QUEEN MARY HOSPITAL
HISTORIC RESERVE,
Hanmer Springs

Transport Assessment prepared for
Hurunui District Council

ViaStrada Ltd
February 2012
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<th>Quality Assurance Statement</th>
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INTRODUCTION

1. ViaStrada has been commissioned to provide a Transportation Assessment to accompany a potential Council-initiated plan change for the Queen Mary Hospital Historic Reserve site (the Queen Mary site). The Queen Mary site was vested in Council in 2010 and this plan change seeks to manage the establishment and operation of appropriate future uses from the Soldiers Block, Chisholm Ward, and Nurses Hostel historic buildings located within the site.

2. A site visit was undertaken on Friday the 2nd of December 2011. The following report will describe the traffic environment in the vicinity of the site, identify the traffic related issues, options and associated traffic effects.

THE PROPOSAL

3. The proposed plan change relates to the northern portion\(^1\) of the Queen Mary Hospital site which has been transferred to Council ownership and contains the Chisholm Ward, Nurses Hostel and Soldiers Block. The Chisholm Ward has an approximate floor area of 1,440m\(^2\), the nurses block is approximately 1,700m\(^2\) and the Soldiers Block approximately 1,762m\(^2\).

4. It is understood that consideration is being given to undertaking a plan change to the Hurunui District Plan to provide for likely future uses of the Soldiers Block, Chisholm Ward and Nurses Hostel historic buildings and better reflect the heritage and amenity values associated with the Queen Mary site. This site is currently zoned Business.

5. It is proposed that future uses could include: business, community and recreational uses.

6. Some on-site car parks can be provided within hard stand areas existing within the site, which are predominantly located at the southern end, near the Soldiers Block and Nurses Hostel.

7. Existing vehicle (and pedestrian) access to the site is from Amuri Avenue and Jacks Pass Road. Although it is noted that vehicle accesses are currently restricted through the use of bollards at both access points. It is understood that there is additional legal and physical access to the southern boundary of the site provided by way of an easement across the site to the south.

THE TRAFFIC ENVIRONMENT

8. The Queen Mary site has road frontage to both Amuri Avenue and Jacks Pass Road. The location and approximate boundary of the site that will be subject to the plan change is shown in Figure 1 below.

\(^1\) It is understood that the ownership and use of the remainder of the original Queen Mary Hospital site has yet to be finalised.
Amuri Avenue

9. Amuri Avenue is classified as a local road in the District Plan and therefore has a primary function of providing property access. Amuri Avenue has a 50 km/h posted speed limit and has an annual average daily traffic volume (AADT) of around 3,100 vehicles per day$^2$.

10. Amuri Avenue has a 14.4 metre sealed carriageway width which includes parking on both sides of the road. The northern-most end is one way only (southbound) and has angle parking along both sides. The southern-most portion of the road allows two way flow of vehicles and has a mixture of kerbside (parallel) and angle parking. Foot paths are provided on both sides of Amuri Avenue and generally have a width of 1.8-2.5 metres. The road layout is shown in Figures 2 and 3 below.

$^2$ AADT provided by Hurunui District Council on 16/01/12
The existing vehicle access to the site from Amuri Avenue is currently restricted via the gate and bollards however is located within the one way section of Amuri Avenue, north of the intersection with Harrogate Street. This vehicle crossing is located centrally within an area of kerb extensions which provide a non-priority pedestrian crossing point as shown in Figure 4 below.
12. Visibility at the existing Amuri Avenue vehicle entrance to the site exceeds 40 metres in both directions.

**Jacks Pass Road**

13. Jacks Pass Road is classified as a *local* road in the District Plan and also has a primary function of providing property access. Jacks Pass Road has a posted 50 km/h speed limit, a carriageway width of 8.6 metres and an annual average daily traffic volume (AADT) of around 1,500 vehicles per day\(^3\). Kerb side parking is not generally permitted near the vehicle crossing, however, indented 90 degree parking is provided on the northern side of Jacks Pass Road east of the vehicle crossing. The road layout is shown in Figure 5 below.

![Figure 5: Jacks Pass Road looking east (left) and west (right).](image)

14. Visibility along Jacks Pass Road to the west is good however is limited to around 40 metres to the east due to the geographic layout of the road (illustrated in Figure five above).

15. The existing Jacks Pass Road vehicle crossing (dropped kerb) is approximately 13 metres wide however the access narrows to 6.4 metres at the gate as shown in Figure 6 below. The vehicle crossing appears to be currently unused and is obstructed by several bollards.

![Figure 6: Jacks Pass Road vehicle crossing.](image)

\(^3\) AADT provided by Hurunui District Council on 16/01/12.
Other Surrounding Roads

16. The major road connection to Hanmer Springs is via State Highway 7A. Both Amuri Avenue and Jacks Pass Road intersect with State Highway 7A to the south and west of the site respectively.

Crash History

17. A search of the New Zealand Transport Agency’s crash database (CAS) reveals that there have been two reported crashes in the vicinity of the site in the five year period ending 12 January 2012. Both crashes appear to be due to driver error. The location and further details are provided in Appendix 1.0 to this report.

ASSESSMENT

18. In respect to the proposed Plan Change the key issue from a transport perspective is parking provision, as such the discussion below will focus primarily on parking.

19. As outlined above, the site contains two existing access points; one to Amuri Avenue and one to Jacks Pass Road. It is also understood that an easement across the land to the south of the site allows for vehicle access to Amuri Avenue (south of the existing crossing discussed above. This enables two possible vehicle access options between Amuri Avenue and the parking areas located near the Soldiers Block and Nurses Hostel. It is assumed for the purposes of this report that access will occur via either of the Amuri Avenue routes and to Jacks Pass Road.

20. In respect to parking provision on the site a variety of factors are relevant to determining the most appropriate parking management option. These factors are set out below.

Queen Mary Hospital Historic Reserve Draft Management Plan

21. The Queen Mary Hospital Historic Reserve Management Plan 2011 (Policy 8.7.3) specifically seeks to “avoid the proliferation of hard sealed areas by restricting car parking areas to identified areas”. The explanation identifies that a normal business-like appearance would not be appropriate given the historic and cultural values associated with the site. However, it also notes that inadequate parking could reduce the commercial appeal of the site and require resource consent. The explanation goes on to acknowledge that these aspects need to be balanced and a parking plan should be devised to provide for future lessees parking demands through the use of existing sealed areas which are appropriate for car parking where their use will not conflict with the character and values of the reserve.

22. Accordingly, consideration needs to be given to the existing level of parking available on-site and in the general vicinity (including on-street and neighbouring sites) and the likely parking demands of any future activities.

23. The Reserve Management Plan also includes policy 8.7.2 “to avoid the use of the site as a thoroughfare for automobile traffic”. This outlines that it is important to allow practical access to the site (e.g. for parking) but that vehicle traffic needs to be managed in a way which does not detract from the character of the reserve i.e., vehicle access is allowed provided it does not become a general thoroughfare for motorised traffic.

24. For the purposes of this assessment it is therefore assumed that there will be no through vehicle access between the Jacks Pass Road access and Amuri Avenue.
access. Each access will service the parking areas closest to them with pedestrian only access between these parking areas. This is discussed further below.

**District Plan Context**

25. Section C1.2.4(d)(iii) of the District Plan identifies specific criteria for assessing land use consent applications. With regards to a shortfall in on-site parking, this includes the following assessment matters:

- **Whether:**
  - Parking can be provided on a nearby site, with the area occupied by parking being legally tied to the title of the application site;
  - A cash payment in lieu of parking would be appropriate to the circumstances;
  - There is sufficient off-street public parking in the vicinity;
  - The provision of parking would have an adverse effect on the special character or amenities of the site;
  - It can be demonstrated that the specified standard is inappropriate in the particular circumstances;
  - The car parking area proposed to be used can serve two or more individual activities which have different peak parking demands;
  - The parking demand can be accommodated on-street without generating adverse parking or environmental effects on other properties and activities.

26. Clause A1.2.17(b) also outlines a number of dimensions and criteria for the layout of parking spaces. In respect to the minimum dimensions required within the Table under clause A1.2.17(b)(ix), it is noted that the modules specified are slightly unconventional and generally result in larger space requirements than that which could be achieved through application of the modules specified in the Australian / New Zealand parking standard (AS/NZS 2890.1:2004). Application of this standard would also achieve a safe and efficient parking layout.

27. A note under rules pertaining to car parking standards (see A.1.2.17(b)) refers to Policy 12.10 in the Management Code. This links to Part I of the District Plan (Significant Resource Management Issues for the Hurunui District), Efficient Resource Use. Issue 12 relates to Infrastructure and Development and associated Objective 12 states:

   *An environmentally sustainable infrastructure and pattern of development, meeting both the needs of today’s community and the reasonably foreseeable needs of future generations.*

28. Policy 12.10 (which is the only policy that is directly referred to via the parking related rules) states “To promote safe and efficient use and development of the transportation network”.

29. A number of relevant methods are then listed, as follows:

   *Council provision and maintenance of transportation infrastructure through the annual and strategic planning process;*

   *The development and implementation of an asset management plan for roading;*
District Plan rules for access to sites, on-site parking, loading and other relevant matters, controls to consolidate urban areas, controls on access and signs along strategic routes, a road classification system based on function, capacity and capabilities, and for a resource consent process to address transportation proposals (refer to Rules A3.2.7, A5.2.1, A1.2.17);

Investigate and consider adopting any relevant nationally accepted standard that may be published during the life of the Plan.

30. The explanation for Policies 19.6 and 19.7 (Environments of Special Concern – Hanmer Basin) of the District Plan also provides some guidance specific to the Hanmer area and states:

The continued consolidation and minor expansion of the township’s main commercial area needs to be carefully managed to promote the development of a pleasant, pedestrian-orientated town centre, with an appropriate collection of land uses, and an improved level of amenity, including sunny open space(s) for pedestrians, further street tree planting, more off-street parking, and a high quality of building design and amenity provision. In the long-term, this could include making the town centre more pedestrian-orientated, whether or not a bypass road can be established to the north to link Conical Hill Road with Jacks Pass Road and Jollies Pass Road.

31. This highlights that provision of off-street car parking is generally anticipated/preferred within the Hanmer area. The level of which is set by the District Plan parking requirements set out in clause A1.2.17 as follows:

![On-site parking requirement table](image)
32. It is however noted that Plan Change 31\(^4\) to the Hurunui District Plan proposes some changes to the parking requirements for several activities within Hanmer. The proposed changes are shown below.

### On-site parking requirement

<table>
<thead>
<tr>
<th>Activity type</th>
<th>On-site parking requirement</th>
<th>Explanation</th>
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<tbody>
<tr>
<td>Residential</td>
<td>1 per dwelling unit</td>
<td>This applies to residential activities involving independent residents: that is, where the residents are independently mobile in their own vehicles. Examples include houses, apartments, and retirement villages.</td>
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<tr>
<td>Visitor accommodation</td>
<td>1 per manager’s residence, motel unit, hotel room, bed and breakfast room, camp or caravan site, 1 per 5 backpacker hostel guest beds. Plus 1 per 2 employees except for motels, motor inns, self-contained units and bedsites located within the Hanmer Springs urban area, for which there shall be no employee requirement.</td>
<td>This applies to all transient residential activities.</td>
</tr>
<tr>
<td>Turnover</td>
<td>1 per 4 licensed or design visitor capacity. Plus 1 per 2 employees.</td>
<td>This applies to activities which involve a relatively high turnover of visitors. Parking is generally required to either drop-off and pick-up users, or for groups of visitors at staggered intervals. Visitors in this context means those persons for whom the facility is designed. In terms of mobility and vehicle use, visitors to the facilities may either be independent such as students at an adult education centre, or dependent such as patients in a hospital. Examples of &quot;turnover&quot; facilities include hospitals, day care centres, institutional care, prisons, adult education centres and sport centres.</td>
</tr>
<tr>
<td>Events</td>
<td>1 per 3 licensed or design visitor capacity. Plus 1 per 2 employees.</td>
<td>This applies to activities involving visits to events of permanent facilities for periods of up to several hours. Parking is generally required for a single event where participants arrive and leave at the same time. Examples include halls, churches, funeral parlours, and stadium. Although they</td>
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\(^1\) Change 31/3  
\(^2\) Change 31/4

\(^4\) A hearing on PC31 was held on the 13\(^{th}\) of December 2011 and a decision is pending.
Potential Parking Requirements

33. The approximate floor areas of the three buildings and the resultant car parking requirement (based on the District Plan requirement above) for different types of use are shown in the table below. In respect to the Plan Change 31 rates becoming operative these have also been noted for the visitor accommodation estimates.

Table 1: Example District Plan Parking Requirements

<table>
<thead>
<tr>
<th>Building</th>
<th>Floor area (approx)</th>
<th>Hurunui District Plan Requirement</th>
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<tr>
<td></td>
<td>Business use (1 space per 45m² plus 1 per 2 employees)</td>
<td>Turn-over use (1 per 4 people plus 1 per 2 employees)</td>
</tr>
<tr>
<td>Nurses</td>
<td>1,700m² (assuming 1 staff per 30m² floor area)</td>
<td>38+28=66</td>
</tr>
<tr>
<td>Chisholm</td>
<td>1,440m² (assuming 1)</td>
<td>31+23=54</td>
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Note that floor areas are approximate only based on the limited floor area plans available (which did not include first floor plans for the Nurses Hostel therefore the first floor area has been estimated).
34. In reality the site may have different activity types in each of the buildings and/or multiple activity types within any of the buildings (for example, if the building was split into multiple tenancies).

35. It is noted that District Plan parking requirements cannot be calculated definitively until tenants are found and activities confirmed. The above are intended to provide some examples, however, they are based on estimates of staff, people and rooms which may not reflect the actual numbers of future tenants. The above estimates are therefore intended to provide a rough estimate only.

36. Consideration of activities in a less generic way, for example, splitting business use into office and retail can allow a more accurate estimate of the likely parking demand.

37. Comparing the District Plan parking requirements to surveyed parking rates (for example, in the RTA Guide to Traffic Generating Developments) for activities such as retail, accommodation, and restaurant indicates that the actual parking demand is likely to be similar to or slightly higher than the District Plan requirements. This means that further consideration of survey data for actual parking demand is not likely to assist as they would suggest similar parking requirements to that in the District Plan.

38. The exception to this is office activities which have a notably lower parking demand than that which would be required based on the Business and Events parking rates respectively. Typically office activities generate a parking demand for one space per 40 m² floor area.

39. The specific parking demands of tenants can however vary within an activity type. For example the retail rates for a hairdressers would differ to that of a clothing shop.

**Parking Considerations in Hanmer**

40. Although parking demand across Hanmer can vary significantly on a daily, weekly and seasonal basis there is generally a high provision and high occupancy of kerbside parking. One of the key tourist destinations, the Thermal Pools, contributes to the majority of parking demand within the township and in particular, parking demand concentrated around Amuri Avenue. Amongst the other businesses within the township, off-street / on-site parking provision varies from a nil provision to a compliant level of car parking. This in turn influences the level of
on-street parking demand that an activity generates (i.e., a high provision of on-site parks is likely to generate a low demand for on-street parking spaces).

41. Requiring provision of on-site car parking to meet all parking demand associated with an activity has both positives and negatives. For example, a high provision of on-site car parking necessitates large sealed areas and can contribute to the sprawl of the town centre (more space is required per business to accommodate the car parking areas) as well as potentially creating adverse visual effects.

42. Conversely, use of on-street or public car parking can allow less parking provision overall across the township by allowing one parking space to be used whilst visiting multiple destinations within the Town Centre. It also allows greater and more efficient use of the car park by activities which generate peak parking demand at different times of the day. For example, an office is likely to generate parking demand during working hours on weekdays, the peak period for a tourism activity is likely to be weekends and public holidays and a retail activity evenings and Saturdays. As such, public parking can meet the parking demand in a more efficient way than private on-site parking. This supports the need for a balance between public and private on-site parking rather than meeting all or most demand through private on-site parking.

43. This concept also applies to sites with multiple tenants where the parking area is shared rather than having a set number of parks allocated to each tenant (or specifically to staff / visitors). This reduces the overall parking demand by ensuring that all un-occupied parks are available for use. This avoids the situation where parks may be un-occupied for the majority of the day. Such a situation can occur because spaces are allocated to a specific tenant that does not generate full demand for its allocated parking spaces on a regular basis but are also unavailable to vehicles associated with the other tenancies.

44. Consideration of the parking needs of different groups is also useful. Parking demands of visitors is often different to that of residents. For example, whilst overnight visitors could be encouraged to park at their accommodation and walk within the Town Centre, day visitors require somewhere to park for the day or will drive between the destinations they visit within the Town Centre. Residents however want convenient parking close to their local services and facilities. Management of parking spaces can ensure all these parking demands are met. For example, time limits or parking charges for on-street parking can ensure turnover of some parking spaces to meet short term demand for local services (e.g. banks) and un-restricted parking can meet all day parking demand.

45. While there are some chartered buses and some touring cyclists, it must also be acknowledged that Hanmer is still highly dependent on motor vehicles to get people to and from the area. Once people are there, sustainable transport options within the Township such as cycling and walking are more prevalent. As such efforts to reduce parking demand are best focused on encouraging visitors to park once and walk to other destinations. This type of parking is difficult to meet through private on-site parking demand which is usually provided solely for parking of the activities on that site. This makes it necessary to balance public (on-street and off-street) parking provision with private on-site parking provision.

46. Most of the roads within the Town Centre have sufficient sealed width and marked lanes to accommodate kerbside car parking. Use of kerbside parking has the potential to create adverse effects on the road network associated with vehicles
manoeuvring into and out of these spaces. Such effects are however minimised by the prohibition of parking in locations where such effects are likely to arise. For example, yellow lines may prohibit parking near intersections or areas where there is limited visibility. As such where kerb side parking is generally permitted it can be reasonably anticipated that its use can occur safely and without unacceptable delay to through vehicles. Maximising use of this parking resource therefore makes efficient use of the existing parking resources and can reduce the quantity of car parking which needs to be provided on nearby private sites.

47. Insufficient car parking supply across the Town Centre can however force kerb-side (on-street) parking further out around the Town Centre into residential areas. Residential sections generally have adequate on-site parking for the residents and in many instances for their visitors. Residential areas can however be sensitive to other effects of parking, for example, related to amenity. Therefore particularly where parking could be displaced into residential areas it can be necessary to balance amenity related effects of on-site parking with amenity related effects of on-street parking on residents.

48. The Queen Mary site is generally surrounded by non-residential uses with the exception of the area on the opposite side of Jacks Pass Road to the north and west. These residential areas are generally located along Jacks Pass Road and Chisholm Crescent.

49. In term of overall parking supply in proximity to the Queen Mary site, the Thermal Pools are the largest generator of parking demand on surrounding streets. It is however understood that there is an agreement between the Council and the Pools to provide (66\textsuperscript{6}) off-street parking spaces at the southern end of Amuri Avenue (14A Amuri Avenue). It is understood that this parking is currently underutilised (rarely used), and observations during a site visit substantiate this conclusion.

50. It is also noted that in the case of Hanmer there are a few key land uses which attract people to the area, such as the Thermal Pools (primary attractors). Therefore other activities which establish in Hanmer are essentially servicing either residents or visitors which are already travelling to Hanmer to visit the primary attraction(s). As such, unless the activities established also become primary attractions in their own right, they are unlikely to cause a noticeable increase in the number of visitors to Hanmer. Instead they will provide a greater range of secondary activities and choices (e.g. eating establishments) for those already visiting Hanmer. This may mean that the overall parking demand for the town centre does not increase proportionately as could occur in other major urban areas where most of the surveyed sites used for parking rates are located.

51. The extent to which this factor influences parking demand is however difficult to determine or estimate and therefore difficult to allow for in a definitive way.

\textsuperscript{6} RC060125 requires 23 parks, RC090122 requires 43 spaces – presumably in addition to the 23 previously required.
52. On the basis of the discussion above consideration of parking options for the Queen Mary site will therefore need to consider the following factors:

- Effects on the road network;
- Effects of on-street parking in residential areas;
- Balancing provision of on-site versus on-street parking to make efficient use of on-street parking resources and reduce space required to accommodate parking;
- Availability of on-street parking;
- Management of parking resources to most efficiently meet parking demand for different groups and at different times.

**Potential On-site Parking Provision**

53. A site visit of the Queen Mary site was undertaken to determine the extent of existing sealed areas which could be used for car parking. An indicative parking layout attached as Appendix 2 shows the approximate location of potential parking spaces which are also described below.

- 12 spaces along the front (north) of the Soldiers Block in two groups of six;
- 5 spaces abutting the fence south and west of the Soldiers Block;
- 23 spaces in the sealed area west of the Soldiers Block and east of the boiler room;
- 18 Spaces along the eastern side of the Nurses Hostel;
- 13 spaces along the eastern side of the sealed area east of the Nurses Hostel.
- 11 spaces along the edge of driveway north of Chisholm Ward.

54. This suggests that solely utilising the existing sealed areas and allowing car parking spaces with the necessary module dimensions to comply with AS/NZS 2890.1:2004 that a total of 82 parking spaces could be achieved. However, it is acknowledged that this assessment does not take into account other factors (for example, heritage, amenity or cultural reasons) which may mean that some of these areas cannot be used.

55. As discussed above the AS/NZS 2890.1:2004 parking modules provide a safe and efficient parking layout however necessitate a lesser area of land to accommodate each parking module than the District Plan specifications. Given the space constraints on this site it is therefore recommended that parking spaces are marked in accordance with AS/NZS 2890.1:2004 rather than the specifications in the District Plan.

56. It is noted that the vast majority of these spaces (71 spaces) are located at the southern end of the site near the Nurses Hostel and Soldiers Block. These spaces would therefore be accessed via Amuri Avenue. The other 11 spaces would be accessed from Jacks Pass Road.
57. It is noted that in many cases some pruning of vegetation overhanging sealed areas is required. This is not considered to be reducing the landscaping areas simply removing foliage which has been allowed to grow over the adjacent sealed areas.

58. Further provision of parking spaces could be achieved by utilising small areas of new seal adjacent to edges of existing seal. Alternatively there could be a swapping of sealed areas through removal of redundant sealed areas and creation of new areas and or use of gravel parking. Such areas are also shown indicatively within Appendix 2 and include the following additional parking areas:

- Up to 19 spaces angled between trees along the existing driveway between Nurses Hostel and Chisholm Ward. These spaces would need to be on gravel or similar to allow protection of tree roots. These occupy existing grass / dirt areas adjacent to the existing sealed driveway.
- Potentially 9 spaces at the southern side of the Chisholm Ward (in pairs of 2-3 spaces over existing sealed areas but subject to vehicle access to this area.
- 4 spaces over existing grass area in front (north) of the eastern end of the Soldiers Block (adjacent to existing sealed areas, under a tree).
- 6 spaces in front (north) of the western end of the Soldiers Block over an existing grass area but adjacent to sealed vehicle access and other parking areas.
- 3-18 spaces south of the Soldiers Block, 10-11 on existing sealed area if legal boundaries allow access to this area via southern side of Soldiers Block. Also 3-7 spaces at rear (south) of the western end of the Soldiers Block around or with removal of small circular garden / vehicle turning area.
- 15 spaces angled along the western side of the Jacks Pass Road driveway (i.e. along the grass abutting the drive to the Chisholm Ward).
- 9 spaces angled along the eastern side of the Jacks Pass Road driveway (i.e., along the grass abutting the drive to the Chisholm Ward).

59. If all of the above options were undertaken this could result in an additional 74 parking spaces (156 spaces total for the site). These are all generally achieved through use of grass areas immediately adjacent to existing sealed areas and therefore may not constitute a noticeable intrusion into areas of lawn or landscaping.

Parking Management Options

60. The size of the site dictates that a compliant level of car parking could be achieved if existing lawn areas, gardens or some of the ancillary buildings are removed.

61. The Queen Mary Hospital Historic Reserve Management Plan seeks to “avoid the proliferation of hard sealed areas by restricting car parking areas to identified areas” creation of new sealed parking areas to meet the District Plan requirements is not likely to be an acceptable option.

62. Based on the site investigations detailed above it would appear that around 82 parking spaces could be achieved within existing hard sealed areas although this number could be reduced due to other considerations (e.g. for heritage, amenity or cultural reasons).
63. The examples of (estimated) District Plan parking requirements above suggest that even if all 82 spaces are provided it is unlikely that the District Plan parking requirements will be met on-site (i.e., there will be an on-site parking shortfall). It is therefore necessary to consider options that enable appropriate management of the use of the site and associated parking demand.

64. The advantages and disadvantages of a number of parking management options are discussed below taking into account the various factors identified in the parking considerations section above.

Option One: Status Quo - Resource consent

65. This option essentially retains the status quo whereby District Plan parking requirements apply and once all parking spaces provided on the site are allocated, any further parking requirements would need to be considered through the resource consent process.

66. The resource consent process would enable the actual parking demand, supply and associated effects to be considered on a case by case basis. For example, assessment through a resource consent application would allow consideration of factors such as the parking demand of the proposed activity relative to demand for alternative supplies of car parking (e.g., on-street).

67. The resource consent process could also approve use of the same on-site car parks by different activities at different times on a case by case basis. This allows for the most efficient use of the parking spaces which are provided.

68. This option allows the most detailed assessment of effects associated with parking shortfalls in terms of displacement of parking demand onto surrounding streets. This includes incremental consideration of effects as tenants are established over time (i.e., the impact of early tenants is known at the time consent is sought by others).

69. The existing assessment matters (set out in paragraph 25 above) allow for such considerations through the processing of a resource consent application. There is however a risk that consent may not be granted and or that the level of uncertainty over obtaining a consent deters tenants. These factors would therefore need to be considered by others.

Option Two: Allow for shared use of parking spaces

70. This option essentially retains the status quo where a resource consent is required when parking provision does not meet the District Plan requirement; however, by allowing use of the same car parks by activities which operate at a different time this could reduce the need for resource consent.

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7 Clause A1.2.17(b)viii currently states that “parking areas, including access, manoeuvring and loading, must be kept clear and available at all times, free of impediments, for vehicles used in conjunction with the particular activity to which the parking relates”. 
71. This option would necessitate an exemption from clause A1.2.17(b)viii (which states that “parking areas, including access, manoeuvring and loading, must be kept clear and available at all times, free of impediments, for vehicles used in conjunction with the particular activity to which the parking relates”). For example the wording could be changed to “… conjunction with the particular activity (or activities where parks are shared by activities with parking demand at different times) to which the parking relates.”

72. This option would essentially have the same outcome as the status quo with the additional benefit of allowing maximum utilisation of the parking resources available on the site across the day / night and or days of the week and therefore potentially reducing the overall parking supply required to meet the District Plan requirements.

73. Depending on the particular mix of tenants secured and their opening hours this option may reduce the number of resource consents required. This option alone is however unlikely to enable all of the District Plan parking requirements for the site to be met. This option could however be used in conjunction with some of the other options discussed below.

Option Three: Limit the size, scale or type of activities on-site

74. This option would essentially seek to limit (through District Plan rules) the size, scale or type of activities which can be established on the site as permitted activities to correspond with the level of parking which can be readily provided on the site.

75. This option would essentially be more stringent than the status quo whereby rules would permit only tenants with a low parking demand to establish such that no or limited overflow of parking demand occurs.

76. This option would reduce parking pressures on on-street parking and therefore minimise any effects on the road network and or any overflow into residential streets and the associated effects.

77. This option may however unnecessarily limit the range of potential future land uses and therefore the tenants which can be secured when on-street or shared public parking resources could have been utilised.

Option Four: Nil parking requirement

78. This option would create a nil District Plan parking requirement for activities established within the existing buildings on the Queen Mary site.

79. By way of example, this approach is adopted in the Christchurch City Plan\(^8\) where minimum parking space requirements do not apply if heritage buildings are retained.

\(^8\) Volume 3, Part 10, Clause 1.3.3
80. The reasons for the above rule outline that this “provides an incentive or concession to the owners of heritage items for the continued retention and protection of heritage values”.

81. The Christchurch City Plan example indicates that it can be appropriate to generate additional parking demand for public parking resources in the vicinity of the site where the effects are off-set by the retention of heritage values.

82. This option necessitates further consideration by others as to whether the heritage, amenity and other values of this site would outweigh the adverse effects which could result from a nil on-site parking requirement.

83. In terms of the traffic related effects, a nil on-site parking provision will result in parking demand being met within surrounding on-street and public parking areas.

84. The estimates undertaken in the sections above indicate that the level of parking demand could be in the vicinity of 98 to 345 spaces if all parts of all three buildings were to be tenanted.

85. Given the Queen Mary site has road frontage to Jacks Pass Road and Amuri Avenue, parking demand is likely to be highest in these locations.

86. With the exception of some angled parking along Jacks Pass Road, kerb-side parking is generally prohibited in proximity to the Jacks Pass Road access. Parking demand could potentially extend into Chisholm Crescent to the north of the site or along Jacks Pass Road (where permitted) further to the west of the site. This essentially results in displacement of vehicles into residential areas. Whilst some kerbside parking within residential areas is generally anticipated, residents can be more sensitive to high use of kerb side parking associated with non-residential activities. This is not to say that use of the kerb side parking in residential areas should be avoided; however, the residential amenity effects need to be considered further by others.

87. In terms of Amuri Avenue, parking demand associated with the Queen Mary site is likely to compete with parking demand associated with the Thermal Pools. Given parking demand along Amuri Avenue (and other surrounding roads) is already reasonably high it is difficult to determine where existing parking demand would be displaced to.

88. A likely outcome is that some parking is displaced into the Council car park at the southern end of Amuri Avenue during busy periods. As noted above it appears that 66 of the 93 parking spaces at 14A Amuri Avenue are currently for the use of Thermal Pools visitors as part of their resource consent approval (RC060125, RC090122).

89. It is understood and site observations support that the 93 spaces located at 14A Amuri Avenue are rarely used. As such, if some (of the existing on-street parking demand associated with the Thermal Pools) was displaced to these parking spaces, this would be an outcome already contemplated and provided for. Put another way, some existing on-street parking associated with the thermal pools would relocate to its dedicated off-street parking facility, in order to provide capacity for new activities on the Queen Mary site. Such an outcome would represent a more efficient and fair use of existing on-street and off-street parking resources.
90. On this basis it is likely that this option would be acceptable if activities which generate parking demand at the lower end of the estimates undertaken (i.e., for around 98 spaces) occur; however, if the activities established generated parking demand at the upper end of these estimates (345 spaces) it is difficult to see where this number of vehicles could be accommodated within available on-street or public parking without resulting in kerb side parking extending substantially into residential streets.

91. A parking management plan outside of the District Plan could be used to help monitor and manage parking to minimise the potential adverse effects associated with this option.

92. Overall, however, such effects need to be considered relative to the effects on heritage and amenity related effects.

Option Five: Replace required parking rate with a one off parking requirement

93. This option is similar to option four whereby the existing district plan parking requirements are removed however instead of a nil parking requirement there is a one off minimum parking requirement.

94. This essentially reduces the potential effects considered under option four above by ensuring that a minimum number of parking spaces are provided on the site. For example, if the 82 parking spaces on existing hard sealed areas were to be provided then alongside the use of parking spaces along Amuri Avenue (displacing parking demand associated with the Pools to 14A Amuri Avenue) then all but the highest estimates of parking demand (visitor accommodation) could reasonably be met.

95. The likelihood of the entire site being used for visitor accommodation activities would need to be considered further by others as in reality this scenario may be unlikely to occur. In respect to this scenario or in respect to the minimum number of spaces which it would be appropriate to provide, a balancing of the potential effects associated with a greater demand for on-street and public car parking versus other benefits such as heritage and amenity effects is required.

96. Such effects have been discussed above, for example, the potential overflow into residential streets and the need to manage parking spaces to meet different parking demands e.g. time limits to ensure turn over or parking charges to reduce demand and encourage overnight visitors to walk into the town centre instead of driving.

97. Other benefits associated with this option could include the ability for any available on-site parking spaces to be shared between all tenants rather than allocated per tenancy as can be necessary when District Plan rates apply. This allows for more efficient use of the parking spaces and can therefore reduce the risk of the higher parking demand estimates eventuating.

98. Another consideration could be the establishment of a parking management plan outside of the District Plan to monitor and manage parking. Such a plan could provide some additional security that the potential adverse effects of this option will be managed.
99. To summarise, if a minimum provision of around 80 spaces was provided the overflow parking demand can generally be met unless parking demand at the higher end of the estimates eventuates. If parking demand at the higher end of these estimates is a likely scenario and or less than 80 spaces are provided then the effects associated with meeting additional parking demand within on-street and or public parking require consideration against other potential benefits of lower on-site parking provision.

Option Six: Reduce parking rates applicable to the site

100. This option considers reducing the District Plan parking requirements for activities established on this site. This essentially follows the same reasoning provided for in Option Five above. This option ensures a minimum amount of parking is provided on the site per activity therefore essentially provides greater certainty as to the level of effects (for example, should parking demand toward the higher end of the parking estimates eventuate).

101. This option however means that resource consent may still be required particularly for the tenants established last (i.e., once all parks on-site have been allocated).

102. This option therefore reduces the need for resource consent for initial uses established on the site recognising that Amuri Avenue can accommodate some of the parking demand associated with the activity.

103. By way of example, if 80 spaces were to be established on the site the Turn-over, Business and Event parking rates could be halved with overflow parking demand able to be met on Amuri Avenue.

104. Similar to Option Five, what level of reduction from the parking rates is adopted depends on the balancing of the effects of parking demand occurring on-street or in public car parks versus heritage, amenity and other effects.

105. This option could also be used in conjunction with another option.

Option Seven: Lease other parking areas or provide car parking on a different site

106. This option considers the potential to lease or provide parking spaces on nearby sites. So long as any such parking spaces were conveniently located relative to the Queen Mary site and appropriately signed etc this would essentially cater for parking demand in the same manner as on-site parking spaces.

107. Consideration may however need to be given to the location of the parks relative to the site, for example, whether there are safe pedestrian routes. It is however anticipated that all such considerations could easily be provided for.

108. Construction of new parking areas on a separate site would require acquisition of suitable land. This can therefore result in additional land being utilised for car parking contributing to expansion of the Town Centre. Such factors therefore require consideration by others and would need to be balanced against the potential non-transport related adverse effects of providing parking within the Queen Mary site.

109. This option would not necessarily need to provide for all parking requirements as it could be used in conjunction with other options discussed above. For example, 80
parks could be provided on a nearby site instead of on the Queen Mary site in conjunction with option five or six above.

Option Eight: Cash in Lieu

110. This option allows for cash in lieu of parking spaces. Essentially this provides funds which go to Council for provision of public car parking around the township.

111. Construction of such parking areas by Council would still require acquisition of suitable land as per option seven above. The alternative would be to pay cash in lieu such that funds are available for the creation of additional parking within the township when this is necessary and or practically able to be provided.

112. As with option seven above this option could enable potential effects associated with additional on-street parking demand to be mitigated. It is however acknowledged that there is no guarantee as to when or where the new (cash in lieu) parking spaces are to be provided.

113. It is also acknowledged that experience of Cash in Lieu systems applied by other Councils suggests that the cost can be prohibitive to this system being used and that it can require careful administration (for example, records need to be kept of cash in lieu credits).

114. Again any such effects would need to be balanced against other effects of parking provision on the Queen Mary site.

OVERALL CONSIDERATION OF OPTIONS

115. The above discussion identifies eight options for managing parking in association with the Queen Mary site on the assumption that no new hard sealed areas are likely to be created to provide for car parking and that parking provision within existing sealed areas is limited to around 80 spaces. These options consider a range of approaches from resource consent approval to use of alternative sites and lesser or nil on-site parking provisions. It is noted that several options could be used together to manage parking.

116. Given the location of the existing hard sealed areas within the site (predominantly located near the Nurses Hostel and Soldiers Block) it is also noted that different options may be appropriate for different buildings. For example, the proximity of the Chisholm Ward to the residential zone (north of the site) makes overflow parking associated with activities established within this building more likely to occur within residential streets compared to uses of the Soldiers Block and Nurses Hostel.

117. Overall, it is concluded that from a transport perspective there are a number of options which would be acceptable to manage the parking demand associated with future uses of this site. Some options may result in a higher level of transport related effects than others and in respect to the appropriateness of these options this requires a wider assessment of effects. Such an assessment would balance the potential transport related effects against other effects (for example, heritage, cultural or amenity) of providing parking on the Queen Mary site.
## Appendix 1.0: Crash Details (CAS)

<table>
<thead>
<tr>
<th>First Street</th>
<th>Second Street</th>
<th>Crash Date</th>
<th>Time</th>
<th>Description of Events</th>
<th>Crash Factors</th>
<th>Road Light</th>
<th>Weather</th>
<th>Junction</th>
<th>Control</th>
<th>Tot Inj</th>
</tr>
</thead>
<tbody>
<tr>
<td>AMUSI AVENUE WEST</td>
<td>405 CHESTERMAN ST</td>
<td>11/12/2010</td>
<td>15:04</td>
<td>YARI (50) on AMUSI AVENUE WEST hit parked vehicle while manoeuvring</td>
<td>VARI didn’t see/look behind when reversing/manoeuvring, driving unfamiliar vehicle, overseas/migrant driver failed to adjust to BC road rules and road conditions</td>
<td>Day Bright</td>
<td>Fines</td>
<td>Unknown</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>JAMES PASS ROAD</td>
<td>220 AMUSI AVENUE WEST</td>
<td>04/04/2010</td>
<td>23:05</td>
<td>SUV (15) on JAMES PASS ROAD lost control turning left, SUV hit other</td>
<td>SUV alcohol test above limit or on approaching, lost control when turning</td>
<td>Day Dark</td>
<td>Fines</td>
<td>Unknown</td>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>
Appendix 2.0: Indicative Parking Areas

Figure 7: Indicate location of possible parking spaces on existing sealed areas

*Note these parking areas are indicative only to show the general number and location of parking areas which can be achieved. It is acknowledged that for a variety of reasons not all of these spaces may be appropriate to utilise for parking.
Figure 8: Indicative location of possible additional parking spaces (not on existing sealed areas)

* Note these parking areas are indicative only to show the general number and location of parking areas which can be achieved. It is acknowledged that for a variety of reasons not all of these spaces may be constructed.
REPORT TO: Regulatory Committee

SUBJECT: Resource Consents RC110071 and RC110107, 6 Chisholm Crescent, Hanmer Springs – Appointment of Hearings Commissioner/Panel

REPORT BY: Team Leader Customer Services

Signature: Author
Liz Atkins

Manager

Summary Report
The Council has received two applications for 6 Chisholm Street, Hanmer Springs, the first a land use consent (RC110071) to establish residential activities within a consented visitor accommodation complex. The second a subdivision application (RC110107) to subdivide into 20 unit tiles. The proposal does not meet the requirements of the District Plan with respect to the minimum area, vehicular access, shape factor requirement for allotments, minimum allotment area requirements and minimum access and roading requirements.

This report seeks the appointment of a hearings commissioner alone, or a hearings panel to hear and determine the application.

Recommendation
THAT THE COMMITTEE APPOINT AN INDEPENDENT HEARINGS COMMISSIONER, PURSUANT TO SECTION 34A(1) OF THE RESOURCE MANAGEMENT ACT 1991, TO HEAR AND DETERMINE RESOURCE CONSENT APPLICATIONS RC110071 AND RC110107; OR

THAT THE COMMITTEE APPOINT A HEARINGS PANEL, WITH ITS MEMBERS APPOINTED PURSUANT TO SECTION 34A(1) OF THE RESOURCE MANAGEMENT ACT 1991, INCLUDING AN INDEPENDENT HEARINGS COMMISSIONER, TO HEAR AND DETERMINE RESOURCE CONSENT APPLICATIONS RC110071 AND RC110107.
BACKGROUND
The Council has received two applications for 6 Chisholm Street, Hanmer Springs, the first a land use consent (RC110071) to establish residential activities within a consented visitor accommodation complex. The second a subdivision application (RC110107) to subdivide into 20 unit tiles. The proposal does not meet the requirements of the District Plan with respect to the minimum area, vehicular access, shape factor requirement for allotments, minimum allotment area requirements and minimum access and roading requirements.

Resource consent RC100120 was approved on the 20 October 2010 to establish and operate 20 visitor accommodation units which are yet to constructed. The current applications propose to make these units available for residential use.

The applications were publically notified on the 12 November 2012; the Council has received 32 submissions on the proposal.

The applicant requested that the application be placed on hold until the decision has been released for Plan Change 28 - Hanmer Springs Multiple Unit Dwellings.

This report seeks the appointment of a hearings commissioner or hearings panel to hear and determine the application.

Previous Council practise has involved independent hearings commissioners being appointed to hear and determine fully notified or limited notified resource consent applications. The benefit of using a hearings commissioner is that they have extensive experience in resource management processes and decisions. Appointing a hearings commissioner to hear and determine the application alone is an option available to the Committee.

The Committee may consider that it is more appropriate to appoint a panel to consider the application, comprising an independent commissioner as well as elected members. If this option is chosen, it is noted that under section 39B(4) of the Resource Management Act 1991 at least half of the members on the hearings panel must be accredited. Currently Councillors Michael Malthus and Ross Little are the only elected members accredited under the Resource Management Act 1991. The benefit of elected members being involved in the application is that they have local knowledge, and often their involvement increases the perceived accountability of the Council.

Prior to this Regulatory Committee meeting, Council staff will approach hearings commissioners previously appointed by the Council to ascertain their availability. This will be provided to members at the meeting so that a specific hearings commissioner can be appointed, regardless of the option chosen (single hearings commissioner or hearings panel).

OPTIONS CONSIDERED
Do Nothing
This is not an option as it will not meet the statutory requirements of the Resource Management Act 1991. Additionally, staff do not have delegated authority to make a decision on the application.

1st Option – Appoint an independent hearings commissioner to hear and determine the application
This option is to appoint an independent hearings commissioner alone to hear and determine the application. The cost of a hearings commissioner is born by the applicant.

The benefit of this option is that independent hearings commissioners have extensive experience of resource consent applications under the Resource Management Act 1991.

2nd Option – Appoint a hearings panel comprised of a Commissioner and elected member(s)
This option is not the current Council practise for resource consent applications; however it is usual practise for localised plan changes. The benefit of using elected members are the local knowledge they have. The cost of the hearings panel is born by the applicant, and is increased with the more members that are involved in the panel.

If this option is chosen, at least half of the panel members must be accredited under the Resource Management Act 1991 and therefore if more than one Councillor is appointed, the panel must include either Councillor Malthus or Councillor Little.

There may be some benefit in appointing the same panel that was used for Plan Change 28 - Hanmer Springs Multiple Unit Dwellings.

POLICY AND PLAN CONSIDERATIONS
There are no inconsistencies with policies and plans associated with this decision.

SIGNIFICANCE
The recommendation is not deemed to be significant under the Council’s Significance Policy.

MĀORI IMPLICATIONS
Reference has been made to Te Poha o Tohu Raumati (Te Rūnanga o Kaikōura's Environmental Management Plan) on this issue, and no implications for Māori have been identified.

FINANCIAL CONSIDERATIONS
The costs of hearing the resource consent application are born by the applicant.

LEGAL CONSIDERATIONS
Relevant considerations under the Resource Management Act 1991 have been outlined in this report. Both options are consistent with those requirements.

CONCLUSION
After considering all issues, options and the known views of those affected, as well as giving consideration to the level of significance and the legal and financial implications, the conclusion / recommendation of this report is

THAT THE COMMITTEE APPOINT AN INDEPENDENT HEARINGS COMMISSIONER, PURSUANT TO SECTION 34A(1) OF THE RESOURCE MANAGEMENT ACT 1991, TO HEAR AND DETERMINE RESOURCE CONSENT APPLICATIONS RC110071 AND RC110107; OR

THAT THE COMMITTEE APPOINT A HEARINGS PANEL, WITH ITS MEMBERS APPOINTED PURSUANT TO SECTION 34A(1) OF THE RESOURCE MANAGEMENT ACT 1991, INCLUDING AN INDEPENDENT HEARINGS COMMISSIONER, TO HEAR AND DETERMINE RESOURCE CONSENT APPLICATIONS RC110071 AND RC110107.

COMMUNITY OUTCOME(S)
A desirable place to live, work and play
Enhance our environmental responsibility

WELLNESS OUTCOMES
Social wellbeing – a healthy, safe place to live, with strong community spirit, involvement and opportunity for all.
Environmental wellbeing – comprehensive and continuous focus on all environmental responsibilities and sustainable planning.
Individual and Community Lifestyle – lifestyles balanced across work and play, residents and visitors, with emphasis on health, happiness and wellness, openness and freedom.
Summary Report
Council has received from Mr W Morris a request under Section 6 of the Fencing of Swimming Pools Act 1987 for an exemption from the fencing requirements of the Act. The exemption relates to the existing hedge and rose plants.

Recommendation
THAT THE APPLICATION FOR EXEMPTION UNDER SECTION 6 OF THE FENCING OF SWIMMING POOLS ACT 1987 BE GRANTED TO MR MORRIS SUBJECT TO THE FOLLOWING CONDITIONS:

- THE HEDGE AND NETTING FENCE ARE MAINTAINED TO AN APPROPRIATE HEIGHT, RIGIDITY, AND STRENGTH TO RESTRICT ACCESS TO THE POOL OR THE IMMEDIATE POOL AREA BY CHILDREN UNDER SIX YEARS OF AGE
- DURING THE WINTER MONTHS WHEN THE ROSE PLANTS ARE PRUNED BACK, ENSURE THAT ANY POSSIBLE FOOTHOLDS ARE AT LEAST 1.2 METRES BELOW, OR, NOT WITHIN 1.2 METRES OF THE FENCE.
BACKGROUND
Council has received from Mr W Morris a request under Section 6 of the Fencing of Swimming Pools Act 1987 for an exemption with the fencing requirements for the swimming pool located at 474 Brodies Road, Amberley.

Mr Morris contacted the compliance officer in response to the letter sent on the 14 October 2011, informing him that his property had been selected for this year’s review of swimming pools within the Hurunui district, and made the appointment for his pool to be inspected on the 17 November 2011.

The inspection was carried out by Ron Crone and the following areas where found to be non-compliant:
1. North gate required latch or permanent fixing
2. All vegetation to be kept non-climbable
3. North East corner requires trimming 1.2m back from fence
4. Gap below fence needs to be less than 100mm
5. Hedge at rear of swimming pool non-compliant

At a further inspection on 1 December 2011 a latch had been attached to the gate and the gap below the fence had been built up to be less than 100mm. Mr Morris explained that the hedge was lined with netting and that both the hedge and rose bushes had passed inspection on several previous occasions.

The pool fencing had been inspected on the 10 February 1999 and deemed to comply. A comment written by the inspector on the check list form states ‘at the eastern end of the pool is deer netting against a hedge – this is impregnable to children’. The pool was again inspected on the 14 December 2005 and 29 January 2009 both showing photos of the roses and hedge and on both occasions were deemed to comply with the Fencing of Swimming Pools Act.

DESCRIPTION OF THE POOL
The pool is a concrete in-ground pool with three types of existing fencing surrounding the immediate pool area.

Along the right hand side of the pool is a concrete block wall 1.8 metres in height with metal fencing along the front and left hand side 1.5 metres in height. Roses of varying sizes are planted in several places along both the inside and outside of the metal fencing. Along the back of the pool is a 1.8 metre high hedge lined with netting.

Photos of the pool are attached.

GENERAL DISCUSSION
When Considering Mr Morris’s request I referred to Fencing of Swimming Pools Act 1987 Section 2 for the interpretation of ‘fence’.

Section 2 (a) means a fence that complies with the requirements of the building code in force under the Building Act 2004 in respect of swimming pools subject to this Act.’

I then referred to the New Zealand Building Code in force under the Building Act 2004 in respect of swimming pools which is Clause F4.
**F4.3.3** Swimming pools having a depth of water exceeding 400mm shall have barriers provided.

**F4.3.4** Barriers shall:
(a) Be continuous and extend for the full extent of the hazard,
(b) Be of appropriate height,
(c) Be constructed with adequate rigidity,
(d) Be of adequate strength to withstand the foreseeable impact of people and, where appropriate, the static pressure of people pressing against them.
(e) Be constructed to prevent people from falling through them, and
(f) In the case of a swimming pool, restrict the access of children under 6 years of age to the pool or the immediate pool area.
(g) Restrict the passage of children under 6 years of age when provided to guard a change of level in areas likely to be frequented by them.

**F4.3.5** Barriers to swimming pools shall have in addition to performance F4.3.4:
(a) All gates and doors fitted with latching devices not readily operated by children, and constructed to automatically close and latch when released from any stationary position 150 mm or more from the closed and secured position, but excluding sliding and sliding folding doors that give access to the immediate pool surround from a building that forms part of the barrier, and
(b) No permanent objects on the outside of the barrier that could provide a climbing step.

The hedge is of soft foliage and is against a netting fence which the hedge has grown around. In the past inspectors have believed that this is impregnable to children but it is possible, as has happened in this case, that future inspectors could consider that a child would be able to climb this hedge.

If the hedge and netting fence are maintained to their present standard, I believe it to be of appropriate height, rigidity, and strength to restrict access to the pool or the immediate pool area by children under six years of age. To grant an exemption would avoid confusion for both the owner and inspectors in future years.

This application is also for exemption of roses of varying sizes that are planted in several places along both the inside and outside of the metal fencing which may provide a climbing step over the fence.

In the summer months when in bloom the roses would be a deterrent to children under the age of six and as long as during the winter months the plants are pruned back, so that the fence is at least 1.2 metres above any possible foothold, or the roses are within 1.2 metres of the fence, then I would consider the roses not to be of a climbable nature.

**Special Exemptions**
Under Section 6 of the Fencing of Swimming Pools Act 1987:

(1) A territorial authority may, by resolution, grant an exemption from some or all of the requirements of this Act in the case of any particular pool where the territorial authority is satisfied, having regard to the particular characteristics of the property and the pool, any other relevant circumstances, and any conditions it imposes under subsection (2), that such an exemption would not significantly increase danger to young children.

(2) In granting an exemption under subsection (1), the territorial authority may impose such other conditions relating to the property or the pool as are reasonable in the circumstances.
Any exemption granted or condition imposed under this section may be amended or revoked by a territorial authority, by resolution.

In granting an exemption for the fencing, Council has to be satisfied that it would not be exposing young children to any significant risk greater than, what they would be if the pool was fenced to the standard detailed in the schedule of the Fencing of Swimming Pools Act 1987, in order to comply with the performance standard of the Building Code. The Schedule is attached to this report.

OPTIONS CONSIDERED

Do Nothing
Council would be failing to uphold the provisions set out under the Fencing of Swimming Pools Act 1987. This may leave the Council liable for damages for negligence if any accident were to occur within the swimming pool.

1st Option - Remove the hedge and roses and erect compliant fencing with the Act
Council would be upholding the provisions set under the Fencing of Swimming Pools Act 1987 ensuring the safety of young children whom enter the property in the future

2nd Option - Grant exemption under section 6 of the Fencing of Swimming Pools Act 1987
In accepting this exemption for the fencing as described above, Council would not be exposing young childred to a significant risk greater than what they would be if the pool was fenced to the standard detailed in the schedule of Fencing of Swimming Pools Act 1987

POLICY AND PLAN CONSIDERATIONS
This is consistent with the Swimming and Spa Pool Fencing policy

SIGNIFICANCE
The recommendation is not deemed significant.

MAORI IMPLICATIONS
There are no implications for Maori.

FINANCIAL CONSIDERATIONS
Auditing of registered swimming pools is provided for in the approved annual plan and is within budget.

LEGAL CONSIDERATIONS
It is a requirement of the Fencing of Swimming Pools Act that all swimming pools comply with the fencing requirements set in the Schedule of the Act or be drained of water until deemed compliant.

CONCLUSION

After considering all issues, options and the known views of those affected, as well as giving consideration to the level of significance and the legal and financial implications, the recommendation of this report is for the application for exemption under section 6 of the fencing of swimming pools Act 1987 be granted to Mr Morris subject to the following conditions:
The hedge and netting fence are maintained to an appropriate height, rigidity, and strength to restrict access to the pool or the immediate pool area by children under six years of age.

During the winter months when the rose plants are pruned back, ensure that any possible footholds is at least 1.2 metres below, or, not within 1.2 metres of the fence.

APPENDICES
Photos of fencing and roses
Application for exemption Mr Morris
Schedule of the Fencing of Swimming Pools Act 1987
Application for Special Exemption under Section 6 of the Fencing of Swimming Pools Act 1987

The Manager Environmental Services
Hurumui District Council
P O Box 13
Amberley

Application No. ______

I, A. T. W. Morris
(State full name of applicant)

being the owner/occupier of
(Delete one)

the property located at 474 Brodie Road
(Street address – name and number)

hereby apply for a Special Exemption under the provisions of Section 6 of the Fencing of Swimming Pools Act 1987.

I consider that for the following reasons, it is not reasonable or practicable to enforce the provisions of the Act relating to the hedge and rose plants

in respect of this particular site for the following reasons

The hedge is soft and unclimbable and also has a netting fence within the hedge, and the rose plants are totally unclimbable due to stiffness and thorns and the fence within the plants. I have been advised to apply for an exemption because we all feel the pool is safe and impossible for anybody, especially children, to access. We have raised 3 boys here with this fence with nobody even gaining access.

(Please use separate sheet if necessary)

Note: The Council can grant an exemption only when it is satisfied “that the danger to young children would not be significantly increased”.

Contact address:
Will Morris
Berriedale
474 Brodie Road Amberley

To be signed for or on behalf of the applicant

Date 16-12-2011

Telephone No. 3148048

FOR OFFICE USE ONLY
Application received: ____________________________ Receipt: ____________________________
Report prepared by (copy attached) ____________________________
Schedule
Means of compliance for fences under this Act


Height

1(1)
- The fence shall extend—
  o (a) at least 1.2 metres above the ground on the outside of the fence; and
  o (b) at least 1.2 metres above any permanent projection from or object permanently placed on the ground outside and within 1.2 metres of the fence.
- (2) Notwithstanding subclause (1), where the fence is constructed of perforated material, netting, or mesh and any opening in the material, netting, or mesh has a dimension (other than the circumference or perimeter) greater than 10 mm, the fence shall extend at least 1.8 metres above the ground or the projection or object.

Ground clearance

2
- Any clearance between the bottom of the fence and ground level shall not exceed 100 mm.

Materials

3
- All materials and components shall be of a durable nature and shall be erected so as to inhibit any child under the age of 6 years from climbing over or crawling under the fence from the outside.

4
- Except where the fence is horizontally close-boarded or is made of perforated material, netting, or mesh, the spacing between adjacent vertical pales, panels, or other posts shall not exceed 100 mm at any point.

5
- All fencing supports, rails, rods, and wires, that are not vertical, and all bracing that is not vertical, shall be inaccessible for use for climbing from the outside.

5A
- Notwithstanding clause 5, a fence may have horizontal supports, rails, rods, or wires, that are accessible for use for climbing from the outside, and horizontal bracing that is accessible for such use, if—
  o (a) the distance between any 2 of them at any point is at least 900 mm; and
  o (b) there is no other support, rail, rod, wire, or bracing (other than a vertical rail) between the same 2 at any point.
6. Where any perforated material, netting, or mesh is used, no opening in that material, netting, or mesh shall have any dimension (other than the circumference or perimeter) greater than 50 mm.

7. All perforated material, netting, or mesh material shall be firmly attached at both top and bottom to a rail, pipe, or similar firm structure, or otherwise be of such a nature that the fence cannot readily be crossed by children under the age of 6 years.

Gates and doors

8. Every gate or door shall be so constructed as to comply with the relevant requirements of clauses 1 to 7, and shall be so mounted that—
   o (a) it cannot open inwards towards the immediate pool area:
   o (b) it is clear of any obstruction that could hold the gate or door open and no other means of holding the gate or door open is provided:
   o (c) when lifted up or pulled down the gate or door does not release the latching device, come off its hinges, or provide a ground clearance greater than 100 mm.

Operation of gates and doors

9(1). Every gate or door shall be fitted with a latching device.
   (2) Where the latching device is accessible from the outside of the fence only by reaching over the fence, gate, or door or through a hole in the fence, gate, or door, the latching device and the lowest point of any hole giving access to it shall be at least 1.2 metres above the ground on the outside of the fence.
   (3) Where the latching device is otherwise accessible from the outside of the fence, gate, or door, the latching device shall be at least 1.5 metres above the ground on the outside of the fence.

10. Every gate or door shall be fitted with a device that will automatically return the gate or door to the closed position and operate the latching device when the gate or door is stationary and 150 mm from the closed and secured position.

Doors in walls of buildings

11. Where any building forms part of a fence and the pool is not contained within the building, any door that gives access to the immediate pool area need not comply with the requirements for gates or doors set out in clauses 8 to 10 to the extent (if any) that the territorial authority is satisfied that such compliance is impossible, unreasonable, or in breach of any other Act, regulation, or bylaw, and the door is fitted with a locking device that, when properly operated, prevents the door from being readily opened by children under the age of 6 years.
Summary Report
Council has received from Mrs R Benson a request under Section 6 of the Fencing of Swimming Pools Act 1987 for an exemption from the fencing requirements of the Act. The exemption relates to the existing trellis fence around a spa pool.

Recommendation
THAT THE APPLICATION FOR EXEMPTION UNDER SECTION 6 OF THE FENCING OF SWIMMING POOLS ACT 1987 BE GRANTED TO MRS BENSON SUBJECT TO THE FOLLOWING CONDITIONS:

- THE LID TO THE SPA POOL IS SECURELY CLOSED AT ALL TIMES WHEN THE POOL IS NOT IN USE.
BACKGROUND
Council has received from Mrs Ruth Benson a request under Section 6 of the Fencing of Swimming Pools Act 1987 for an exemption with the fencing requirements for the spa pool located at 17 Hilton Drive, Amberley.

Mrs Benson contacted the compliance officer in response to the letter sent on the 14 October 2011, informing her that her property had been selected for this year’s review of swimming pools within the Hurunui District, and made the appointment for her pool to be inspected on the 1 December 2011.

The inspection was carried out by Kerry Walsh and the following areas where found to be non-compliant:
1. Trellis openings greater than 50mm
2. Vegetation along outside of fence needed to be removed

Mrs Benson then undertook to raise her spa pool 1.2 metres above the surrounding ground so that it was exempt from the Fencing of Swimming Pools Act 1987, but at a further inspection on 13 December 2011 it was found that the pool cover frame, which is permanently fixed to the pool, creates a foot hold that could aid climbing into the pool.

The previous owners of the property applied for a building consent in 2004 for a fence for their spa pool. Code Compliance Certificate was issued 21/10/04 with the opening size of the trellis noted as 50mm.

To ensure the spa pools compliance on purchasing the property in 2009, Mr Benson requested an inspection. The site inspection report dated 14/01/09 states ‘Fencing fully complies’.

Consequently the Council has previously on at least two occasions indicated that the spa pool fencing complies with the Fencing of Swimming Pools act 1987.

DESCRIPTION OF THE SPA POOL

The spa pool is sited above ground with two types of existing fencing surrounding the immediate spa pool area.

The fence is constructed of 1.8 metre high wooden trellis on both ends and down one side, with a 1.2 metre metal fence along the remaining side. Part of the trellis is covered with a large thorny bush.

Photos of the spa pool are attached.

GENERAL DISCUSSION
When considering Mrs Benson’s request I first referred to Fencing of Swimming Pools Act 1987 Section 5 Exempted pools, to determine if a fence was required.

- Nothing in this Act shall apply in respect of—
  - (a) any pool that has no part of the top of its side walls less than 1.2 metres above the adjacent ground level or any permanent projection from or object standing on the ground outside and within 1.2 metres of the walls, where the outside surface of the side walls is constructed so as to inhibit climbing and any ladder or other means of access to the interior of the swimming pool can be readily removed or rendered inoperable and is removed or rendered inoperable whenever it is intended that the pool not be used:
The spa pool has been raised so that no part of the top of its side walls are less than 1.2 metres above the ground but where pool cover frame is permanently fixed to the pool, it allows a foot hold that is within 1.2 metres of the top, and therefore is not exempt from the Fencing of Swimming Pools Act.

I then referred to Fencing of Swimming Pools Act 1987 Section 2 for the interpretation of ‘swimming pool’ and ‘fence’.

Swimming pool and pool – mean an excavation, structure, or product that is used or is capable of being used for the purpose of swimming, wading, paddling, or bathing; and includes any such excavation, structure, or product that is a spa pool.

Fence - means a fence that complies with the requirements of the building code in force under the Building Act 2004 in respect of swimming pools subject to this Act.

I then referred to the New Zealand Building Code in force under the Building Act 2004 in respect of swimming pools which is Clause F4.

F4.3.3 Swimming pools having a depth of water exceeding 400mm shall have barriers provided.

F4.3.4 Barriers shall:
(a) Be continuous and extend for the full extent of the hazard,
(b) Be of appropriate height,
(c) Be constructed with adequate rigidity,
(d) Be of adequate strength to withstand the foreseeable impact of people and, where appropriate, the static pressure of people pressing against them.
(e) Be constructed to prevent people from falling through them, and
(f) In the case of a swimming pool, restrict the access of children under 6 years of age to the pool or the immediate pool area.
(g) Restrict the passage of children under 6 years of age when provided to guard a change of level in areas likely to be frequented by them.

F4.3.5 Barriers to swimming pools shall have in addition to performance F4.3.4:
(a) All gates and doors fitted with latching devices not readily operated by children, and constructed to automatically close and latch when released from any stationary position 150 mm or more from the closed and secured position, but excluding sliding and sliding folding doors that give access to the immediate pool surround from a building that forms part of the barrier, and
(b) No permanent objects on the outside of the barrier that could provide a climbing step.

The metal fence along one side of the pool complies with the Act. The remaining fence is trellis which is deemed to be of appropriate height, rigidity, and strength, but does not comply with the standard detailed in the schedule of the Fencing of Swimming Pools Act 1987.

Where any perforated material, netting, or mesh is used, no opening in that material, netting, or mesh shall have any dimension (other than the circumference or perimeter) greater than 50 mm.

One side of the trellis is covered with a thorny bush and although the woody parts of this bush could provide a foot hold to climb the fence, the thorns in the bush make it
extremely unlikely, and in fact, probably make this section safer than the areas not covered by bush.

The spa pool is fenced, has a lockable cover and has been raised higher than 1.2 metres from the surrounding ground and I consider that this makes it sufficient to restrict access to the pool or the immediate pool area by children under six years of age.

**Special Exemptions**
Under Section 6 of the Fencing of Swimming Pools Act 1987:

(1) A territorial authority may, by resolution, grant an exemption from some or all of the requirements of this Act in the case of any particular pool where the territorial authority is satisfied, having regard to the particular characteristics of the property and the pool, any other relevant circumstances, and any conditions it imposes under subsection (2), that such an exemption would not significantly increase danger to young children.

(2) In granting an exemption under subsection (1), the territorial authority may impose such other conditions relating to the property or the pool as are reasonable in the circumstances.

(3) Any exemption granted or condition imposed under this section may be amended or revoked by a territorial authority, by resolution.

In granting an exemption for the fencing, Council has to be satisfied that it would not be exposing young children to any significant risk greater than, what they would be if the pool was fenced to the standard detailed in the schedule of the Fencing of Swimming Pools Act 1987, in order to comply with the performance standard of the Building Code. The Schedule is attached to this report.

**OPTIONS CONSIDERED**

**Do Nothing**
Council would be failing to uphold the provisions set out under the Fencing of Swimming Pools Act 1987. This may leave the Council liable for damages for negligence if any accident were to occur within the swimming pool.

**1st Option - Remove the trellis and bushes and erect compliant fencing with the Act**
Council would be upholding the provisions set under the Fencing of Swimming Pools Act 1987 ensuring the safety of young children whom enter the property in the future.

**2nd Option - Grant exemption under section 6 of the Fencing of Swimming Pools Act 1987**
In accepting this exemption for the fencing as described above, Council would not be exposing young children to a significant risk greater than what they would be if the pool was fenced to the standard detailed in the schedule of Fencing of Swimming Pools Act 1987

**POLICY AND PLAN CONSIDERATIONS**
This is consistent with the Swimming and Spa Pool Fencing policy

**SIGNIFICANCE**
The recommendation is not deemed significant.
MAORI IMPLICATIONS
There are no implications for Maori.

FINANCIAL CONSIDERATIONS
Auditing of registered swimming pools is provided for in the approved annual plan and is within budget.

LEGAL CONSIDERATIONS
It is a requirement of the Fencing of Swimming Pools Act that all swimming pools comply with the fencing requirements set in the Schedule of the Act or be drained of water until deemed compliant.

CONCLUSION
After considering all issues, options and the known views of those affected, as well as giving consideration to the level of significance and the legal and financial implications, the recommendation of this report is for the application for exemption under section 6 of the fencing of swimming pools Act 1987 be granted to Mrs Benson subject to the following conditions:

- The lid to the spa pool is securely closed at all times when the pool is not in use.

APPENDICES
Photos of spa pool and fencing
Application for exemption Mrs Benson
Schedule of the Fencing of Swimming Pools Act 1987
Application for Special Exemption under Section 6 of the Fencing of Swimming Pools Act 1987

The Manager Environmental Services
Hurunui District Council
P O Box 13
Amberley

Application No. __________

I, Ruth Ngaroto Benson, being the owner/occupier of
the property located at 17 Hilton Drive Amberley hereby apply for a
Special Exemption under the provisions of Section 6 of the Fencing of Swimming Pools Act 1987.

I consider that for the following reasons, it is not reasonable or practicable to enforce the provisions of the Act relating to Spa pool with cover (attached) that can be secured fencing requirements as inspection of 1-12-11

in respect of this particular site for the following reasons

The Spa pool sides measure 1.2 metres above the ground or any permanent object. This exempts the spa from fencing.

(Please use separate sheet if necessary)

Note: The Council can grant an exemption only when it is satisfied “that the danger to young children would not be significantly increased”.

Contact address: As above

To be signed for or on behalf of the applicant

Date 12-12-11

Telephone No. 03 314 84 66

FOR OFFICE USE ONLY
Application received: __________ Receipt: __________
Report prepared by (copy attached) __________
Schedule
Means of compliance for fences under this Act


**Height**

1(1)
- The fence shall extend—
  - (a) at least 1.2 metres above the ground on the outside of the fence; and
  - (b) at least 1.2 metres above any permanent projection from or object permanently placed on the ground outside and within 1.2 metres of the fence.
  - (2) Notwithstanding subclause (1), where the fence is constructed of perforated material, netting, or mesh and any opening in the material, netting, or mesh has a dimension (other than the circumference or perimeter) greater than 10 mm, the fence shall extend at least 1.8 metres above the ground or the projection or object.

**Ground clearance**

2
- Any clearance between the bottom of the fence and ground level shall not exceed 100 mm.

**Materials**

3
- All materials and components shall be of a durable nature and shall be erected so as to inhibit any child under the age of 6 years from climbing over or crawling under the fence from the outside.

4
- Except where the fence is horizontally close-boarded or is made of perforated material, netting, or mesh, the spacing between adjacent vertical pales, panels, or other posts shall not exceed 100 mm at any point.

5
- All fencing supports, rails, rods, and wires, that are not vertical, and all bracing that is not vertical, shall be inaccessible for use for climbing from the outside.

5A
- Notwithstanding clause 5, a fence may have horizontal supports, rails, rods, or wires, that are accessible for use for climbing from the outside, and horizontal bracing that is accessible for such use, if—
  - (a) the distance between any 2 of them at any point is at least 900 mm; and
  - (b) there is no other support, rail, rod, wire, or bracing (other than a vertical rail) between the same 2 at any point.
Where any perforated material, netting, or mesh is used, no opening in that material, netting, or mesh shall have any dimension (other than the circumference or perimeter) greater than 50 mm.

All perforated material, netting, or mesh material shall be firmly attached at both top and bottom to a rail, pipe, or similar firm structure, or otherwise be of such a nature that the fence cannot readily be crossed by children under the age of 6 years.

Gates and doors

Every gate or door shall be so constructed as to comply with the relevant requirements of clauses 1 to 7, and shall be so mounted that—
- (a) it cannot open inwards towards the immediate pool area;
- (b) it is clear of any obstruction that could hold the gate or door open and no other means of holding the gate or door open is provided;
- (c) when lifted up or pulled down the gate or door does not release the latching device, come off its hinges, or provide a ground clearance greater than 100 mm.

Operation of gates and doors

Every gate or door shall be fitted with a latching device.
(2) Where the latching device is accessible from the outside of the fence only by reaching over the fence, gate, or door or through a hole in the fence, gate, or door, the latching device and the lowest point of any hole giving access to it shall be at least 1.2 metres above the ground on the outside of the fence.
(3) Where the latching device is otherwise accessible from the outside of the fence, gate, or door, the latching device shall be at least 1.5 metres above the ground on the outside of the fence.

Doors in walls of buildings

Every gate or door shall be fitted with a device that will automatically return the gate or door to the closed position and operate the latching device when the gate or door is stationary and 150 mm from the closed and secured position.

Where any building forms part of a fence and the pool is not contained within the building, any door that gives access to the immediate pool area need not comply with the requirements for gates or doors set out in clauses 8 to 10 to the extent (if any) that the territorial authority is satisfied that such compliance is impossible, unreasonable, or in breach of any other Act, regulation, or bylaw, and the door is fitted with a locking device that, when properly operated, prevents the door from being readily opened by children under the age of 6 years.