

# GROUNDUP CAFÉ SUBMISSION - ADDENDUM

*by Pauatahanui Residents Association*

This paper is prepared for the Pauatahanui Residents Association's oral Submission to the **Hearing** on the GroundUp Cafe's retrospective application for Resource Consent to legalise building extensions and additional Cafe seating capacity from 35 to 65. This **updates our original submission of February 2014**, and includes responses to subsequent information received from the applicant and Porirua City Council and since our original submission was made some issues have changed.

## TERMS USED IN THIS DOCUMENT

GroundUp Café (the **Café**)

Rural Trading Post (the **Trading Post**)

Pauatahanui General Store (the **Store**)

Porirua City Council (**PCC**)

Pauatahanui Residents Association (**PRA**)

## BACKGROUND

- The PRA is:
  - A voluntary organization started as an Incorporated society in 1975.
  - A registered charity<sup>1</sup> since June 2008
  - Its objectives include
    - 3a) to maintain or improve the community and its environment for all residents while preserving its rural character and scenery.*
- There are approximately 300 households in the Pauatahanui area. The Association currently has 57 paid up member households. It has 177 people registered on its mailing list for monthly newsletters or notices. Newsletters are also circulated to other groups who distribute them more widely to their members. Notices and newsletters are also posted on PRA's website<sup>2</sup>. PRA's original submission has been available on this website since February 2014.

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<sup>1</sup> Registered Charity Number CC42516

<sup>2</sup> [www.pauatahanui.org.nz](http://www.pauatahanui.org.nz)

- In addition, PRA uses the Rural Delivery to periodically share information or invite comment on important issues sent out as a community notice to all 300 households. PRA therefore considers that it communicates extensively with its community and with PCC.
- After being approached by a number of people from the Pauatahanui community, concerned about the retrospective resource consent application of Mr Darryl Ellis to expand the Ground Up Café, PRA circulated a public notice to every household via the Rural Delivery<sup>3</sup> in February 2014 informing and requesting feedback on Mr Ellis' application and a draft PRA submission was posted on its website. PRA's Secretary received a number of verbal and email responses, only three of which supported the application.
- In this small community many residents felt uncomfortable in putting in their own individual submission in opposition to the application but requested that PRA put in a submission, which it did in February 2014
- Mr Ellis was invited to present his case for the extension of the Café to the AGM of the PRA on 20 May 2014, and although he attended the meeting he chose not to speak. Instead one of his staff acted as spokesperson. However this staff member was unable to answer questions raised by the audience and, as they received no support from Mr Ellis, the session had to be closed.
- We are aware that within some submissions there have been comments indicating that the PRA does not speak on behalf of all residents. PRA has noted that the only 3 residents it is aware of supporting the application do not live in the Village itself and may not be aware of the disruption the Cafés expansion has caused. PRA therefore prepared its submission opposing the application, based on the opinions expressed by a clear consensus in its Community.
- PRA routinely seeks to find a consensus view on matters of community concern and it has not discovered any significant support for this application from the local community over the 12 months since the issue of Café expansion was first raised.

We will therefore be focusing on the key issues for the community, these being

1. Parking
2. Traffic & Pedestrian Safety
3. Consistency with the Village planning process
4. Example set by retrospective consent processes

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<sup>3</sup> Appendix 1, PRA public requesting feedback on the GroundUp application

5. Council's ability to exercise its powers in relation to breaches of policy and rules

## **1. CAR PARKING**

### **1.1. Allocation of new car parks removes Store access and public car parks**

The number of public car parks has been clearly defined within the traffic reports presented by the Applicant, PCC and PRA. The 10-minute parks were introduced by PCC particularly to assist customers briefly shopping at the Store or Café with these time limits discussed by PCC with PRA at the time. PRA believes it is important that these public car parks are seen to serve the Village generally including the school and other facilities nearby and that none of them are dedicated to any one business including the Café.

PRA is aware that the Store's lease includes the equivalent of 8 car parks at the back of their shop<sup>4</sup>. It has been noted, incorrectly, in the applicant's traffic report (3.2.4) that there is no provision for onsite parking for the General Store while the PCC traffic report (Point 98) indicates that it would be unlikely that onsite parking would be used by customers of the General Store as there is no direct access through the back of the Store. PRA notes that it is only a 30 to 40 metre walk around the Café to the front of the store, which is less than from many of the public parking spaces, and would provide easier access for many as it does not necessitate crossing the road as well as being much closer than parks within many other shopping centres. The back of the store is used for residential living and so cannot provide direct access from the car park.

The Applicant's traffic experts do not appear to have checked with either the School or the Wildlife Reserve, or to have checked the boundaries between road reserve and private land. The limited parking currently available in the Village already results in overflow into the School Bus Bay, which is private land, and into the Wildlife Reserve area in front of the gates, which again is private land (not public road as stated by Geoff Marshall, Council's Manager Roadings<sup>5</sup>).

Although a public parking area, the provision for parking over the bridge was funded by the Light House Cinema as part of their consent and it is also being placed under increasing pressure that is reducing the amount of parking available for the Cinema.

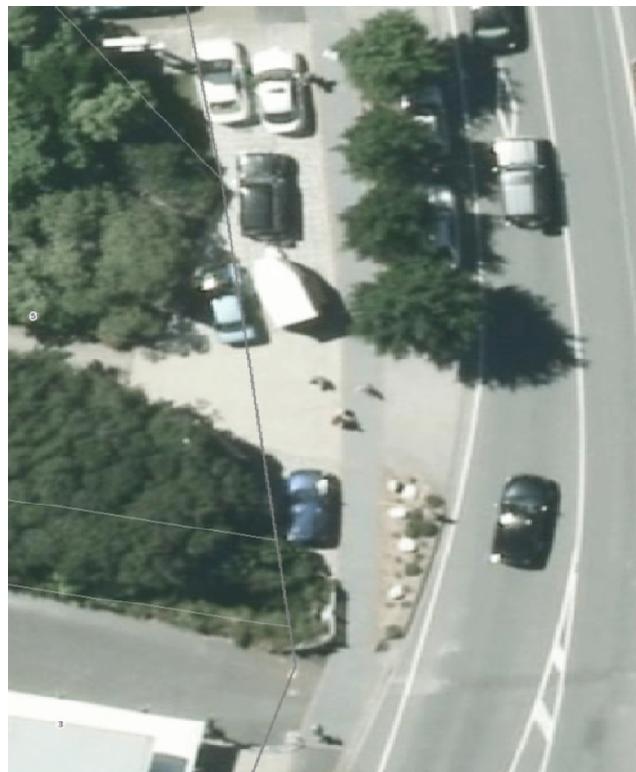
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<sup>4</sup> This has been confirmed with the lawyer for the Store owners

<sup>5</sup> Point 6.1.25, PCC Planners Report on GroundUp application, Stuart Smith, Resource Consents Planner



**Cadastral map showing roadway directly outside Café, General Store and Pauatahanui School. Black lines indicate boundaries between private property and road reserve. The School bus bay is the curved area to the right of the photo. The red car parked in the bus bay is two-thirds on private land and one-third on road reserve. (PCC Website)**



**Cadastral map showing the entrance to the Wildlife Reserve, centre left. To the north a light blue car is parked within the boundary and on Wildlife Reserve land. (PCC Website)**



*Cars parked in the School bus bay when the school bus arrives. This is a common occurrence, particularly with heavy vehicles parking here to stop for the Café or Store, as there is no other place in the village suitable for heavy vehicle parking.*

## **1.2. Café parking plan should cater for staff parking requirements**

In considering the influence of this proposal on car parking in the village in its entirety, there is also the question of providing for Café staff car parking. At present cars belonging to the owner and staff at the Café are regularly parked immediately outside the gates to the Wildlife Reserve in such a way that they obscure the signs to the Reserve and partially intrude on its entrance. We understand that the Porirua City Council District Plan requires that when off-street car parking is required then staff car parking also has to be provided, the number depending on the size of the business area.

PRA notes that the five other commercial premises in the village, The Lavender Room, the Light House Cinema, Inlet Motors, the Rural Trading Post, and Duck Creek Restaurant, all successful businesses and organisations in Pauatahanui, have adequate off-street car parking that includes staff parking.

PRA believes that to be consistent with parking requirements placed on these other business consents, staff car parking requirements should be included in the parking area at the back of the Café. Both the Rural Trading Post (in 2009) which is on the same land title as the Café, and the Lavender Room (in 2013) at 470 Paremata Road, Pauatahanui, had to fulfil this requirement for their consents.



*Café staff cars parked at the entrance to the wildlife reserve most of the day, partially blocking it and obscuring part of their signage. This area continues to be used by Café staff, although only one legal car park is available on this site, the red car in the first photo, the rest are on private Wildlife Reserve land.*

### **1.3. Café parking plan should cater for trade / delivery requirements**

In considering the influence of this proposal on car parking in the village in its entirety, there is also the question of providing for goods delivery parking for both the Store and the Cafe. At present delivery trucks for the Store cannot readily access the rear of the shop due to Café parking blocking the way. The result is double parking on the main street to deliver goods through the front door of the Store. Council should insist that the proposal sorts out the parking issues between the Café and the Store by identifying clearly the relevant parking areas and delivery access for each.

#### **1.4. Analogies to Light House Cinema parking is not a suitable comparison**

The comparison of parking issues with Light House Cinema in the proposal is not appropriate. The Light House Cinema is removed from the increased activity in the centre of the Village where four businesses, a school and a pre-school compete for road space with heavy through-traffic. Cinema customer traffic is spread out during the day and in the evenings. It has off-road car parking, as well as onsite disabled and staff parking facilities. The Cinema was also developed in full consultation with the community.

When the bypass of SH 58 to the new roundabout left a redundant stretch of road into the village via the bridge, the Light House Cinema worked with PCC and paid for road sealing and marking of this area to provide 'off-street' parking for their customers, which has worked well.

However, increasing traffic congestion in the village has led to an increase in people parking over the bridge in this area, including long-term parking. As noted previously this is restricting customer parking facilities in this area for the Light House Cinema and others. The increasing limitation of parking here directly correlates with the increasing (and illegal) expansion of seating at the Café and its associated demand for extra parking capacity. Mr Philip Reidy, co-owner of the Light House Cinema Pauatahanui, has approved the wording for this section. Please refer to his submission.

#### **1.5. Parking Summary**

While GroundUp Café is situated to capture casual clientele from through-traffic, its position in the heart of the Village is unsuitable for increased capacity because of the present through-traffic in the village, particularly when combined with its site being directly opposite the school and preschool, both of which have no opportunity for off street parking except for their own staff. GroundUp Café would need an extensive increase in off-street car parking to accommodate any increased patronage beyond its original consent for 35 seats.

Mr Ellis has attempted to solve his parking problems by trying to restrict the public car parking in front of the Café to his patrons only and confronting people who were visiting other premises. He then prevailed on the Wildlife Reserve to provide parking without success. But he has now successfully engineered total control of parking and access to the rear of the General Store to the Stores detriment such that they have neither reliable parking for themselves, their customers, or access for goods delivery which have to be delivered from the main Street which again exacerbates traffic problems as the service vehicles usually have to double park.

Parking problems in the village have increased since Mr Ellis started expanding the Café beyond its designated 35 patrons. Parents delivering or picking up their children from the School or Pre-School are finding increasingly less places to park due to the increased number of patrons using the Café. Please see appendix 2, a letter from the Preschool, along with their original submission. Many now choose to park in the car parking area by the Light House Cinema, or the private car park in the Wildlife Reserve causing parking problems for those organisations. This has also raised significant safety issues around the old Pauatahanui bridge, as traffic flow and parking have become a major issue there too, with the bridge used for pedestrian traffic, particularly schoolchildren walking from Whitby using the underpass on SH58.

## **2. TRAFFIC**

### **2.1. The impacts on traffic flow both short and long term have not been allowed for**

Although there have been changes to the Village (for example upgraded footpaths) people usually visit the village using a vehicle of one kind or another; car, bus, truck, motorbike, or bicycle. The burden of accommodating these vehicles needs to be shared equitably among the commercial premises that profit from their business.

There is the general problem of traffic flow through the village, which currently, but intermittently, reaches a situation where the safety of both pedestrians and other road users are compromised. This will only increase until Transmission Gully is completed in 2020-21 and Grays Road is no longer a major thoroughfare for traffic, including heavy trucks, between SH1 and SH2 in the Hutt Valley.

The Café hours are intended to be from 7:30 a.m. to 5 p.m. seven days a week. Peak hours for school and preschool traffic are from 8 to 9 a.m. and from 3 to 4 p.m., and from 12 to 1 p.m. for the preschool on Fridays. Recent traffic data shows peak traffic for weekdays from 7 to 9 a.m. from 700 to almost 800 vehicles per hour (vph) and again from 3 to 6 p.m. from 500 to 850 vph<sup>6</sup>. Thus there is considerable overlap with school traffic that is already congested and limiting to school buses turning and parking safely.

In the weekends there is a more even flow of traffic between 10 a.m. and 6 p.m. of approximately 550 to 750 vph, but still peaks at more than 850vph between 1 and 2 p.m. on a Saturday.

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<sup>6</sup> Data for June 2013, supplied by Porirua City Council

Data from the Transmission Gully Project and from PCC shows a 26% increase in traffic through the Village over the past 7 years and currently average traffic flow through the village is 8092 vehicles per day for a seven-day week.

Although more recent information from the Transmission Gully project indicates that the increase in heavy vehicles will be less than that estimated at the time of our original submission, the head office site will be adjacent to the Village, starting at the roundabout south of the Village. This site office will accommodate 100 staff and, although it will have its own car parking, the effect on Village parking for business and other purposes is still a real, if unquantifiable, probability at this stage.

## **2.2. Application misrepresents schools' busiest times**

Whilst peak traffic flow time is considered by the applicant to be 12.30 - 1pm (which is the Café's busiest trading time), two of the busiest and most dangerous times in the Village by far are around 9am and 3pm when children are being dropped off and picked up from Pauatahanui School and Pauatahanui Pre-School. The preschool is open from 9 a.m. to 3 p.m. Monday to Thursday, and 8:30 a.m. to 12:45 p.m. Friday. A requirement of the preschool is that all children, who are aged 2 to 5, are delivered to school and picked up from school by an adult with 23 children per day attending the preschool. There are also always a number of other vehicles stopping for a quick takeaway coffee from the Café, a newspaper from the dairy or fuel from the Challenge Service Station making it, at times, a crowded environment of vehicles, including school buses and trucks, mixing with pedestrians, particularly school children, and young preschool children attending the preschool with an adult carer.

At a minimum, decisions regarding the Application's traffic effects should not be limited to snapshots in time, but rather consider the episodic pressure on traffic and parking that exists throughout the day, when it is so evident to the local inhabitants that the pressure is increasing with the parking overflow affecting adjacent businesses.

## **2.3. Impact to private School Bus turning area**

Prior to the redevelopment of the frontages of the Cafe and the General Store school buses entering the village from the South were able to turn into the bus bay directly opposite the Cafe. There is now insufficient turning space in this area of the main Street with the result that buses routinely continue through the village to the T-junction with Grays Road. They then back into Grays Road to turn and return to the village to enter the school bus Bay.

The problem with this manoeuvre is that backing into the traffic along Grays Road, which is a main thoroughfare between State Highway 1 and State Highway 58, is a

dangerous manoeuvre. Porirua City Council and the bus company insist this manoeuvre is safe, but we beg to differ.



*School bus backing into Grays road at its T-junction with Paekakariki Hill Road. The drivers have to rely on wing mirrors for this procedure, as they have no back window.*

The Applicant's traffic expert has recommended increased use of the Bus Bay and of the Wildlife Reserve entrance for on-street parking. School buses arrive servicing different parts of the rural area up to 9 a.m. and again after 3 p.m. However there can be up to a further 20 bus movements per week to take children to extracurricular activities or on school trips. Other bus companies also use this area to pickup or drop-off school children attending schools elsewhere in the Wellington region, particularly in the Hutt Valley and Whitby. The School needs the Bus Bay empty and available at all times. There are yellow "No parking" lines marked and these should be respected at all times with no provision for private vehicles to park here at all, particularly as it is private property and not road reserve as discussed in 1.1.

#### **2.4. Existing patronage by Café has already impacted on pedestrian safety**

PRA understands that PCC regulations do not allow for alfresco seating at the front to encroach on the footpath and, although the Café has been notified by PCC to rectify this, the practice continues. The seating intruding on the footpath not only obstructs the flow of pedestrian traffic past the Cafe but impacts on access to the Store.

There is regular obstruction on the footpath in front of the Café due to patron seating outside, further exacerbated by vehicles trying to park as close as they can

to the kerb. Parents with school or preschool children, buggies, and toddlers all try to squeeze through any gaps outside the Café and negotiate the hazards around them just to get to the School and the Pre-School safely, across the adjacent pedestrian crossing. Tables and chairs used by Café patrons often spill onto the footpath forcing pedestrians to walk around them, frequently having to step onto the designated parking area to get past.



*Photo showing congested parking which is not uncommon at peak times. There is very little flexibility in the parking available at peak times. It is easy for the applicant to show parking available at other times, but the situation has deteriorated considerably over the last four years. (Photo taken in February 2014)*



*Public pedestrian sidewalk being used for Cafe seating.*



*Obstructing access from the pedestrian path to the Store. (Both photos taken in February 2014)*

### 3. VILLAGE PLANNING

#### 3.1. Inconsistency with Pauatahanui Village plan

The Village, which has existed since the 1850s and has important Maori and European historical connections, remains an important focus with its school and preschool and services for the rural community of Pauatahanui. PRA has been active with PCC in PCC's Village Planning Program for the last several years, working to improve both the appearance and functioning of the village Main Street.

In 2009 a series of five community forums, organised by Porirua City Council and the Pauatahanui Residents Association, were held. These led to the development of a plan for the Village, published by PCC as *“Future Focus: a framework for the development of Pauatahanui Village”*. It was designed to map the future of the village for the next 10 years and beyond, its natural environment, and historical aspects of the area. It recommended eventual rezoning of the village area/special Pauatahanui Zone to allow for limited commercial and residential development while protecting its special character<sup>7</sup>. Under Environmental Protection and Enhancement (Page 10) the recommendation was-*‘Undertake an assessment of the traffic impacts on Pauatahanui (Village) of proposed future growth and roading developments.’* This is to involve Porirua City Council (PCC), New Zealand Transport Agency (NZTA), and Pauatahanui Inlet Community Trust (PICT). Council was to initiate this as part of structure planning for District Plan work.

This philosophy was subsequently reinforced by the *‘Proposed Pauatahanui Judgeford Structure Plan’*, developed and published by PCC in 2012.

*“The desirability of and opportunities for further development of the village were considered. Retention of village character and scale were at the forefront when considering options for future development of the area. Key features included: Maintaining a small service commercial centre with limited redevelopment potential to ensure village character is maintained.”<sup>8</sup>*

Mr Ellis's plans have all been developed outside these guidelines and in total isolation from the local community and from the other lessees of the site.

Mr Ellis has been able to capitalise on both the rural ambience, the substantial improvements to the main Street by the community through the PCC Village

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<sup>7</sup> Page 12, *“Future Focus: a framework for the development of Pauatahanui Village”*

<sup>8</sup> Page 9, *‘Proposed Pauatahanui Judgeford Structure Plan’*

planning program, and the heavy through-traffic to increase the patronage of his Café. However the site is not appropriate for further expansion beyond its current consent for a 35-seat capacity and the result has been significant disruption to the Pauatahanui community with a Café which was considered an asset to the Village now becoming a burden with its continued expansion on this site.

## **4. RETROSPECTIVE CONSENTS**

### **4.1. Council should not reward the applicant by retrospective approval for existing illegal extensions**

The original consent application does not make it clear that it is for retrospective consent for illegal extensions already constructed, allowing extra seating that exceeds the previously approved number of 35. The Café has operated for well over 2 years<sup>9</sup> with illegal extensions and seat capacity, catering for over 35 persons on the premises. According to Mr Wanty's expert evidence of 03/11/2014<sup>10</sup>, patronage that day reached 73. Anecdotal reports estimate the figure can be as high as 100. Without doubt, they are grossly in excess of 35.

Council is showing flexibility in allowing an application for a retrospective consent, and if approved, it will be rewarding a deliberate and illegal activity which has adversely affected the Village and, in doing so, is discouraging to people who spend time and money complying openly and honestly with Council processes.

Mr Ellis initially publicised a proposal for-*'an enclave of galleries, fashion and gift stores, café and restaurant'* but rapidly abandoned this scheme as the Trading Post and the Store have legal leases with the Landlord (Mr Albert Ng) for another 7 and 10 years respectively and had never been consulted by Mr Ellis.

### **4.2. Considerations to the Wildlife Reserve for water runoff have not been taken into account**

The car park surface behind the Café and the Store would need to be improved to tolerate the number of extra cars entering and leaving. PRA's expert witnesses have clearly identified the range of issues that would arise if it were to be tar sealed, or even heavily metalled, including the effects of storm water runoff onto the Wildlife Reserve interfering with their adjacent buildings, facilities, and protected environment.

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<sup>9</sup> Based on PCC GIS aerial maps dated 2010 showing extensions

<sup>10</sup> Graph (7.3-Figure 1), Mr Wanty's Expert Evidence

### **4.3. The applicant’s actions demonstrate lack of consideration for affected parties**

PRA is very concerned about the lack of consideration demonstrated by the Applicant who has ignored the effects of his actions towards other parties, including other businesses and users of the village.

For example, the Store remains without a separate access way for deliveries or private access to the shop outside opening hours. Currently goods must be trundled through the shop, and similarly after hours visitors to their residence now have to be escorted through the shop. Prior to Mr Ellis leasing the Cafe in 2008 access to the storage area was from the rear of the premises. However since 2010 he has denied the store access from the rear and has also removed a delivery access/fire exit door from the front of the Store without any consultation so as to increase their alfresco dining. PRA is concerned regarding this removal, not only of the access for deliveries to the Store but also because it has removed a point of egress for people in case of an emergency, which becomes a Health and Safety issue.

## **5. COUNCIL’S ROLE**

### **5.1. Consistency in Council consent applications**

PRA requests that Council is ‘even-handed’ in their processing of consent applications. For example, PRA notes the parking requirements placed on other businesses in the village (Light House Cinema, The Trading Post, Duck Creek Restaurant, and the Lavender Room). An emphasis on consistency is extremely important to both PRA and the community so that those applying for consents know exactly what requirements they are expected to meet within the consent – “moving the boundaries” (literally or figuratively) does not seem to provide fairness or consistency.

### **5.2. Lack of existing building consents**

Any retrospective consent for the building extensions themselves must ensure that they comply with Building Regulations. For example, PRA is concerned that a toilet is being used in the Cafe that has no Building Consent or Certificate of Acceptance (which we understand to be a form of temporary Consent to allow trading to continue until full Consent is obtained) two years after its installation. The toilet, originally sited at the back of the Café for the use of staff from both the Café and the adjacent Rural Trading Post, was moved approximately 2 years ago so that it could be used by Café patrons as well as Cafe staff, making it unavailable to staff of

the Rural Trading Post. PCC has confirmed<sup>11</sup> that the toilet still has no Building Consent or Certificate of Acceptance and its movement and connection to the sewage system was performed illegally.

In June this year an inspection of the drains of the Cafe and Store was undertaken by Ian Pauley, a Certified Plumber and Drain Layer, as part of his expert evidence for the defendants in the High Court case between the Landlord and the Store (which was subsequently dropped by the Landlord). Photos taken by video camera then showed a poorly functioning system:

*“This toilet was relocated in about 2012 by the Café’s proprietor and at this time drainage work must have been undertaken to reconnect it. Where the new junction/connection has been installed there is significant ‘back fall /lack of gradient’ causing sewage to pool in the pipe. This is at the entry point to the septic tank causing the entire waste system to pool before entering the tank resulting in poor flow, allowing fat to settle, and possible surcharging. This is substandard workmanship and suggests the work has not been inspected by Council.”*



*“The picture shows the ‘ponding’ of sewage just before the septic tank. The red colour is dye.” – Ian Pauley. Photo and wording taken from document submitted by Ian Pauley to the High Court.*

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<sup>11</sup> Appendix 3, Communication from Shane Taane, Manager, Building Compliance, confirming toilet has no Building Consent or Certificate of Acceptance

### **5.3. Lack of monitoring and enforcement**

PRA notes that, to date, PCC has not been effective in its ability to monitor the conditions of the Café's existing Consent to seat 35 patrons, with multiple breaches noted within PCC's own reports. PRA continues to be concerned over PCC's ability and willingness to ensure future breaches do not occur.

## **WE OPPOSE/APPROVE THE FOLLOWING IN THE APPLICATION:**

1. We oppose this application for an increase from a thirty-five-person licence to a sixty-five-person licence. Any number over the current thirty-five-person licence will exceed the availability of the parking provisions in the traffic environment of the Pauatahanui Village area. The failure by the applicant to accept the terms of the original consent has led to a very overt encroachment on other businesses' parking rights as well as on the public parks on the main street.
2. We support the plan to upgrade the premises for 35 persons, as the original building is old and not well built. But any retrospective consent for the building extensions themselves must ensure that they comply with current building regulations

## **DECISIONS SOUGHT:**

1. That the application to increase licensed customer numbers from thirty five to sixty five be declined.
2. That any improvements to the building to better cater for the existing 35-person limit are approved provided they conform to current building standards.
3. That the current parking issues between Mr Ellis and other business operators on the same site are resolved first, and that their parking rights under their leases are respected. This should include the Landlord providing clearly defined access and parking areas for each business, by fencing if necessary.
4. That any estimate and planning for off-street parking spaces required for the Café includes car parks for staff members and allows access for trade deliveries to both the Store and Café. Calculations of the number of off-street car parks required should be the same as that for other commercial premises in the Pauatahanui area, should not include the public on-street parking, and should conform to PCC guidelines applicable to similar commercial premises in the Porirua region.
5. That the effects of traffic flow and impact are based on more consideration to the peculiar geometry of Pauatahanui's single main street. This street serves as a significant rural arterial route with over 8000 vehicle movements per day, serving seven commercial premises, with a preschool and school (neither of which are able to provide any off-street parking for the public and with their common entrance way situated on a blind corner). Also opening onto the street is the Wildlife Reserve; open to the public every day, as well as the church and the public burial ground, which are used intermittently. The street also provides access for a number of private residences lining its length. This very mixed use of the street is appropriate to it being a rural village

providing local services and with its particular emphasis being on providing for the school and preschool as a rural focal point.

6. That the Council make clear that the public parking spaces on the street are for use by any members of the public, irrespective of their patronage of the Café.
7. That Council polices the time limits on public car parking regularly, particularly during peak periods.
8. That the 35-patron limit is monitored and enforced by the Council given Mr Ellis' current behaviour of regularly exceeding this number.
9. That Council ensures that no seating in the front of the premises intrudes on the footpath. The area here is inadequate for tables and chairs and could only be solved by fixed bench seating.
10. That Council ensures the previous trade and private entrance belonging to the Store is kept clear before and after the Landlord replaces the door, due to safety concerns around this access being blocked.
11. That the retrospective aspect of this application is noted, and not rewarded, to discourage other businesses and consent applicants from failing to follow prescribed Council processes.
12. That the serious deficiencies within this application are acknowledged, including superficial accounting for traffic and parking issues and the lack of respect for, or consultation with, others affected by this application, in particular the school and preschool and the two adjacent businesses on the same site, the Rural Trading Post and the Grocery Store, neither of whom have yet been consulted by the applicant.
13. That any proposed changes to the site should consider the environmental effects on the adjacent Wildlife Reserve and adjoining neighbours.

## **TO CONCLUDE:**

1. Any Council consent to this application will reward repeated illegal activities performed without resource consent. The traffic issues involved with increased customer numbers need to be considered in far more depth and alongside local knowledge of what is required to meet traffic flow and parking requirements in the village at peak times. To date PCC has been unable to 'police' the parking times in the village effectively and PRA does not perceive that this will change. Traffic concerns therefore need to be addressed on a proactive basis.
2. While the heavy traffic flows through the village provide the Café with a customer base virtually independent of the local community, there has been no real effort to discuss

the effects on local people, living in, and using the village. The PRA has received repeated reports that the Café owner maintains an aggressive stance to adjacent businesses, to local events, and to individuals if they in any way are perceived to impact on his business. This, together with PCC's inability to deal with breaches of Council's policies, rules and consents, as noted previously, is of grave concern to the PRA.

3. The Applicant's proposal does not discuss any effects on the Trading Post or the Store and there is no indication that there has been any effective communication with either business. Both businesses are very important to the wider community of the Pauatahanui area and PRA would like to ensure that the operation of one business does not seriously threaten the existence of other businesses valued by the community, by flouting local body regulations.
4. The inability of the Café owner and the landlord to comply with previous consent restrictions, directions from the Council, or the Disputes Tribunal, on a number of issues, would suggest that the Café owner should be required to first comply with the consents he already has. PRA has been extremely concerned over PCC's inability to monitor and oversee the rules for the existing consent, noting that this does not bode well for these new applications being considered.
5. PRA does not support the proposal to increase seating numbers, which has been developed in isolation and without any consideration for preserving the character of the village.
6. PRA does not oppose development in the Village, which, for its size, now contains a number of thriving businesses. However PRA believes that any developments proposed, including those proposed retrospectively, should conform to the established guidelines developed by Council with the community. Light House Cinema is a positive example of a large development that, after extensive public consultation, resulted in a facility that is widely used and appreciated by the community at large and PRA welcomes Village businesses that are well integrated with the residential community in the Village and the much larger rural community.

Signed,

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Dated: 18 November 2014