

# MINUTES

**TITLE:** Environment and Planning Subcommittee Consents  
**DATE:** Monday 16 May 2011  
**TIME:** 9.30 am  
**VENUE:** Tasman Council Chamber, 189 Queen Street,  
Richmond.

**PRESENT:** Crs S G Bryant (Chair), B W Ensor, Z S Mirfin

**IN ATTENDANCE:** Co-ordinator Land Use Consents (J Andrew), Principal  
Resource Consents Co-ordinator (J Butler), Executive  
Assistant (V M Gribble)

**1 APPLICATION NO RM100887 - RICHMOND SOUTH HALLS TRUST,  
WENSLEY ROAD, RICHMOND**

The application seeks to construct and operate a church for up to 174 people with 30 car parks, with a 6.00 am Sunday meeting.

The church building will be located 1.9 metres from a road boundary, have walls 20 metres long without a 2.5 metre offset, and breach daylight admission angles.

The application site is located at 125 Wensley Road, Richmond, being legally described as Lot 10 DP 415527 and proposed Lot 11 of RM070804 having an area of approximately 1428 square metres.

The Committee proceeded to hear the application, presentation of submissions and staff reports as detailed in the following report and decision.

The Committee reserved its decision.

## **RESOLUTION TO EXCLUDE THE PUBLIC**

**Moved Crs Ensor/Mirfin  
EP11/05/01**

**THAT the public be excluded from the following parts of the proceedings of this meeting, namely:**

Richmond South Halls Trust

**The general subject of the matter to be considered while the public is excluded, the reason for passing this resolution in relation to the matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for passing this resolution are as follows:**

<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under Section 48(1) for the passing of this resolution</b>
Richmond South Halls Trust	Consideration of a planning application	A right of appeal lies to the Environment Court against the final decision of Council.

**CARRIED**

**Moved Crs Mirfin/Ensor  
EP10/05/03**

**THAT the open meeting be resumed and the business transacted during the time the public was excluded be adopted.**

**CARRIED**

**2 APPLICATION NO RM100887 - RICHMOND SOUTH HALLS TRUST,  
WENSLEY ROAD, RICHMOND**

**Moved Crs Ensor/Bryant  
EP10/05/02**

**THAT pursuant to Section 104B of the Resource Management Act, the Committee GRANTS consent to Richmond South Halls Trust as detailed in the following report and decision.**

**CARRIED**

**Report and Decision of the Tasman District Council through its Hearings Committee**

**Meeting held in the Tasman Room, Richmond on 16 May 2011**

**Site visit undertaken on 16 May 2011**

**Hearing closed on 23 May 2011**

A Hearings Committee ("the Committee") of the Tasman District Council ("the Council") was convened to hear the application lodged by **Richmond South Halls Trust** ("the Applicant"), to construct and operate a church at 125 Wensley Road in Richmond. The application, made in accordance with the Resource Management Act 1991 ("the Act"), was lodged with the Council and referenced as RM100887.

**HEARING COMMITTEE:** Cr Stuart Bryant, Chairperson  
Cr Zane Mirfin  
Cr Brian Ensor

**APPLICANT:** Mr Graham Thomas (Consultant Planner)  
Applicant representatives in attendance: Steve Malcolm,  
Daniel Malcolm, John Malcolm, Adrian Petrie and Hamish  
Woodman

**CONSENT AUTHORITY:** **Tasman District Council**  
Mr Jack Andrew (Co-ordinator Land Use Consents)  
Mr Graham Caradus (Co-ordinator Environmental Health)  
Mr Dugald Ley (Development Engineer)

**SUBMITTERS:** Mrs Joanne Westbrooke (120 Wensley Road)

**IN ATTENDANCE:** Mr Jeremy Butler (Principal Resource Consents Adviser) -  
Assisting the Committee  
Mrs Valerie Gribble (Committee Secretary)

## 1. SUMMARY

The Committee has **GRANTED** a resource consent, subject to conditions, to build and operate a church at 125 Wensley Road.

## 2. DESCRIPTION OF THE PROPOSED ACTIVITY

The Richmond South Halls Trust propose to construct and operate a community activity being a Brethren church hall at 125 Wensley Road, Richmond. This new meeting Hall will replace the existing meeting hall at 9 Wensley Road, Richmond. The meeting hall proposed at 125 Wensley Road is to be generally used as follows:

- Up to 50 people regularly attend meetings between 7.00 am to 11.00 pm (being the hours that are permitted in the TRMP) except on Sundays when there is a 6.00 am meeting;
- The church will be used on an irregular basis for church occasions such as family meetings, weddings and funerals;
- Consent is sought for up to 174 people on the site being the design capacity of the building under the Building Act 2004;
- provision for up to 29 on-site car-parks with access from Wensley Road which is a Distributor Road;
- a 1.5 metre high wrought iron fence is proposed to be constructed inside landscape planting on two of the property's boundaries. A solid 1.8 metre high wooden fence has been erected adjoining Mr S J Field's property at 123 Wensley Road (being Lot 9 DP 415527) and another 1.8 metre high wooden fence is proposed along the southern side (Hart Road end).

The land is Lot 10 DP 415527 (CT 459995) being 729 square metres and an additional immediately adjoining area of 635 square metres to the south to be

taken from Lot 79 DP 418996 (CT476591). This additional 635 square metres of adjoining land can be described as being more or less Lot 11 contained in stage 3 of subdivision consent RM070804. Overall the application is to establish and operate the church on a land area of approximately 1364 square metres.

The general area around the application site is in transition from intensive horticulture to a newly developing residential area.

Under the provisions of the Tasman Resource Management Plan churches and halls are defined as community activities.

### 3. TASMAN RESOURCE MANAGEMENT PLAN (“TRMP”) ZONING, AREAS AND RULE(S) AFFECTED

According to the TRMP the following apply to the subject property:

Zoning: Residential

Area(s): Land Disturbance Area 1, Designation D218 (Widening of Wensley Road)

In the Residential Zone a Community Activity is a permitted activity where the total vehicle movements do not exceed 30 per day on any one day, where the hours of operation are between 7.00 am and 11.00 pm and where the proposed building complies with the bulk and location rules for the Residential Zone.

The proposed activity breaches various Residential Zone Rules as outlined in the table below.

Activity	Relevant permitted rule	Applicable rule	Status
Community Activity vehicle movements of more than 30 per day and hours of operation outside 7.00 am to 11.00 pm	17.1.2.1(b)(viii) & 17.1.2.1(c)	17.1.2.5	Restricted Discretionary
Building Construction	17.1.3.1(c) wall length without 2.5m off-set 17.1.3.1(n) & (o) daylight 17.1.3.1(r) setback from road	17.3.9.1	Restricted Discretionary

Overall the proposal is a restricted discretionary activity and therefore our discretion is limited to the matters that are listed in the TRMP and attached as Appendix One to Mr Andrew’s Section 42A staff report.

#### 4. NOTIFICATION AND SUBMISSIONS RECEIVED

Prior to notification written approvals were received from:

- Fairrose Holdings Ltd, 127 Wensley Road, Richmond
- D Bier, 126 Wensley Road, Richmond.

Pursuant to Section 104(3)(a)(ii) of the Act we must not have any regard to any effect on these parties.

Written approval was also received from S J Field at 123 Wensley Road, Richmond but it was discovered later that a daylight angle breach also affected his property.

The application(s) was limited notified on 16 February 2011 pursuant to Section 95 of the Act. One submission was received:

Submitter	Reasons
Mrs JLF Westbrooke	Opposed to the breach of hours, traffic volumes and the building design and bulk and location breaches

#### 5. PROCEDURAL MATTERS

Mr Thomas asked if draft conditions could be looked at by the applicant before the final decision is issued.

Circulation of consent conditions may be appropriate in some circumstances such as when there are very technical matters at issue and the Committee may want to check the technical validity or workability of some conditions imposed. When this step is taken the principles of natural justice deem that all parties to the hearing should have the ability to comment on the conditions. Therefore this is not a step to be taken lightly as it involves considerable administrative and legal hurdles.

In this case we have decided that it is not appropriate that the conditions be circulated. There is nothing that we have found overly technically difficult and we are confident that the conditions of consent are appropriate, intra vires and necessary to address effects of the application.

Further, there is the ability to correct errors or deficiencies through Section 133A of the Act, and the applicant has appeal rights to the Environment Court.

#### 6. EVIDENCE HEARD

We heard evidence from the applicant, the submitter, and the Council's reporting officer and expert staff. The following is a summary of the evidence heard at the hearing.

## 6.1 Applicant's Evidence

### Mr Graham Thomas (Consultant Planner)

Mr Thomas described the proposed activity and said that it is to replace an existing activity currently at 9 Wensley Road.

Mr Thomas said that he accepted the planning officer's assessment of the effects on Mrs Westbrooke.

Mr Thomas clarified that the access to the site off Wensley Road had been relocated slightly to the south to avoid conflict with the indicative road shown in the TRMP planning maps. This has also had the effect of moving the access away from Mrs Westbrooke.

The air conditioning units have been moved to the south east end of the building to reduce adverse noise effects.

Mr Thomas presented a new landscape plan to address concerns raised by Mr Caradus for the Council. The plan maintains an open wrought iron fence but with a more intensively planted landscape area. Mr Thomas said that the applicant does not want a solid high fence as it may attract graffiti.

Cr Ensor asked about planting within the car-park to break up the large asphalt expanse. He also asked about low impact treatment of stormwater with rain gardens or the like. Mr Thomas said that shifting the entranceway has caused the layout to be more restrictive and plantings would cause difficulty with meeting vehicle turning restrictions. He said that they are not averse to plantings within the parking area. Mr Thomas said that there is no requirement for sections within the subdivision to meet low impact design stormwater systems.

Cr Mirfin asked about soundproofing in the church and what provisions are in place to mitigate noise. Mr Thomas said there will be double glazed windows and normal soundproofing. There will be no amplified music, and good acoustic attenuation to absorb noise.

Cr Mirfin asked if there was any anticipated growth of numbers in the church. Mr Malcolm said there will not be any growth in numbers.

Mr Thomas said Sunday mornings are small community meetings within no lighting in the car-park.

## 6.2 Submitters Evidence

Mrs Westbrooke opposed the application. She said that the Sunday morning 6.00 am starts will be disruptive every Sunday for years to come. She said there will be a loss of peace and privacy. She thought that the numbers attending the hall will increase over time and that it will also be used for a variety of other activities throughout the day.

Mrs Westbrooke also considered that the number of traffic movements had not been properly assessed. An associated effect will be a lack of car-parks onsite.

Mrs Westbrooke considered the building to be similar to a factory with a plain industrial feel that will not blend into the new suburban residential housing. She did not consider that fencing or planting will mitigate the visual impact of the building.

Mrs Westbrooke recounted experiences with the New Life Church at 85 Wensley Road. She said that activities there are very loud with high amplification.

Cr Ensor asked, if a limit of 50 people for that 6.00 am time was imposed, would that be more acceptable? Mrs Westbrooke said no and that two residential houses with families would be preferable.

Cr Bryant noted Mrs Westbrooke was out and about quite early on the property. He asked if she was up at 6.00 am. Mrs Westbrooke said she is up early, but not on a Sunday morning.

### **6.3 Council's Reporting Officer's Report and Evidence**

#### **Mr Jack Andrew (Co-ordinator Land Use Consents)**

Mr Andrew said that locating a church in the Residential Zone is acceptable but there are controls needed if they generate traffic or want to operate outside the permitted hours. In the Richmond residential zone we have had them for 40 years with hardly a complaint. The Giblin Street hall is an exception, but problems there related to the rugby league played on the nearby Ben Cooper Park.

Mr Andrew said he observed 9 Wensley Road early in the morning. He said that the traffic arriving and departing and the session itself were very quiet. He felt comfortable in recommending that this church in this location will fit well into the environment of the area.

Regarding trees in the car-park Mr Andrew said that the Council has tried to break up large expanses of tarseal such as in the Petrie car-park and it has been successful. He said that it is not an excessively big car-parking area but trees and/or cobblestones could provide visual relief.

Mr Andrew did not recommend the imposition of a financial contribution but left development contributions in the recommended advisory notes of the consent. Financial Contributions (FCs) are usually imposed on land use consents where there is impact generated without significant building development (e.g. camp grounds). He said that there is little or no increase in demand for the services supplied by FCs and therefore it would be unfair to require payment.

Cr Ensor asked about the scale of this church in relation others. Mr Andrew said the existing site at 9 Wensley Road is 1024 square metres and the proposed site is 1428 square metres. The church has the potential to be bigger but by church practice is limited to 50 in the morning.

Cr Bryant asked how the 50 people would be enforced if it became an issue. Mr Andrew said there was a review condition that could be used if there was a problem.

### **Mr Dugald Ley (Development Engineer)**

Mr Ley supported the amended vehicle crossing location.

Mr Ley also supported some treatment of stormwater by using broken kerbs and swales prior to discharging any overflow into the Council's reticulation system. He tabled examples of such kerbing and said that such techniques could be used to slow down flows and collect contaminants.

Mr Ley said vehicles used by the Brethren are normally larger vehicles and the number of car-parks is adequate for use and mode of transport. Mr Ley had no problem with any overflow parking on the road for one-off events. Mr Ley noted this area will eventually serve a lot of residential land but that the carriageway is adequate for this purpose.

### **Mr Graham Caradus (Co-ordinator Environmental Health)**

Mr Caradus acknowledged the concerns about tagging or graffiti on a fence but said it is very rare in Richmond.

Mr Caradus explained that people become sensitised to noise and can be deeply troubled even though noises may not be exceptionally loud. He said the main concern is higher frequency noises that bounce off solid surfaces; that sort of noise tends to be very "straight line" in behaviour. An obstruction put close to the noise has reasonable effect of reducing its transmission. He considered solid panel, e.g. cement sheeting, would be just as satisfactory as a fence of abutting timber boards with battens over the joints.

Mr Caradus said that trees and vegetation do not stop noise well. On a warm still summer morning with windows open, vehicle doors being closed and voices may be heard and there is a potential for sleep disturbance. However, Mr Caradus said that in his three years being involved with noise complaints he has not been aware of complaints involving Brethren halls. Mr Caradus said that very vigorous door slamming would be needed to exceed the performance standard in relevant permitted rule in the TRMP, but that the lesser noises could still cause disturbance to sleep. In that case people must be able to demonstrate that they have taken the best steps to limit the noise. Mr Caradus said that he considers solid fencing with plantings to be appropriate to mitigate the effect, and that there is very little else that they can reasonably be asked to do. He said that Mrs Westbrooke is not entitled to zero noise.

Cr Ensor asked if Mr Caradus is solely concerned about the 6.00 am service. Mr Caradus said that at other times the background noise will make the activity less conspicuous. He had no concerns about noise generated by Friday night meetings.



Cr Ensor asked about future neighbours to the south of the proposed church. Is there a need for an acoustic fence elsewhere around the site? Mr Caradus said he did not see a need for that. Mrs Westbrooke is there now and the church is coming later. Once the church has been constructed, future neighbours should be aware of the activity.

He added that he is satisfied with the new location of the heat pump units.

#### **6.4 Applicant's Right of Reply**

Mr Thomas said that the applicant can see that without a fence there can be the potential for complaints in the future and it could be argued they have not taken the best practical option. Therefore he volunteered a solid panel fence on Wensley Road from northern corner through to junction of car-parks 7 and 8 (on plan). But as a compromise he sought that they could delete the large planting area in the northern corner and use it for parking.

Mr Thomas said that they would endeavour to construct the car-park so that stormwater flowed to Wensley Road plantings. He said that it will not meet engineering standards for low impact design.

Mr Thomas considered that the application was clearly for a maximum of 50 people for the 6 am service. Mr Thomas said that they have taken on-board Mr Caradus' concerns. He understood that the potential for breaching noise limits is minor, but there is still the potential for disruption. However this has not been conclusively proven.

### **7. PRINCIPAL ISSUES AND OUR MAIN FINDINGS**

The principal issues that were in contention and our main findings on these issues are:

**a) To what extent will the proposed church and associated services cause adverse effects on neighbours, particularly Mrs Westbrooke?**

We accept Mr Caradus's uncontested expert evidence that while there is unlikely to be any exceedence of the TRMP noise standards, there is still the potential for unreasonable noise which the Act says all people have a duty to avoid (Section 16). Our only concern in this regard is with the car-park activities in the early morning (6.00 am services) as the threshold of reasonableness will be lower then than at other times.

Therefore, we consider that it is appropriate that the applicant implement measures such as an acoustic fence on the northern side of the property. This measure, along with the oft-mentioned good behaviour of the attendees leads us to conclude that the effects of noise will be minor.

Mrs Westbrooke compared the proposed church to that of the New Life Church further north along Wensley Road. We are satisfied that there are

major differences between the two activities that may not have been appreciated by Mrs Westbrooke. First, a condition prohibits any sound amplification. Second, the activities and nature of worship are fundamentally different in nature. We are satisfied that there will be no adverse effects caused by the activities undertaken within the proposed building.

**b) To what extent will the proposal cause adverse effects as a result of traffic generation?**

We are satisfied from Mr Ley's comments that Wensley Road has a high capacity to absorb the traffic associated with occasional larger events. We also understand that the use of on-street parking is not in itself an adverse effect and that large events will be rare.

Overall, we have no concerns that the level of traffic generated will be unreasonable, nor will it cause adverse effects on the environment.

**c) To what extent will the form of the building and the design of the car-park cause adverse effects?**

Mrs Westbrooke commented on the unattractive and uninteresting design of the building, and we find that we agree. The building does have a rather plain and utilitarian appearance when seen amongst a future residential neighbourhood. This is not necessarily a problem, but we do find that a suitable level and quality of landscaping is necessary to offset it.

With the landscaping proposed we accept that the visibility into the site will be low and this will minimise the adverse effects of the building. However, there will be one location - the vehicle crossing and gate entranceway - where there will be clear visibility into the site. It is here that we have some concerns about the appearance and amenity of the flat and expansive asphalt car-park. As it is proposed it is an entirely unbroken expanse of asphalt. We consider that some interruption of this is desirable. Trees planted within the car-park area will be achieve this end and also break up the appearance of the building when viewed from the Wensley Road footpath.

**d) How can stormwater be dealt with to reduce the quantity and speed with which it enters the Council reticulation network?**

Firstly it is worth confirming the vires of our consideration of this matter. It is clear from Mr Andrew's Appendix One that "the degree to which the development has used Low Impact Design solutions in the management of stormwater" and other stormwater considerations are certainly within the matters of discretion that we can have regard to in making our decision and setting conditions. It is also worth stating that entry of stormwater into the reticulation system is not the end of the story. Stormwater quality, quantity and time of concentration has the potential for effects on the natural environment when it is discharged, usually in an untreated state, into a stream, river or the sea. Therefore it is appropriate and right that we consider it here.

Given the scale of the development we do not see the need for full investigation and implementation of Low Impact Design solutions. We do however consider it appropriate that some easy steps are taken to address stormwater runoff velocities and quantity discharged from the site.

## **8. RELEVANT STATUTORY PROVISIONS**

### **8.1 Policy Statements and Plan Provisions**

In considering this application, we have had regard to the matters outlined in Section 104 of the Act. In particular, we have had regard to the relevant provisions of the following planning documents:

- a) Tasman Regional Policy Statement (TRPS); and
- b) the Tasman Resource Management Plan (TRMP).

With respect to the TRMP we have had particular regard to the objectives, policies and other provisions of the relevant chapters:

Chapter 5 - Site Amenity Effects;  
Chapter 6 - Urban Environment Effects; and  
Chapter 8 - Margins of Rivers, Lakes, Wetlands and the Coast.

### **8.2 Part 2 Matters**

In considering this application, we have taken into account the relevant principles outlined in Sections 6, 7 and 8 of the Act, as well as the overall purpose of the Act as presented in Section 5.

## **9. DECISION**

Pursuant to Section 104C of the Act, we **GRANT** consent, subject to conditions.

## **10. REASONS FOR THE DECISION**

### **Effects on the Environment**

We are satisfied that the effects on the environment, including on Mrs Westbrooke, relating to noise, traffic, visual amenity and stormwater will be less than minor. From the evidence that we have heard we are confident that the members of the applicant will be good considerate neighbours.

However, it is important to note that a number of the conditions that have been imposed are important in mitigating the adverse effects that we have identified and discussed in Section 7 above. Some of these conditions are further discussed in Section 11 below.

## **Objectives and Policies of the TRMP**

In relation to the proposed hours of operation and noise matters at this particular site we agree with Mr Andrew's assessment that the TRMP objectives and policies in Chapter 5 - Site Amenity Effects (particularly objective 5.1.2 and policy 5.1.3.9) and Chapter 6 - Urban Environment Effects (particularly Richmond policy 6.8.3.27) are not compromised.

In addition we consider Objective 5.2.2 and Policies 5.2.3.1, 5.2.3.4 and 5.2.3.8 to also be particularly relevant, and not compromised by this development.

We also agree with Mr Andrew that Chapter 11 - Land Transport Effects objective 11.1.2 and associated policies 11.1.3.1(a), (b) & (c); 11.1.3.2(a) & (b); 11.1.3.4 and 11.1.3.7 are not compromised by the application.

## **Purpose and Principles of the Act**

There are no matters of national importance as specified in Section 6 of the Act that are relevant to this application.

We have had particular regard to the relevant other matters listed below:

- Section 7(c) the maintenance and enhancement of amenity values; and
- Section 7(f) maintenance and enhancement of the quality of the environment.

Adopting a broad overall judgement approach to the purpose of the Act, we are satisfied that the proposal is consistent with Part 2 and achieves sustainable management of natural and physical resources as set out in Section 5 of the Act.

## **11. COMMENTARY ON CONDITIONS OF CONSENT**

In Mr Thomas's evidence he sought that the recommended condition relating to landscaping be treated as fulfilled by the Amended Landscaping Plan that he tabled during the hearing. During the course of the hearing a number of matters relating to landscaping were raised and a number of amendments are now required relating to stormwater, fences, and trees within the car-park. Therefore we have imposed a modified version of the condition recommended by Mr Andrew.

We have required the landscaping block at the northern corner of the property to be retained even though a solid fence is now required across a portion of the Wensley Road frontage. Mr Thomas asked that this landscaping be returned for use as parking. We do not see that the location will have any value as parking and we see more value in the screening of the building and the contribution to the vegetated amenity of Wensley Road.

We have not included a condition requiring financial contributions to be made as we consider that no further demand is created by the transfer of activities out of the existing Brethren church. Furthermore, financial contributions were imposed on the developer as a result of the formation of the lots that this proposal is utilising. Although not relevant to consideration of the resource consent, we see no reason

from what we have heard why Development Contributions should not be payable by the applicant. However, final payment or otherwise of Development Contributions will be determined at another time.

## 12. LAPSING OF CONSENT(S)

Pursuant to Section 125(1) of the Act, resource consents, by default, lapse in five years unless they are given effect to it before then, or unless an extension has been granted by the Council.

Issued this 1<sup>st</sup> day of June 2011

A handwritten signature in black ink, appearing to read 'Stuart Bryant', is written over a light grey rectangular background.

Stuart Bryant  
**Chair of Hearings Committee**

CONFIRMED MINUTES



## RESOURCE CONSENT

**RESOURCE CONSENT NUMBER:** RM100887

Pursuant to Section 104C of the Resource Management Act 1991 (“the Act”), the Tasman District Council (“the Council”) hereby grants resource consent to:

**Richmond South Halls Trust**  
(hereinafter referred to as “the Consent Holder”)

### ACTIVITY AUTHORISED BY THIS CONSENT:

To construct and operate a church with the following breaches to permitted rules:

- More than 30 vehicle movements per day (Rule 17.1.2.1(b)(viii));
- Operation from 6.00 am on Sunday mornings (Rule 17.1.2.1(c));
- Walls approximately 20 metres long without a 2.5 metre offset (Rule 17.1.3.1(c));
- Breaches to daylight admission angles (Rule 17.1.3.1(n) and (o));
- Reduced setback to a road boundary (Rule 17.1.3.1(r)); and
- Any other breach that was applied for but not specified above.

### LOCATION DETAILS:

Address of property: 125 Wensley Road  
Legal description: Lot 10 DP 415527 and proposed Lot 11 of RM070804  
Certificate of title: 459995 and proposed Lot 11 of RM070804  
Valuation number: 1960000102  
Easting and Northing: 2524670E 5983991N

Pursuant to Section 108 of the Act, this consent is issued subject to the following conditions:

### CONDITIONS

#### General

1. The establishment and operation of the church hall shall, unless otherwise provided for in the conditions of the consent, be undertaken in accordance with the documentation submitted with the application and with the plans prepared by Generation Design and attached to this consent as Plans 2,3,4,5 and 6. Notwithstanding the above, if there is any apparent conflict between the

information submitted with the application and any conditions of this consent, the conditions shall prevail.

**Advice Note:**

Plans attached to this consent are reduced copies and therefore will not be to scale and may be difficult to read. Originals of the plans referred to are available for viewing at the Richmond Office of the Council.

2. The maximum number of people on the site at any one time shall not exceed the following:
  - 50 people on Sundays between 5.50 am and 7.10 am; and
  - 174 people on any day between 7.00 am and 11.00 pm.

**Noise Minimisation**

3. The Consent Holder shall construct and maintain a solid panel fence that is not less than 1.8 metres in height on the property's north-eastern and south-western boundaries;
4. The consent holder shall construct and maintain a solid panel fence that is not less than 1.8 metres in height from the north corner of the property along the north west boundary of the site to the junction of car-parks 7 and 8 as shown on the Site Plan (Plan 2) dated June 2010 (attached).

**Advice Note:**

For the avoidance of doubt, the fences on the north western and north eastern boundaries may continue to the northern corner of the property. There is no requirement for the fences to be stepped in as shown on the Amended Landscape Plan dated 16 May 2011 (attached). A condition relating to the landscaping in that northern area is below.

5. The heat pumps shall be located generally as shown on Plan 2 attached (shown as A/C units).
6. No sound amplification devices may be used on the site for any activity.

**General Advice Notes on Noise:**

For the avoidance of doubt the relevant Permitted Activity rule criteria for noise applicable to the Residential zone is detailed below:

*Noise generated by the activity, measured at or within the boundary of any site within the zone, other than the site form which the noise is generated, or at or within the notional boundary of a dwelling within any other zone, does not exceed:*

	Day	Night
L <sub>10</sub>	55 dBA	40 dBA
L <sub>max</sub>		70 dBA

Note	Day =	7.00 am to 9.00 pm Monday to Friday inclusive and 7.00 am to 6.00 pm Saturday (but excluding public holidays).
	Night =	All other times plus public holidays

*Where compliance monitoring is undertaken in respect of this condition, noise shall be measured and assessed in accordance with the provisions of NZS 6801:2008, Measurement of Sound and NZS 6802:2008, Assessment of Environmental Sound.*

Notwithstanding the mitigation works detailed in Conditions 3 and 4 of this consent, the Consent Holder should ensure that noise from the activity is effectively managed by encouraging church hall attendees to avoid making unnecessary noise when entering and leaving the church hall, particularly for early Sunday morning services. Unnecessary noise would include slamming car doors, revving car engines, using vehicles with noisy exhausts and people shouting or unnecessarily using car horns.

### **Access and Parking**

7. There shall be no fencing or landscaping shrubs over 1 metre in height within 2 metres either side of the site access, where the access joins Wensley Road.
8. The site access shall have a gate, chain or barrier that is kept closed to prevent vehicles entering the property except either when the church hall is being used or for access for property maintenance purposes.
9. A minimum of 29 car-parking spaces shall be provided in general accordance with Plan 2 attached to this consent. Each car-park and all access and manoeuvring areas shall be formed to a permanent, all weather asphaltic concrete (hot mix) or concrete surface and clearly marked on the ground prior to the church hall activities commencing.

### **Signage**

10. Any signage shall meet the permitted activity requirements for the Residential Zone, or else a resource consent shall be obtained;

### **Landscaping and Screening**

11. A final landscaping plan shall be provided to the Council's Coordinator Compliance Monitoring, who will certify the plan if it achieves the following criteria and outcomes:
  - The plan is consistent and in general accordance with the Amended Landscape Plan dated 16 May 2011 (attached);
  - The landscaping will screen the activity and soften the appearance of the car-parking area and building;



- Compliance with Condition 7 of this consent is explicitly provided for;
  - At least one tree is provided within the car-park area at the junction of car-parks 12, 13, 18 and 19, or at another nearby location as advised by a qualified landscape specialist or experienced horticulturist. The tree(s) shall meet the specifications of Rule 16.2.2.4(b)(ii) of the TRMP.
  - The retention of the landscaped area at the northern corner of the property as shown on the Amended Landscape Plan;
  - Renga renga lilies may be used in preference to miniature agapanthus if they are found to be more appropriate or preferable;
  - Compliance with Condition 14 of this consent is explicitly provided for and the gardens and landscaped areas are designed to accommodate the stormwater and to provide some attenuation and soakage prior to discharge to the Council's stormwater reticulation system;
  - The final alignment and type of boundary fences are shown; and
  - An establishment and maintenance schedule including timing details of plantings to be undertaken is included.
12. Written confirmation from a qualified landscape specialist or experienced horticulturist that the landscape plan in Condition 11 has been implemented shall be forwarded to the Council's Coordinator Compliance Monitoring no later than six months after the certificate of code compliance is issued for the church.
13. The landscaping implemented under Conditions 11 and 12 shall thereafter be maintained for the life of this consent including the replacement of any dead plants in the next planting season.

### **Stormwater**

14. The car-park and kerbing shall be formed so that stormwater flows to the northwest and southwest edges. The car-park edge shall be formed so that the stormwater has free flow into the landscaped margins of the property prior to entering the Council's reticulation network. It is recommended that broken kerbing such as the example shown in Figure 1 (attached) is used along these boundaries to achieve compliance with this condition.

### **Review**

15. Pursuant to Section 128 of the Act, the Council may, during the 12 months following the grant of this consent and thereafter during the month of May each year, serve notice of its intention to review any or all of the conditions of this consent for any of the purposes set out in that section of the Act, or else for any of the following purposes:
- a) to assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly; or

- b) to require the Consent Holder to adopt the best practicable option to remove or reduce any adverse effect on the environment; or
- c) to deal with any inadequacies or inconsistencies that the Council considers there to be in the conditions of consent; or
- d) to change the conditions so that they are consistent with any relevant regional plan, district plan, National Environmental Standard, National Policy Statement or Act of Parliament; or
- e) to review the appropriateness of the noise mitigation conditions and measures specified in Conditions 3 to 6.

## ADVICE NOTES

1. The Consent Holder shall meet the requirements of the Council with regard to all Building and Health Bylaws, Regulations and Acts.
2. Any activity not referred to in this resource consent must comply with either: 1) a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP); 2) the Resource Management Act 1991; or 3) the conditions of a separate resource consent which authorises that activity.
3. This consent is granted to the abovementioned Consent Holder but Section 134 of the Act states that such land use consents “attach to the land” and accordingly may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to “Consent Holder” in the conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent, as there may be conditions that are required to be complied with on an ongoing basis.
4. The Consent Holder is liable to pay a development contribution in accordance with the Development Contributions Policy found in the Long Term Council Community Plan (LTCCP). The amount to be paid will be in accordance with the requirements that are current at the time the relevant development contribution is paid.

The Council will not issue a Code Compliance Certificate or certificate of acceptance until all development contributions have been paid in accordance with the Council’s Development Contributions Policy under the Local Government Act 2002.

5. Monitoring of the consent is required under Section 35 of the Resource Management Act 1991 and a deposit fee is payable at this time. Should monitoring costs exceed this initial fee, the Council will recover this additional amount from the resource Consent Holder. Costs are able to be minimised by consistently complying with conditions and thereby reducing the frequency of the Council monitoring staff visits.

6. The Consent Holder should note that this resource consent does not override any registered interest on the property title.
7. Unless otherwise specifically defined, the meanings of words in this consent are as provided in Chapter 2 of the Proposed Tasman Resource Management Plan or Sections 2 and 3 of the Resource Management Act as at the date of this consent.

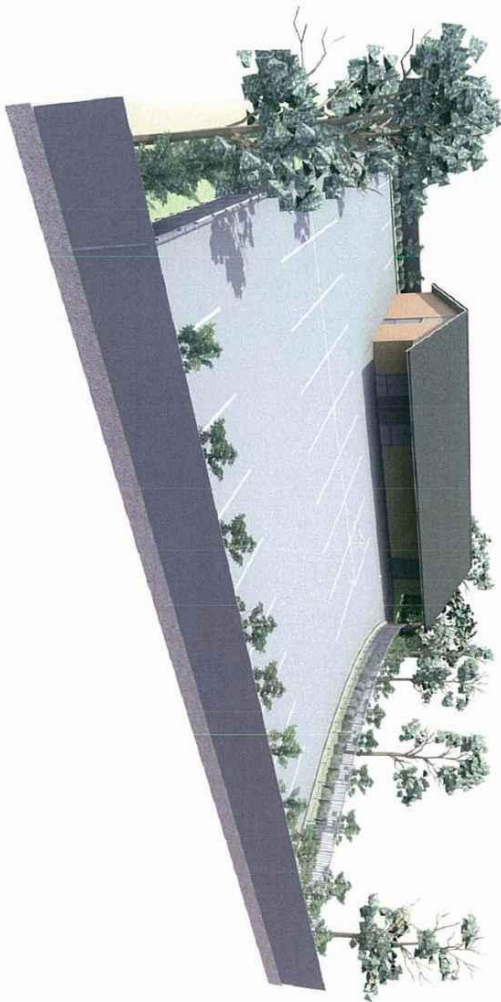
Issued this 1<sup>st</sup> day of June 2011



Stuart Bryant  
**Chair of Hearings Committee**

CONFIRMED MINUTES

# PROPOSED NEW CHURCH HALL CONCEPT for RESOURCE CONSENT



**SCHEDULE OF PLANS**

1	Title Page
2	Site Plan
3	Landscape plan
4	Floor Plan
5	Elevations 1
6	Elevations 2
7	3D Views

**GENERATION**  
CONSULTING ENGINEERS AND ARCHITECTS DESIGN  
NO. 802, 7352, NELSON ROAD, 071 218 5485. malim@malim.com

**JOB TITLE**  
NEW CHURCH HALL  
RICHMOND SOUTH GOSPEL HALL TRUST  
WENSLEY ROAD, RICHMOND, NELSON

**REVISION**

**DRAWING INFO**  
DRAWING TITLE: RESOURCE CONSENT  
DRAWING STATUS: RESOURCE CONSENT  
JOB NO.: C1220

**SCALE:**  
DATE: JUNE 2010  
DRAWN: MRH



Plan 2 – RM100887

**GENERATION**  
 CONSTRUCTION SOLUTIONS AND GRAPHIC DESIGN  
 | PO BOX 7327 NELSON 7042 | 03 238 5855 | matthew@gencon.nz

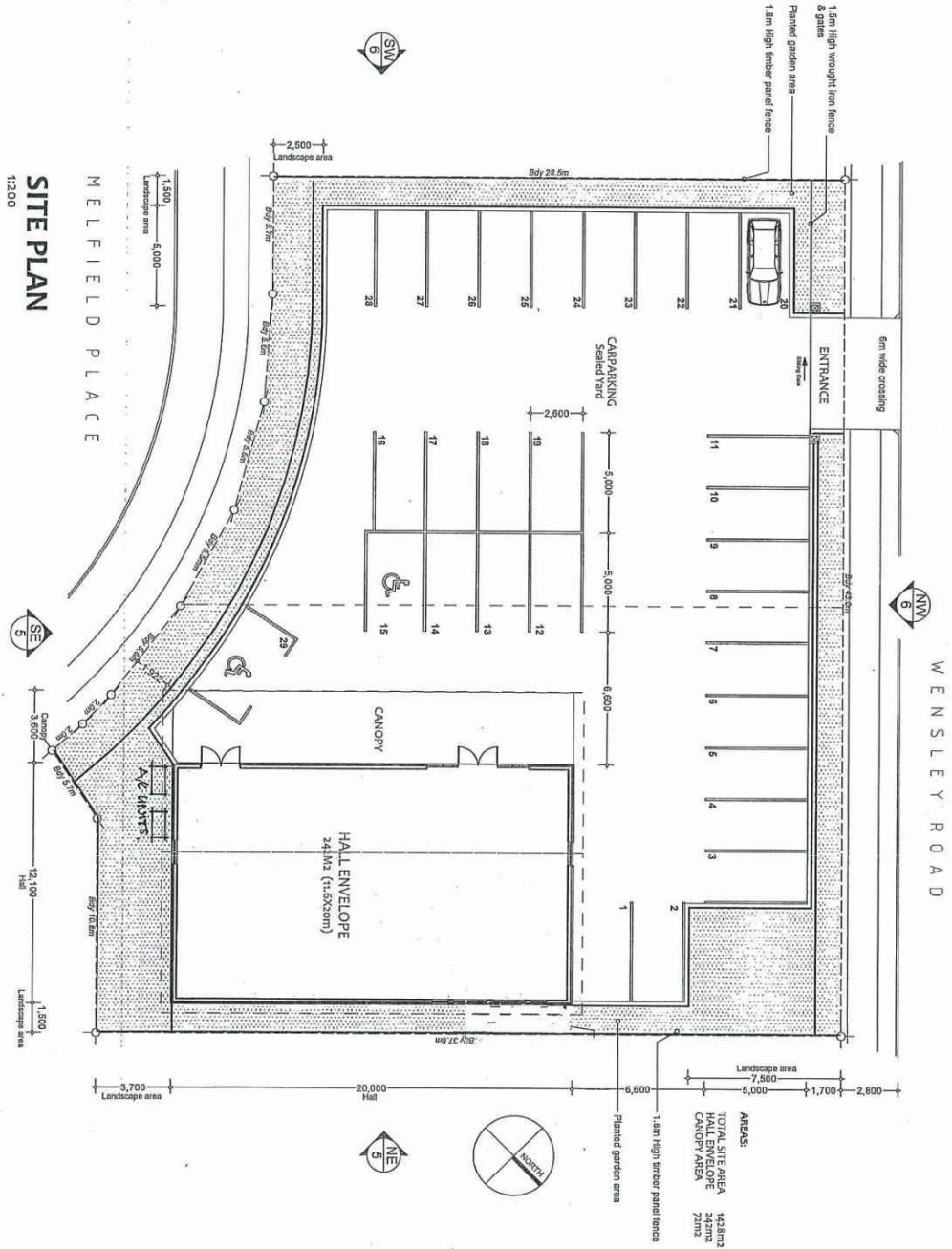
**JOB TITLE**  
 NEW CHURCH HALL  
 RICHMOND SOUTH GOSPEL HALL TRUST  
 WENSLEY ROAD, RICHMOND, NELSON

**REVISION**

**DRAWING INFO**  
 DRAWING TITLE: SITE PLAN  
 DRAWING STATUS: RESOURCE CONSENT  
 JOB NO: G1220

**SCALE:** 1:200  
**DATE:** JUNE 2010  
**DRAWN:** MPH

Original Size	A3
Sheet No	2
Total of	7



# Plan 3 – RM100887



NEW CHURCH HALL  
RICHMOND SOUTH GOSPEL HALL TRUST  
WENSLEY ROAD, RICHMOND, NELSON

REVISION

DRAWING TITLE  
DRAWING STATUS  
DRAWING INFO  
JOB NO: C1720

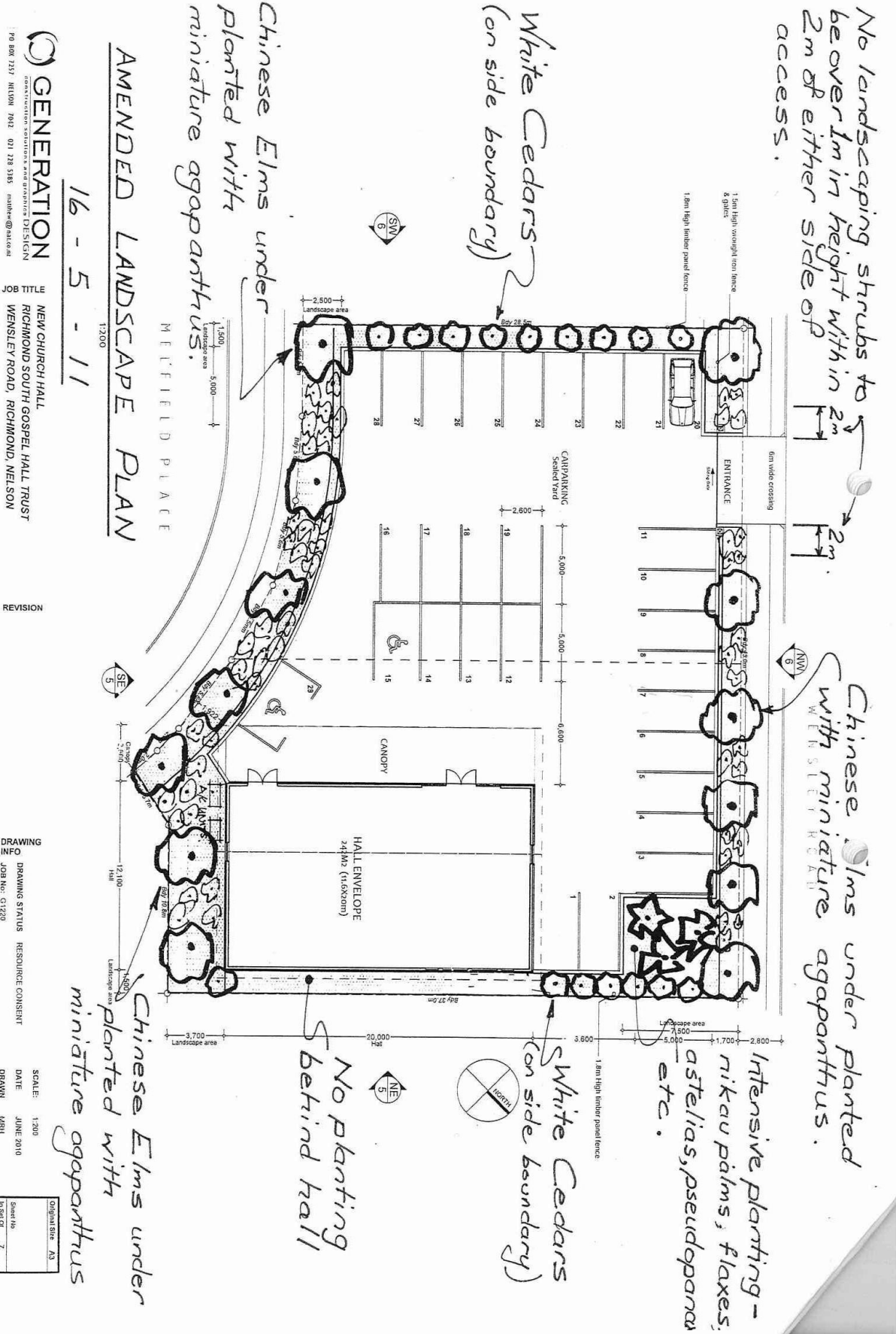
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DATE: JUNE 2010  
DRAWN: MRH



## FLOOR PLAN 1:100



Amended Landscape Plan – RM100887





Plan 5 – RM100887

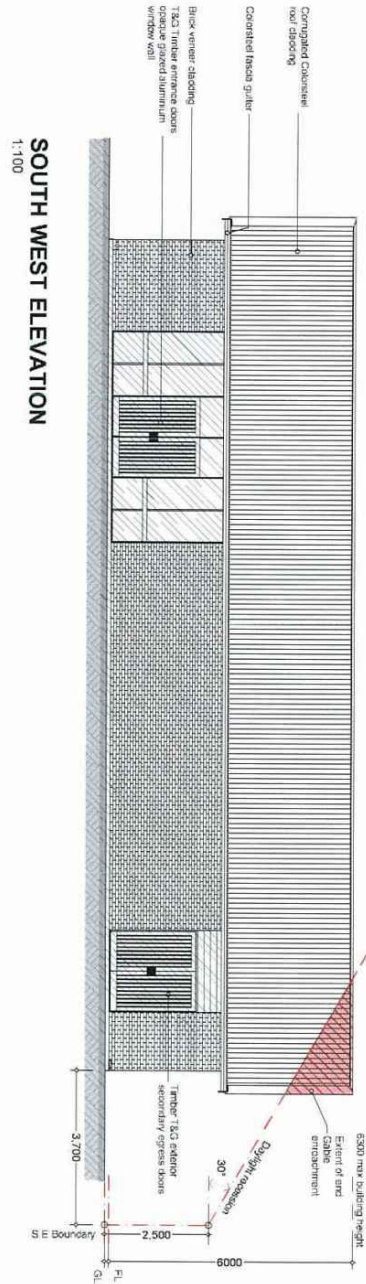


NEW CHURCH HALL  
 RICHMOND SOUTH GOSPEL HALL TRUST  
 WENSLEY ROAD, RICHMOND, NELSON

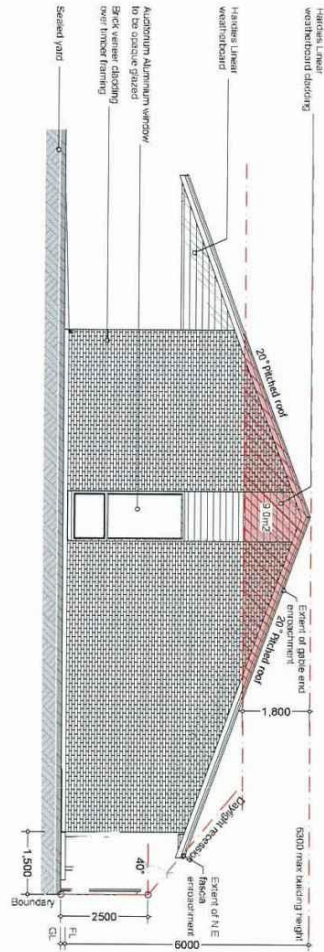
REVISION  
 Sheet Revised 16/07/10 To allow copyright endorsement

DRAWING INFO  
 DRAWING TITLE: ELEVATIONS  
 DRAWING STATUS: RESOURCE CONSENT  
 JOB No: C3720

SCALE: 1:100  
 DATE: JUNE 2010  
 DRAWN: IRH



SOUTH WEST ELEVATION  
 1:100



SOUTH EAST ELEVATION  
 1:100



Plan 6 – RM100887



**JOB TITLE**  
NEW CHURCH HALL  
RICHMOND SOUTH GOSPEL HALL TRUST  
WENSLEY ROAD, RICHMOND, NELSON

**REVISION**

**DRAWING INFO**  
DRAWING TITLE: ELEVATIONS 2  
DRAWING STATUS: RESOURCE CONSENT

**SCALE:** 1:100  
**DATE:** JUNE 2010  
**DRAWN:** MPH

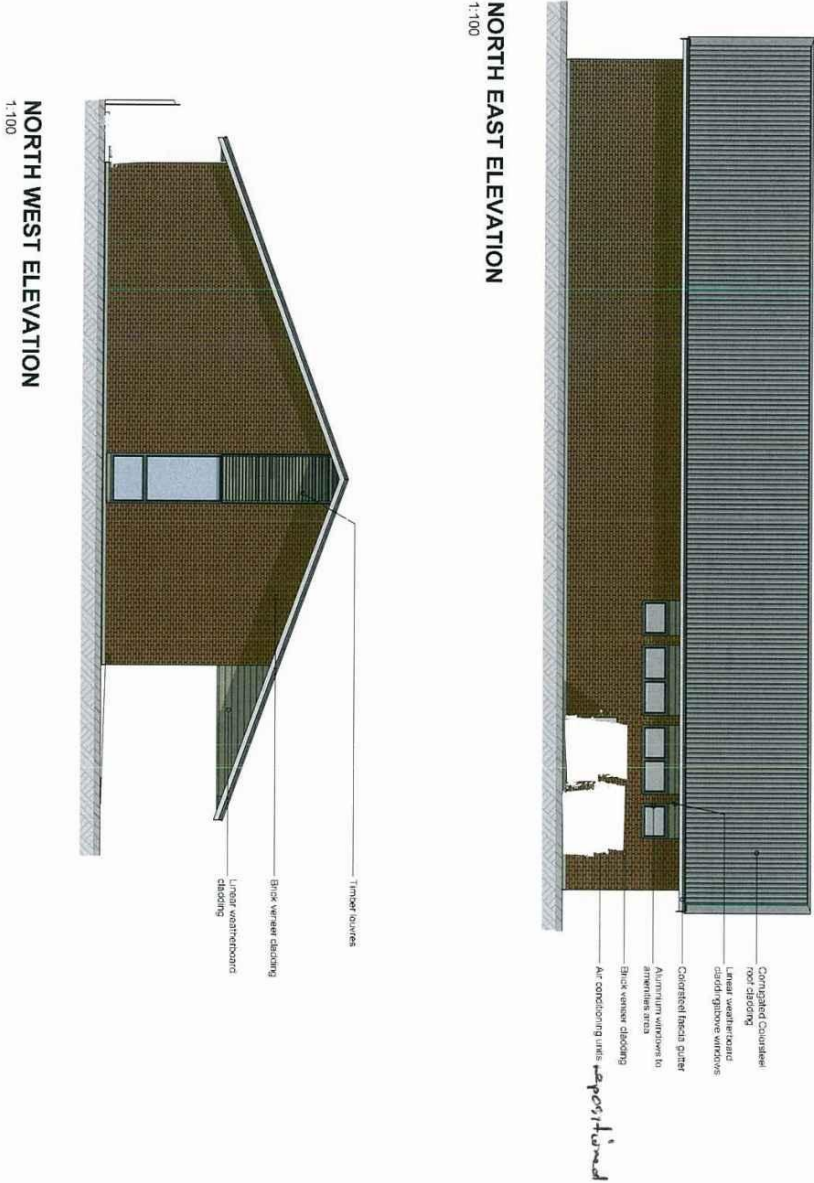


Figure 1 – RM100887



Date Confirmed:

Chair: