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Re: Resource consent application RMA 2013/184, 206A Silverstream Falls Row

We own the property at 249 Silverstream Falls Row (Lot 18). Our property is located immediately adjacent to the site at 206A Silverstream Falls Row that is seeking resource consent for non-complying activities. The following submission is made in respect of the proposed wedding venue and travellers accommodation proposal located at 206A Silverstream Falls Row (RMA2013/184). The nature of our submission is detailed below.

1. Clarification of the proposed activity

The resource consent application states that the proposed activity involves travellers accommodation, a wedding venue, and conference facility. In addition to the 24 weddings per year proposed, the application states that there are to be no restrictions on other types of events such as business retreats, family reunions and other persons/groups wishing to utilise the facility throughout the year. Because there are no restrictions on the frequency and duration of these other types of events, the potential for cumulative adverse effects is likely to be significant, particularly in relation to noise, traffic and amenity effects.

The application is also silent about the property management arrangement intended for the site – for example, is there any intention for the chalets to be owned independently as occurs at other retreats, in which case what are the long term implications should the wedding venue be on sold or closed at a later date. The proposed activity lends itself to a defacto subdivision of land which is clearly not intended for intensive residential development.

Whilst the developer has sought wastewater consent, it is unclear how they intend to supply water for the site, including for fire-fighting storage, or address stormwater which could affect our property as a downstream site.

A much greater level of detail of the application is required to understand the effects of the proposed activities.

2. Noise effects / nuisance

The acoustic report that was provided with the application does not provide sufficient information to determine that there will be no adverse noise effects on us as adjacent

neighbours or for other neighbours. Our approved building platform is located approximately 240 metres from the proposed wedding venue and 120 metres from the nearest of the proposed chalets (all of which are significantly closer than the approved residential building platform of that site).

We are concerned that the noise report does not seem to consider effects on any future residential building to be erected on the building platform on our site. The noise report doesn't include any noise contours or discuss the implications of the topography on noise for adjacent neighbours. It also seems to rely on an incorrect reading of the rules relating to Noise in the Operative Thames Coromandel District Plan, whereby it refers solely to the notional boundary of existing neighbouring dwellings, when the District Plan also includes a measurement standard at the boundary of the lot on which the activity creating the noise is located (Rule 491.4.1.2). Under Rule 491.4.1 the more onerous of the noise standards is to apply. The night-time limit under Rule 491.4.1.2 (which refers to Table 2) is 40 dBA (L_{10}). This is as measured at the boundary to the property – not the 'notional boundary'.

The noise report does not consider the noise effects of all the other events proposed to be held at the venue as it makes the assumption that the wedding venue would be the only activity to generate any noise. Given the application seeks no limitations on the number of business retreats, parties, family reunions and other persons / groups wishing to utilise the facility during the year, we feel this is a significant gap, especially as it is possible under the current proposals for such events to effectively take place every single weekday/end.

Further, the noise report assumes that all noise will originate from the function centre, and no information is provided regarding "guest" use of common areas which border our property (i.e. large groups congregating next to our property) and use of chalet "deck" areas facing our property which could likely result in noise from guests after events finish, e.g. continued drinking, and revelry noise will be directed towards us from several chalets, even later than the closure time of function facilities.

The acoustic report indicates an increase in ambient noise levels as a result of this wedding venue. An increase of 16dBA is in our opinion unreasonable and will result in adverse effects. We note that whilst the District Plan sets limits for noise, and the acoustic report states that we should expect levels as per the District Plan, we note that the nature of the noise from this activity is of an urban nature, which is not anticipated in the rural zone, and therefore will affect the amenity of the area.

In summary we have little confidence that the noise effects will be less than minor.

3. Effects on kiwi and other wildlife / Vegetation removal

The proposal will result in the significant loss of vegetation on the site, which will require consent for removal. The effects of this and how vegetation will be removed to minimise effects on fauna is not discussed in report, nor is any mitigation proposed to address the likely effects on biodiversity.

Kiwis are recorded as being present on the lot subject to resource consent and neighbouring lots (including ours). Increased traffic volumes, noise and light increase the risk of both mortality and disturbance to a threatened species.

The supplied kiwi report makes comparisons between the proposed development and another in the Hawkes Bay. However, from the information provided it is difficult to know how comparable these two activities are (one being a golf course, and one a wedding venue), and whether their operations and management actions are in fact similar enough to warrant the comparison of effects.

4. Parking / traffic / safety

The proposal will lead to a marked increase in traffic volumes and will allow the public to come and go at will using the shared private road and access lot at all times of the day and night. This effectively turns a private right of way into a busy road.

Although a minibus is proposed, there is no guarantee that this will operate, nor does it seem practical for non-wedding events, for which there is no limit proposed (such as birthdays or family reunions). We are not persuaded that there will be sufficient parking on site which, in itself, leads to further questions of the ability of the infrastructure to cope, particularly as the existing right of way is narrow in places and any offsite parking on the existing right of way has the potential to block access to our property if used for parking.

Access to the proposed venue / function centre / travellers accommodation is via the Lot 50 carriageway which is a private right of way over which the landowners have appurtenant rights and which serves other users all of who are bound by the terms of an easement document. All Silverstream lot owners pay for its upkeep and maintenance. Any widening of the road or increases in maintenance affects all landowners. The right of way carries low volumes of traffic appropriate for a rural/conservation lot subdivision. Some sections of the right of way are narrow, and we are concerned that the right of way was never intended to accommodate the level of traffic proposed by this development.

5. Permitted baseline

The Silverstream falls subdivision is zoned rural. As of right a residential dwelling can be built on the approved building platforms at each site. The proposed development is significantly over the permitted baseline, proposing 14 units each the size of a small house, plus a wedding venue / conference facility, chapel etc., and associated parking. Most of these activities would be outside the approved building platform and will require vegetation removal to construct them. In addition the facilities will cater for over 120 people plus traffic, which again significantly exceeds what could be expected as of right on this site.

6. Amenity

Silverstream Falls is a rural natural place where people can live sustainably and enjoy the natural surrounds. This is reinforced by the QEII covenants, development covenants and District Council covenants. We have chosen to purchase here because of this environment and the ability to be involved in the active restoration and protection of the habitat of indigenous species.

The proposal is contrary to rural and natural amenity aspirations and loss of amenity will arise from the significant increase in guests, who would have access to use of the public areas that are maintained by the Silverstream residents for their enjoyment. The increase in intensity of use will likely result in degradation of the amenities, and loss of natural, recreational and visual amenity. It is not reasonable that this be allowed to occur for a non-complying activity.

7. Onsite management

No details of how guests will be managed, or expected use of common areas (e.g. for wedding photos), to prevent effects on other lot owners (including outside of function hours) are provided. This includes traffic management, noise management, fire prevention (e.g. guests smoking outside), and rubbish.

8. Increased subdivision maintenance cost

As mentioned previously, the additional people to the subdivision using areas that are maintained by Silverstream residents will result in increased costs for all owners in the subdivision.

9. Lapse period of 10 years

A lapse period of 10 years, as requested by the applicant, reduces certainty about when and whether this development will proceed (if approved) and affects how we might wish to improve our site in the future, especially with respect to location of buildings, outdoor living areas, materials, etc.

10. Surface water and wastewater management, runoff from impervious surfaces

No details are provided as to how run-off that could potentially carry rubbish, cleaning chemicals, run-off from hard surfaces carrying contaminants (e.g. carparking) will be managed to prevent effects on downstream owners.

Increased hard-surfaces will change the flow regime for receiving stream/s, and increased areas of hard surfaces are well known to have negative impacts on aquatic biodiversity and ecosystem function, where run-off is allowed to affect natural hydrological patterns. Attachment D of the application suggests that excess storm will be discharged to stream heads, one of these streams is likely to be one which then flows through our property.

11. Contrary to consent conditions and property easements

Properties within Silverstream Falls are all subject to consent notices and conditions under the RMA as well as private restrictive easements. In our opinion, whilst the applicant asserts that the proposed chalets are not 'houses' per se and therefore not subject to Consent Notice Condition 2 of RMA/2006/410, the proposed use was not intended at the site, as it is a non-complying activity, the purpose being to prevent the clustering of habitable accommodation. Therefore, we believe that this condition still applies. This is of particular concern to us as several buildings are within close proximity to our consented building platform (i.e. within 150m), potentially restricting the use the intended (consented) platform for a house on our property.

The properties within the Silverstream Falls subdivision are subject to property covenants and easements with relation to Lot 50. Whilst we recognise that these are not an RMA matter in themselves, we are concerned that the proposal appears to contravene some of these, particularly design to preserve the expected amenity of other lot owners in the subdivision.

12. Precedent effects

Approval of the proposed activity will set a precedent for non-complying development in the rural zone / conservation and within this subdivision, resulting in cumulative adverse effects as well as undermining the strategic intent of plans and policy statements. It also opens the door for the existing proposal to convert to another use in the future.

13. Planning documents

The proposal is not in accordance with the objectives, policies and rules of the relevant District Plan, Strategic plans and the Proposed Regional Policy Statement. The proposal, as noted in the application, is for non-complying activities in the rural zone of the Thames Coromandel District Plan. The proposal is contrary to the aspirations of the community as reflected in the District Plan. It is also contrary to the growth and sustainable development goals of the Thames Coromandel Blueprint, as well as the objectives and policies of the Proposed Waikato Regional Policy Statement, in particular those relating to biodiversity, and built environment.

Summary

In our opinion the application has failed to demonstrate that either the adverse effects of the activity on the environment will be minor, or the proposed activity will not be contrary to the objectives and policies of a proposed plan and/or plan, as required for non-complying activities by Section 104D of the Resource Management Act 1991.

Based on the above, we oppose the proposed development, and request that the Council decline consent. We also wish to be heard at the hearing.

Sincerely,

Michael Pingram and Emily Auton