Matters the Consent Authority Considers Relevant (104(1)(i))

9.4.1 Addressing Concerns of Submitters Opposing the Application

A92-A93

Submitter	Concerns	Planning Assessment
<p>Dale Jones: 9a Kauri Road (submission #6)</p>	<p>Oppose the entire application. They can hear customers from this cottage and very loud music. The location is not suitable for traffic leaving the café after functions if intoxicated persons exiting as is high speed road with limited visibility. Wish application to be declined.</p>	<p>Even if noise can be heard from a site that does not necessarily make it an adverse effect. The acoustic report submitted by the applicant concluded that there is no noise nuisance at present, and the activities undertaken do not produce any significant sound at the neighbours boundaries. Furthermore, the effect of the noise from operations at the Café and in the grounds of Heavenly Gardens, if the extended opening times are permitted, can be considered as less than minor compared to the existing ambient noise situation from the road traffic and when the Motorway comes into existence, ambient levels will rise and the effect of the noise from the operations at Heavenly Gardens will be correspondingly even less. It is considered conditions of consent would address the issues of noise and would require management to control the level of noise from their business. It is considered the sealing and separating of the ingress and egress points would avoid adverse traffic effects and improve the existing situation. The issue of intoxication is not something that is relevant under the Resource Management Act 1991.</p>

	Submitter	Concerns	Planning Assessment
<i>A94-A95</i>	A and J Baker: 9 Kauri Road (submission #7)	Oppose application is its entirety.	The very general wording of this submission makes it difficult to address their issues however, it could be assumed that noise from patrons and music would be the most likely causes of concern. Those issues have been addressed above.
<i>A99-A100</i>	John and Lorna Hall: 5 Kauri Road (submission #10)	Oppose any change to the present consent. The consent lays with the land not the applicants and the proprietors can change at any time. Under the new proposal the business could be operating 110 hours per week and 25 weddings / functions could disrupt most weekends during daylight savings period. Must at times have more than a minor effect on neighbours. Problem with cooking smells now which would increase.	It is considered adverse effects from the existing and proposed activity can be controlled through conditions of consent. If that is done the increase in hours of operation and frequency of functions would not cause an adverse effect. The ownership of the business could change at any time but a consent runs with the land so subsequent owners would also be subject to any conditions of this consent. Any issue of odour if proven to be more than de minimis could be addressed at a later stage or through conditions of this consent. With reference to odour from the site. Mr Chalton of Council' Field Services Department has informed the reporting planner that the business has an approved commercial grade extractor fan and grease filters. Mr Charlton considers those devices coupled with the distance between the business and the nearest neighbours would enable any odours to disperse to an acceptable level.
<i>A113-A114</i>	Chris and Lorraine Ward: 3 Kauri Road (submission #16)	Want no change to the existing consent. Any increase in hours or events would lead to more noise and crowds at tearooms. Believe they are unsuitable for these purposes.	The first points have been addressed above. The issue of unsuitability of the premises is not clear. If that is in reference to the activity itself then it is irrelevant as it was lawfully established by way of previous consents. Further, there is sufficient room on site or the road reserve for vehicles to park. In addition, the number of patrons at weddings is not proposed to change from that lawfully established at 80 under a previous consent (granted 17 December 1993).

A115-A119

Submitter	Concerns	Planning Assessment
<p>Roger and Anita Kessler: 162 Brigham Creek Road (submission #17)</p>	<p>Oppose entire application. The applicant has a similar restaurant / function centre not far from subject site which could serve same purpose. Application is non complying and contrary to objectives and policies of District Plan. Applicant is not complying with current consent. Hours sought and number of patrons would seriously affect enjoyment of living in rural environment. Suspect the applicant is trying to sell the business. Have been advised of hazardous substances on the site.</p>	<p>Again the general nature of the first point is assumed to be related to the noise issues and they have been addressed above. It is considered the final 2 points are not valid for this application as it is the effects of the proposed activity on the subject site that are relevant and must be assessed not that there may be other suitable sites and hazardous substances are controlled under the transitional provisions of the Hazardous Substances and New Organisms Act 1996.</p>

Location of Submitters in Opposition



9.4.2 Addressing the Submitters in Support of the Application

The submitters in support of the application were generally not located in close proximity to the subject site so their views regarding the application were not concerned with noise generated on the subject site. For that reason the content is not strictly relevant in terms of adverse effects on the immediately surrounding environment. The submissions pointed to the quality of the business in terms of service, food and setting and welcomed it in this part of the City. It could be concluded that those submissions suggest the existing business is popular with its patrons and is seen by them to be an asset to the Whenuapai area of the City.

9.4.3 Monitoring

The performance of the activities under this consent will be subject to Council's monitoring procedures. These procedures include scheduled inspections, at regular intervals in the first year, to ascertain compliance with conditions of consent, together with periodic inspections as and when required to establish whether conditions are being complied with on an ongoing basis. In particular, attention is likely to be directed toward the implementation of conditions relating to controlling noise associated with functions on the site including music and patron vehicle movements. Furthermore, the monitoring of the activity on the site would be carried out at three monthly intervals following the issue of this resource consent.

10.0 PART II OF THE RESOURCE MANAGEMENT ACT 1991

It is considered that the proposal would be consistent with Sections 5, 6, 7 and 8 of the Resource Management Act 1991.

The purpose and principles of the Resource Management Act 1991 have primacy over all other considerations that are set out in section 104 of the legislation. In summary, sections 5, 6 and 7 require that resources must be sustainably managed in such a way that any adverse effects on the environment can be avoided, remedied or mitigated. Furthermore, the Resource Management Act 1991 requires that amenity values and the quality of the environment are to be maintained and enhanced.

It is considered the proposal would enhance the restaurant and function centre as an asset to the local community and conditions of consent would ensure there would be no adverse effects on the immediately adjacent neighbours. As the activity involves an existing operation and would not involve physical changes to the existing buildings it is considered there would be no adverse effect on the visual amenity or neighbourhood character of the area.

It is considered that the granting of this application would not be contrary to the purpose of the Act. The proposal will enable people and communities to provide for their economic, social and cultural well-being and their health and safety without significantly compromising the needs of future generations or the life supporting capacity of natural resources such as air, water and soils. Through the imposition of appropriate conditions of consent, it is considered that the proposed activity can sufficiently avoid, remedy or mitigate any adverse effects on the environment.

11.0 EVALUATION IN ACCORDANCE WITH SECTION 105 OF THE RESOURCE MANAGEMENT ACT 1991

The threshold test in Section 105(2A) of the Resource Management Act 1991 states that a consent authority must not grant consent to a non-complying activity unless it is satisfied that the adverse effects on the environment will be minor (105(2A)(a)) or the activity will not be contrary to the objectives and policies of a plan or proposed plan (105(2A)(b)). As discussed in Section 8.0 of this report very little weight shall be given to the objectives, policies and rules of the Transitional Plan as the Proposed Plan is considered to be the dominant document.

It is considered that the threshold test for a non-complying activity has been met as the proposal satisfies section 105(2A) in that subject to appropriate conditions of consent requiring mitigation the adverse effects on the environment of the proposal will be no more than minor and the proposal is not contrary to the relevant objectives and policies of the Proposed District Plan. Jurisdiction to grant consent has therefore been established.

12.0 CONCLUSION

The applicant seeks consent to extend the operating hours of a café/restaurant and to increase the number of evening wedding receptions/private functions, in the existing building and gardens on the site to 25 per year. The subject site is located at 164 Bringham Creek Road, Whenuapai. The site is zoned Rural 1 under the Transitional District Plan (Waitemata Scheme) and Countryside (Human Environment), General, Coastal, Restoration (Natural Area) under the Proposed District Plan.

It is considered that the proposal meets the criteria for granting consent as the potential adverse environmental effects are no more than minor and can adequately be mitigated through the imposition of appropriate conditions of consent. It is considered that the extension of hours and increase in the number of functions will not lead to a decline in the amenity values of the area.

The proposal is considered to be consistent with the objectives and policies of the Proposed Plan/Transitional Plan which seek to:

- Manage the effects of land use on the environment and, in particular, avoid, remedy or mitigate effects on the quality and quantity of the City's water resource;
- Manage the effects of land use on the environment and, in particular, to maintain air quality, including contributing to the maintenance of the atmosphere at a local, national and global level; and
- Maintain and enhance those natural and physical characteristics (amenity values) that contribute to the wellbeing of residents and workers.

For the aforementioned reasons it is considered the application meets the Resource Management Act 1991 Section 105 threshold.

RECOMMENDATIONS

That pursuant to Sections 104, 105, 108 and 113 of the Resource Management Act 1991, and subject to additional or contrary information being presented at the hearing, **consent be granted** to the application by Vicki Poll to extend the operating hours of a café/restaurant and to increase the number of evening wedding receptions/private functions, in the existing building and gardens on the site to 25 per year at 164 Bringham Creek Road, being Lot 2 Deposited Plan 110431 for the following reasons:

- (i) It is considered the conditions imposed, including the requirement for on-going monitoring, would put the onus on the applicant to manage the business in a way that noise levels do not exceed permitted levels in the P. Any adverse effects would therefore be no more than minor and ensure the proposed activity would not detract from the existing neighbourhood amenities.
- (ii) It is considered the conditions of consent related to the parking including the ingress and egress sign posts coupled with the sealing would improve the safety associated with vehicles entering and exiting the site.
- (iii) The application is related to an existing business and the applicants do not propose to alter the existing buildings on the site or remove any existing vegetation. For these reasons it is considered there would be no adverse visual effect from this application.

- (iv) The proposal is consistent with the Objectives and Policies of the Proposed District Plan as although it is a non residential activity in a residential area any adverse effects such as noise and traffic are considered to be no more than minor.
- (v) The proposal is consistent with Sections 5, 6, 7 and 8 of the Resource Management Act 1991. It is considered that the proposal is consistent with sustainable resource management. In particular this proposal is concerned with the sustainable management of the countryside environment in such a way that the communities' social aspirations are realised whilst the quality of the environment and amenity values of the neighbourhood are maintained. The proposal would allow for the extension in hours of operation and frequency of events of an established activity which is appropriate within the environment and able to operate in such a way that the amenities of the neighbourhood would not be adversely affected. The proposal is not considered to adversely affect any matters of national importance. It is considered that the adverse effects arising from the proposal and the proposed mitigation are limited in significance to the surrounding urban neighbourhood.

Consent shall be subject to the following conditions:

1. The development shall proceed in accordance with the plans titled "Proposed Parking Layout prepared by TPC and dated 11 September 2002 and referenced by Council as RMA 20020648 and the information, including further information, submitted with the application.
2. This consent replaces the following earlier resource consent conditions for this site issues on the following dates:
 - a. 22 June 1988
 - b. 28 June 1989
 - c. 17 December 1993
 - d. 2 April 1998

Note: For the sake of clarity the above consents become invalid and in-operative from the date that this consent commences.

3. That not more than 25 evening wedding receptions (finish after 6pm) /functions shall be held in any one calendar year.
4. All infrastructure relating to stormwater treatment and disposal, wastewater disposal, and water supply shall be designed and completed to the satisfaction of Council's Drainage Assets Engineer. (Compliance with the Waitakere City Council Code of Practice for City Infrastructure and Land Development is deemed to be in accordance with the above condition).
5. That café/restaurant activities shall be permitted for the consumption of food and beverages during the following hours:

Seven days a week with opening time from 7.00am daily.

Closing times to be: Monday to Thursday - 10.30 pm
Friday - 11.00 pm
Saturday - 12.00 midnight
Sunday - 10.00 pm

and the site to be vacated within 30 minutes of closing time each night.

6. That the maximum number of persons (excluding staff) on the site at any one time shall not exceed 80 persons.

7. That wedding ceremonies, receptions and functions shall be permitted on the property provided that they finish no later than:

Monday to Thursday - 10.30 pm

Friday - 12.00 midnight

Saturday - 12.30 am

Sunday - 10.00 pm

and the site to be vacated within 30 minutes of the finishing time.

8. That any wedding ceremony conducted on the site shall not commence before 12pm on Saturdays, Sundays or Public Holidays.

9. The following noise performance standards shall be met at all times:

Monday to Saturday Inclusive	7.00 am - 7.00 pm	50dBAL10
Monday to Saturday Inclusive	7.00 pm - 10.00 pm	45dBAL10
Sundays and Public Holidays	7.00 am - 10.00 pm	45dBAL10
Monday to Sunday Inclusive	10.00 pm - 7.00 am	40dBAL to 70dBAL max

All noise shall be measured in accordance with the New Zealand Standard NZS6801:1991 "Measurement of Sound" and assessed in accordance with the requirements of NZS6802:1991 "Assessment of Environmental Sound"

10. There shall be no amplified music outside the restaurant building/reception rooms, apart from music that may be associated with the wedding ceremony. Any music associated with the wedding ceremony must cease by 8pm and shall conform to the Noise Performance standards specified.
11. There shall be no amplified music outside the premises apart from music that may be associated with the wedding ceremony and reception activities prior to 8.00 pm.
12. An electronic noise limiting unit shall be installed in the circuit to control any amplified music on site. This unit shall be set up by persons specialising in acoustics so that the Noise Performance standards are complied with at all times. This unit shall be programmed to ensure that if the amplified sound exceeds the Noise Performance standards, the equipment generating the sound is cut for one minute. This unit is to be installed prior to operations under this consent commencing.
13. Unless ventilation of fans are provided enabling functions to occur with the windows and doors closed, the noise-limiting unit shall be established with all the doors and windows in the building open.
14. To ensure compliance with Condition 9 the proprietors shall commission a suitably qualified and experienced acoustic engineer to undertake sound level measurements of weddings/receptions and functions for 2 such events within the first three months following the issue of consent. The measurements taken shall be provided to the Manager of Resource Consents within 1 week of each event taking place.
15. That signs shall be installed in appropriate places inside the premises and in the car park area reminding guests of the proximity of neighbouring houses and asking guests to be quiet (to the approval of the Manager of Resource Consents) prior to any operations under this consent commencing.

Axx

16. A fence shall be constructed along the western side of the car parking area at the entry of the site (as shown in Appendix Twelve). This fence shall be high enough to screen cars, when parked in spaces numbered 1 to 6, from the adjoining properties to the west. The fence shall be designed in a suitable manner to ensure the Noise Performance standards are met, to the approval of the Manager of Resource Consents, and shall be constructed prior to any operations under this consent commencing.
17. That a minimum of the first 10 metres inside the entrance and exit points from Brigham Creek Road be sealed prior to operations under this consent commencing.
18. That the western vehicle crossing shall be sign posted and road marked as an entry to the property. The eastern vehicle crossing shall be sign posted and road marked as an exit only (facing traffic exiting the property) and a no entry sign (facing traffic from Brigham Creek Road).
19. That the western and eastern vehicle crossings are formed and constructed in accordance to the Code of Practice SD 3.12 and that the access way from the new vehicle crossings to the boundary is sealed with an approved anti-skid surfacing ie. concrete or asphaltic concrete.
20. Pursuant to Section 128 of the Resource Management Act 1991, the Council may at any time after the commencement of the activity, serve notice on the consent holder of the review of Condition 1 of this consent, in relation to provision of car parks, should Council require the road reserve immediately outside the subject site.
21. The consent holder shall advise Council of an evening wedding reception/function 1 week prior to the event taking place to enable Council monitoring of the consent conditions. Monitoring shall be required within the 1st month following the issue of consent then within the 3rd, 6th and 12th months following.
22. A consent compliance monitoring fee of \$356.00 (based on monitoring charge of \$89 per hour and each monitoring time taking no more than one hour) shall be paid to the Council. This fee is to recover the actual and reasonable costs incurred ensuring compliance with the conditions of this consent. If, on inspection all conditions have not been satisfactorily met, a re-inspection shall be required at a further cost of \$89.00 per hour (inclusive of GST).
23. The \$356.00 fee shall be paid as part of the resource consent and the resource consent holder shall be advised of any further monitoring fees if they are required.

Advice Note:

Monitoring of the activities on the site will be carried out immediately following the issue of consent and then at three months, six months and one year.

Report prepared by: Hamish Anderson, Resource Planner.

