

STAFF REPORT

TO: Environment & Planning Subcommittee

FROM: Jack Andrew, Co-ordinator Land Use Consents

REFERENCE: RM100887

SUBJECT: **SUBJECT: RICHMOND SOUTH HALLS TRUST - REPORT REP11-05-01 - Report prepared for hearing of 16 May 2011**

1. SUMMARY OF PROPOSAL

The Richmond South Halls Trust propose to construct and operate a community activity being a church hall at 125 Wensley Road, Richmond. The objective is that 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 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 30 on-site car parks with access from Wensley Road which is a Distributor Road(please note that with a change in site access as a result of a submission the number of car parks has become 29 and not 30 as originally proposed);
- 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 1.8metre high wooden fence has been erected adjoining Mr S J Fields 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 present legal description of the property is complicated as it involves some land within an approved subdivision for which title has not yet issued. However it is quite clear from the application that the land is Lot 10 DP 415527(CT 459995) being 729 m² and an additional immediately adjoining area of 635 m² to the south to be taken from Lot 79 DP 418996(CT476591). This additional 635 m² 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 1364m². The site to which the application relates is outlined in red on Aerial Photograph One attached to this report.

The general area about the application site is in transition from intensive horticulture and small holding farms to a newly developing residential area.

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

Community Activity – means the use of land and buildings for the primary purpose of health, welfare, care, safety, education, culture or spiritual well-being, but excludes recreational activities. A community activity includes schools, preschools, day-care facilities, hospitals, doctors surgeries and other health professionals, **churches, halls**, libraries, community centres, police stations, fire station, ambulance station, courthouse and probation and detention centres.

2. STATUS OF APPLICATION

Zoning: Residential

Areas: 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 7.00am and 11.00pm 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. For a restricted discretionary activity Council's discretion is limited to the matters that it has listed in the TRMP. Council cannot go beyond those discretions. In this instance there are numerous relevant matters and I have listed them in Appendix One of this report. They are addressed in a general manner in the discussion of the main issues raised by the application in Part 6 of this report. In addition the frontage of the site was

designated D 218 for upgrading Wensley Road. This is addressed in Councils Development Engineers report. I expect that Councils Engineering Department will be initiating an alteration or withdrawal to the designation in due course but am assured that the application does not affect the Wensley Road upgrade.

3. NOTIFICATION AND SUBMISSIONS

3.1 Written Approvals

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 the decision-making panel 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.

As the application needed to be notified upon B J and JLF Westbrooke the applicant asked that notification also be served on S J Field as that specifically affected his property.

Mr S J Field did not subsequently lodge a submission.

3.2 Notification

The application was limited notified to:

- S J Field 123 Wensley Road, Richmond
- B J & JLF Westbrooke, 120 Wensley Road, Richmond

3.3 Submission

Submission in opposition

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

The properties of the parties who gave written approval (including Mr S J Field who was subsequently notified) and the subject site are shown on Aerial Photograph One. The Hall at 9 Wensley Road that the application will replace is shown on Aerial Photograph Two attached to this report.

3.4 Comments on Submissions

Mrs Westbrooke's submission addresses each of the breaches of the permitted activity and building standards and also raises concern about the building's appearance (design), at the site access being located directly opposite an indicative

road, and the cumulative effect of being close to the New Life Church. The applicant has agreed to reposition the site access so it is not directly opposite the indicative road and this has led to an amendment to the site plan and reduced the on site car parks to 29. In my opinion this alteration does not prejudice any third party or require further notification of the consent application.

Mrs Westbrooke's submission also raises the question of Financial and Development Contributions. These are normally standard contributions that apply to new building developments in the Tasman District. As the development is replacing an existing local community activity and is expected to operate at the same or similar scale as the present meeting Hall at 9 Wensley Road I have not included a financial contributions condition. If the committee do not agree with that then the standard condition would be as follows:

Financial Contribution

XX. *The Consent Holder shall, no later than the time of uplifting the Building Consent for the building work, pay a financial contribution to the Council. The amount of the financial contribution shall be assessed as a percentage of the value of the Building Consent component in accordance with the following table:*

Financial Contribution – Building	
Component	Contribution
<i>Building Consent (\$0 to \$50,000 value)</i>	<i>0%</i>
<i>Building Consent (\$50,001 to \$200,000 value)</i>	<i>0.51%</i>
<i>Building Consent (above \$200,001 value)</i>	<i>0.25%</i>
Notes:	
<ol style="list-style-type: none"> 1. <i>The financial contribution is GST inclusive.</i> 2. <i>The building consent value is GST exclusive.</i> 3. <i>The financial contribution is for reserves and community services where a development contribution has been required for infrastructure services under Councils Development Contributions Policy in its Long Term Council Community Plan prepared under the Local Government Act. Where this has not been required, the financial contribution is double the percentage contribution shown in the figure and is divided evenly between the infrastructure services and reserves and community services. due on a building should be identified separately from other contributions set for any resource consent for an activity that includes buildings.</i> 4. <i>The contribution due on a building should be identified separately from other contributions set for any resource consent for an activity that includes buildings..</i> 	

Note that if the building work is done in stages this requirement to pay a financial contribution shall apply at each stage.

4. STATUTORY CONSIDERATIONS

Section 104

A decision on this application must be made under Section 104 of the Act. The matters for the Council to address are:

- Part 2 (Sections 5, 6, 7 and 8)
- Effects on the environment (positive and negative)
- Objectives and Policies of the TRMP

5. SECTIONS 6, 7 AND 8

The following matters are relevant to this application:

Section 6 Matters of national importance

There are no matters of national importance raised by the application.

Section 7 Other matters to which particular regard shall be had include:

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

Section 8 Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

In my opinion none of the treaty principles are compromised by the application.

6. KEY ISSUES

The key issues are:

- The impact of the operation of a Community Activity at this site on the residential amenity of the neighbourhood with particular regard to the hours, noise and traffic generated by the operation of the activity;
- Building Design;
- Cumulative Effects.

6.1 Impact of a Community Activity on the amenity of this developing residential neighbourhood and established properties.

Amenity values, as defined in Section 2 of the Resource Management Act 1991, mean:

“Those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.”

Churches and religion are an important part of New Zealand's culture. Traditionally smaller churches have been located where they are easily accessible for local congregations. Many churches have been scattered throughout residential and rural areas while larger churches have been sited in commercial areas and in more recent years very large churches have even been located in Industrial and Rural zones located with easy access at the periphery of urban centres.

Smaller churches are community activities that are often located in residential areas in light of their intended use mainly by local residents. The proposed church is a non commercial activity and its main use is for meetings of local families members of the church. While it will most often be used for small gatherings of less than 50 people larger meetings occur on Friday evenings when gatherings are held on a rotational basis with members of the other Nelson and Richmond Halls of the Exclusive Brethren Church. These rotational meetings are for all members of the congregation. I understand that for the larger rotational meetings it is usual for larger vehicles holding five or six people to be used. The larger rotational meetings usually occur from 7.30 pm until 9.00 pm on Friday evenings

The hours of operation of the Brethren church are mainly within the 7.00 am to 11.00 pm permitted range for non residential activities in the Residential Zone. The one exception is Sunday morning when a 6.00am service for up to 50 people is proposed. This is just over an hour earlier than permitted. There will be no more than 50 people at this early service and the Brethren practice is that people arriving for the early Sunday morning service enter the church upon arrival and do not gather about talking outside.

At the Brethren church halls there is no amplified music at any hall at any time and they only have unaccompanied singing.

The noise from vehicles and people arriving in the early morning and evening services when the surrounding environment is likely to be very quiet could be intrusive although unlikely to breach the zones noise standards. Comment was made by a close neighbour of another Brethren church hall at 190 Hill Street that they are disturbed (woken) during the early Sunday morning service by the closing of car doors and the "clacking" of shoes on the sealed pavement. In that instance the dwellings bedrooms were alongside the churches access and car park. That is not the situation at the proposed Wensley Road property where the church building and a close boarded 1.8 metre high fence will shield the Field dwelling at 123 Wensley Road from noise generated in the proposed car parking area. I do not believe that the inside operation of the church hall will create adverse noise effects.

In addition having a gate or chain across the access when the church hall is not in use should help prevent any unauthorised use of the property's car park.

In relation to the proposed hours of operation and noise matters at this particular site I do consider that the TRMP objectives and policies in chapters 5 Site Amenity Effects (particularly objective 5.1.2 and policy 5.1.3.9) and 6 Urban Environment Effects (particularly Richmond policy 6.8.3.27) are not compromised.

Traffic effects, including the large car park, were identified by the submitter as an area of concern relating to this application.

The site will be largely developed for car parking and this is not typical of residential or rural properties. To help mitigate these visual effects as viewed from the surrounding properties and from Wensley Road, the applicants propose landscape planting along three of the four property boundaries except for the property access. Inside the landscape planting a security fence is proposed. At the Brethren churches landscaping has been designed to be attractive for neighbours and the streetscape while at the same time maintaining the safety of pedestrians and vehicles manoeuvring in and out of their properties. Generally the landscaping is not designed as a solid visual screen as being able to see into the property from the street helps reduce the likelihood of deviant behaviour from a minority of people in the wider community.

Traffic safety concerns were also identified including the location of the car parking access opposite an indicative road. These concerns have been discussed with Council's Development Engineer, Mr Ley, who has reviewed the application and considered the submitters concerns. Mr Ley agreed with the submitters concerns about the original access opposite the indicative road. The applicant has taken that on board and submitted a revised access and car parking plan that from a traffic engineering perspective, Mr Ley considers has an access that is safe and appropriate and that the number of proposed car parks is adequate.

I am satisfied with that assessment. I note that the application is essentially a replacement meeting hall for that which operates at 9 Wensley Road where there are two nearby intersections. The Wensley Road- Dorset Street intersection is approximately 20 metres from the existing 9 Wensley Road Halls access while the Oxford Street- Wensley Road intersection is approximately 80 metres. The revised access for the new Hall is approximately 15 metres from the Wensley Road- proposed indicative road intersection and 100 metres from the existing Wensley – Hart – Paton - Bateup Road intersection. I consider TRMP 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. Relocating the access as proposed will help meet the intention of policy 11.1.3.8.

The church is presently located at 9 Wensley Road in Richmond. This is a 1028 m² property in a residential neighbourhood. The church does not visually dominate the area and in its 43 years of operation since 1968 has not generated any complaints to Council.

On Sunday 1 May 2011 from Wensley Road I observed the early morning service at the Wensley Road meeting Hall. Twelve cars were present and it took them less than five minutes to clear the property. During the service I heard no noise and for much of the time I stood directly across the Street from the meeting hall. After the site was cleared and the gate shut I went to the new meeting Hall at 61 Hill Street. There were 9 cars there and it took them less than three minutes to clear the property and chain the entrance.

This church is located close to the residence of Mrs Elaine Henry, a long serving Richmond Borough and Tasman District Council Councillor whom I contacted on 29/04/2011. On 2 May Mrs Henry emailed her observations as follows:

"You were enquiring about the Brethren Church in Wensley Road, Richmond which I understand is relocating further up Wensley Road."

Our property is but one lot away from the church and with us being uphill from the church, we overlook the building. Athol and I have lived here for 37 years and we have found the Brethren people to be considerate neighbours.

We never hear anything more than normal back ground noise from their activities even though they have gatherings there three-four times a week. One of their meetings is at 6.00am on Sundays and even then when all is relatively quiet in the street we never hear the slamming of car doors or the buzz of conversation before or after their meeting. I am unaware of any late evening meetings. If they do have music we never hear it.

They keep their property clean and tidy and well maintained. In our immediate neighbourhood they are regarded as very good neighbours and Athol and I will be sorry to lose them as neighbours”.

In Richmond there are several relatively small Brethren church halls in Residential zones. They are located at: 9 Wensley Road (established in 1968); 35 Edward Street (established in 1969); 190E Hill Street (established in 1987); 26 Giblin Street (established in 1989); 61 Hill Street (established in 2008 as a replacement for 58 William Street established in 1978).

From researching the property files it appears that Council has only had complaints about the operation of the Giblin Street church hall (Richmond South Hall Trust). The Giblin street church hall was established following planning consent T2/0/89-17 which was granted in September 1989 for 80 people and 17 on site car parks. In 1993 a complaint was lodged that the hall was being used outside the specified times. The complaint was checked, found to be justified and the Church Hall trustees approached. The Trustees acknowledged their non compliance and resolved it. In 1995 concern was raised that on-site car parking was not being fully used while some private property access were impeded by parked vehicles. No non compliance was found. The complainant was advised of the result of staff monitoring. In 2003 following concern by residents about traffic hazards the church hall trust was reminded of the requirements of their planning consent. The church considers that some complaints were unfairly attributed to their car parking when the nuisance was caused by parking from sporting events at Ben Cooper Park.

Apart from the Giblin Street church hall site which is located on a curve in the road where traffic concerns are likely to be exacerbated, the relatively small Brethren church halls within the residential areas of Richmond have not generated complaints from nearby neighbours.

Overall, small scale churches are part of the traditional amenity of residential areas and while they can generate adverse effects, the Brethren Church have mitigated them by not having any amplified music and only having unaccompanied singing, fencing, landscaping, maintaining car parking areas in good condition and limiting the numbers of people attending the early morning church and generally behaving considerately towards their neighbours. With continued responsible management small scale Brethren churches should not detract from the amenities of any residential neighbourhood in Richmond.

With conditions for noise attenuation fencing (extending the existing close boarded fence part way along Wensley road between the car park and roadside landscaping as recommended by Mr Caradus) and with the site's access and car parking area being finished in asphaltic concrete(hot mix) or concrete, and access control when the property is unoccupied, potential noise nuisance should be mitigated. Overall the proposed church operating within the proposed hours and at the meeting sizes outlined in the application it is unlikely to be out of kilter with the amenities expected in a Residential zone in Richmond. This conclusion is also supported by the past operation of the church hall at 9 Wensley Road which has not detracted from the residential amenities of the neighbourhood.

6.2 Building Design

The site is zoned Residential and as such building development is anticipated on it. The site is vacant but until recently contained a 364 m² building. The original rectangular building approximately 23.5 metres by 11.5 metres with a 4 metre lean to attached along its southern side was a fruit packing shed built for Mr K B Malcolm in 1950. While the building has been demolished it is shown on Aerial Photograph One attached. Aerial Photograph One also shows an adjacent farm building with canopy that is still standing. While the proposed building which is to replace these existing buildings will look and function differently from the former orchard buildings elements of the design of those past buildings have been incorporated into the new building (such as its shape and inclusion of a south facing canopy).

The proposed hall is a 317 m² building (242 m² hall with a 75 m² canopy). The rectangular building is approximately 20 metres by 12.1 metres with a 21 metre by 3.6 metre canopy. The hall is 6.0 metre high. While the building has taken some design elements from the former orchard packing shed it appears to have a utilitarian appearance that is hardened by being set alongside a large unbroken car parking area. The applicants propose softening the overall appearance of the property by landscaping along both roadside frontages of the property and also along the southern boundary. The main materials to be used on the buildings exterior are coloursteel roof, brick veneer and linear weatherboard cladding walls. These materials are commonly used in residential neighbourhoods.

The main street views of the building from Wensley Road will be as shown in the north-western and south-western elevations (see Plans 5 and 6 attached). The main view from the yet to be built Melfield Place will be as shown in the south-western elevation (see Plan 5 attached).

The south-western elevation wall is 20 metres long and this has a brick veneer cladding broken up by windows, panelling on the two sets of doors and some shadowing from the overhanging canopy. The visual effect of these factors will be to break up the long length of the wall. The canopy is wider than most verandahs in residential design but it retains a link to the past building and is functional in providing shelter from bad weather that does tend to blow in from the south.

The North West elevation facing Wensley Road is 12.1 metres long with the 3.6 metre canopy extension. The north-west wall has a brick veneer cladding that is broken up by a mid wall window with timber louvers extending above the window to the roof (see plan 6 attached).

The north-east elevation is of the wall adjoining Mr Fields property (see plan 6 attached). Viewed by itself this wall does clash with the normal wall length for a dwelling. The portion of the wall that is visible from Mr Field's property is that which is higher than the fence. This portion of the wall contains several windows located toward the Wensley Road end of the wall. These windows, the fence, rising ground level and three existing trees on Mr Field's property lessen the visual impact of an otherwise long unbroken wall that in a different setting could detract from the visual amenity of a residential area. However at this particular site and as viewed from Wensley Road the unbroken wall will in my opinion have very little adverse visual impact on the developing residential neighbourhood.

The building breaches two daylight angles and these are both shown on the south-east elevation plans(see plan 5 attached). The main breach affects the Fairrose Holdings Limited property and they have given their written approval to the application. The effects from that breach cannot be taken into account (RMA Section104(3)(a)(ii)).

The other daylight angle breach is just through the roof adjoining Mr Field's property. The breach is to the south of Mr Field's property but is so small that I consider it to be de minimus.

While the building design and its associated car park is not typical of a residential neighbourhood or property the building is well setback from Wensley Road with perimeter landscaping and two types of fencing and the building design has incorporated some design elements from the past orchard buildings that were located here. The Brethren Halls properties are well maintained and landscaping such as at the Giblin Street property has been very well finished. I believe that this will also be the case here. In relation to the building design at this particular site with site fencing and landscaping to a high standard then I consider that the TRMP objectives 5.1.2 and 5.4.2 and the associated policies 5.1.3.9(h), 5.4.3.2 and 6.8.3.27 (relating to community activities within Richmond's Residential Zone) will not be compromised by granting consent with conditions to the application.

6.3 Cumulative Effects

The cumulative effects have three aspects, the first being the sum of the individual effects and the second being the existence of the nearby New Life Church and the third being the precedent effect.

In relation to the accumulation of individual effects having particular regard to amenity effects including hours of operation, noise, and visual effects of the site development and design I am of the opinion that when they are taken as a whole that they will not adversely affect the amenity of the neighbourhood. This opinion is borne out by operation of the church hall at 9 Wensley Road which has been established for over 40 years and also at other more recently established neighbourhood meeting Halls. In Richmond all of these halls have been located within the Residential Zone and have not detracted from the residential amenities of the neighbourhood in which they are located.

The proposed meeting Hall is located approximately 290 metres south of the New Life Church on Wensley Road. However the operation of the two community activities is quite different in relation to both their scale of operation, noise and traffic

effects. The New Life Church does not have an early Sunday morning meeting and is not likely to at any future time. The peak traffic generated by the proposed meeting hall operation is likely to occur from the Friday rotational meeting. This peak is unlikely to coincide with peak traffic from activities at the New Life Church. At present the New Life Church has no special functions or meetings on Friday although that could change as youth camps, conferences and special events may be held on Fridays or at other times when the applicants proposed meeting hall is in operation. Even if meetings and events at the two churches did happen to coincide, the proposed meeting hall is a comparatively small scale operation and it would be most unlikely that traffic congestion or compounding of any other adverse cross boundary effects would actually occur or occur to the degree where it would detract from the neighbourhood amenities or affect the safe and efficient operation of Wensley Road.

In relation to precedent effect, while Richmond is a growing urban centre and more churches may be needed, each case must be assessed on its own merits. I do not believe that granting consent to a replacement meeting Hall for that which currently exists at 9 Wensley Road would lead to a rush of small scale church or community activity applications.

7. SECTION 5 AND RECOMMENDATION

As a planner weighing up all of the relevant considerations in terms of Section 5 of the Act, I consider that a grant of consent **would** promote the sustainable management of natural and physical resources and I **STRONGLY RECOMMEND** that the application be **GRANTED**, subject to conditions.

9. CONDITIONS, ADVICE NOTES, PLANS

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.

Copies of the Council Standards and Documents referred to in this consent 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;

- 174 people on any day between 7.00 am and 11.00 pm

Noise

3. The Consent Holder shall adopt the best practicable option to mitigate the effects of noise from the activity and this shall include undertaking the following mitigation work:

Fence

- a) The Consent Holder shall construct and maintain a close boarded fence that is not less than 1.8 metres in height and not more than 2.0 metres in height, on the properties north-eastern and south-western boundaries;
- b) The consent holder shall construct and maintain a close boarded fence that is not less than 1.8 metres in height and not more than 2 metres in height that extends half way along the properties Wensley Road frontage immediately behind the 1.7metre wide frontage landscape planting.

Heat Pumps

- c) The heat pumps shall be located generally as shown on Plan 2 attached (shown as A/C units).

Amplification Devices

- d) No 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
L10	55	40 dBA
	dBA	
Lmax		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 3a) and 3b) 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

4. 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.
5. 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 occupied or for access for property maintenance purposes.
6. 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

7. Any signage shall meet the permitted activity requirements for the Residential Zone;

Landscaping and Screening

8. Landscaping shall be undertaken in general accordance with Plan 4 attached. The plan shall provide for planting along the property boundaries as shown on Plan 4 attached to this consent with the purpose of screening the activity and softening the appearance of the car parking area and building. The Plan shall also provide for condition 4 of this consent. The plan shall also incorporate an establishment and maintenance schedule including timing details of plantings to be undertaken. A copy of the plan shall be provided to the Council's Coordinator Compliance Monitoring, who will certify that the plan achieves the screening and softening objectives described above. Please advise the consent number, RM100887.
9. Written confirmation from a qualified landscape specialist or experienced horticulturist that the landscape plan in Condition 8 has been implemented shall be forwarded to the Council's monitoring Officer no later than six months after the first meeting being held at the site.
10. The landscaping implemented under Conditions 8 and 9 above shall thereafter be maintained for the life of this consent including the replacement of any dead plants in the next planting season.

Review

11. That pursuant to Section 128(1)(a) and 128(1)(c) of the Resource Management Act 1991, the Consent Authority may review any conditions of the consent within twelve months from the date of issue and annually thereafter for any of the following purposes:
 - a) to deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
 - b) to deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and are such that it is necessary to apply more appropriate conditions; or
 - c) to assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly;
 - d) to review the noise mitigation conditions specified in Condition 3.

Financial Contributions (see Part 3.4 of this report in relation to condition XX).

ADVICE NOTES

Council Regulations

1. The Consent Holder shall meet the requirements of the Council with regard to all Building and Health Bylaws, Regulations and Acts.

Proposed Tasman Resource Management Plan

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.

Consent Holder

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.

Development Contributions

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.

Monitoring

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.

Interests Registered on Property Title

6. The Consent Holder should note that this resource consent does not override any registered interest on the property title.

Meanings of Words

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.

Jack Andrew

Co-ordinator Land Use Consents

APPENDIX ONE

Community Activity and Building Matters of Restricted Discretion

Community Activity Matters (relevant) to which Council has restricted its discretion

- (1) The extent to which the activity will result in loss of residential character.
- (2) The ability to mitigate adverse noise and visual effects by screening of activities from adjoining roads and sites.
- (3) The scale of any building, structures and car parking compared to existing permitted development.
- (4) Adverse effects of the activity in terms of traffic and parking congestion on site and safety and efficiency of roads giving access to the site.
- (5) The duration of the consent and the timing of reviews of conditions.
- (6) Financial contributions, bonds and covenants in respect of performance of conditions.

Stormwater

(q) (i) Either:

All stormwater from buildings and impervious surfaces is discharged to a Council-maintained stormwater drainage network that has the capacity to receive the additional stormwater; or

The discharge complies with section 36.4 of this Plan; and

(ii) All stormwater drainage features that form part of the stormwater drainage network are physically and legally protected from future development that may adversely affect the efficient functioning of the network.

Building Activity Matters(relevant) to which Council has restricted its discretion

Setbacks from Road and Internal Boundaries, and Rivers

- (8) The extent to which the intrusion towards the boundary is necessary in order to allow more efficient, practical and pleasant use of the remainder of the site.
- (9) The extent to which alternative practical locations are available for the building.
- (10) The extent to which the proposed building detracts from the pleasantness, coherence, openness and attractiveness of the site as viewed from the street and adjoining sites.
- (11) The adverse effects of the building intrusion on the outlook and privacy of people on adjoining sites, including loss of access to daylight on adjoining sites.
- (12) The ability to provide adequate parking and manoeuvring space for vehicles clear of the road.

- (13) The extent to which the proposed building will be compatible with the appearance, layout and scale of other buildings and sites in the surrounding area, including the setback of existing buildings in the vicinity from boundaries, its external materials and colour.
- (14) The ability to mitigate any adverse effects of the proposal on adjoining sites and the street scene, including by planting and landscaping.
- (15) Adverse effects of the proximity of the building in terms of difficulty of access to the building or to adjoining rear sites.
- (16) The extent to which the use of the proposed building will detract from the pleasantness or amenity of adjoining sites, in terms of noise, smell, dust, glare or vibration.

Height

- (18) The extent to which there is a need for the increased height or intrusion through the recession lines, in order to undertake the proposed activities on the site.
- (19) The extent to which the character of the site and the surrounding area remains dominated by open space, rather than by buildings, with buildings at low heights and low densities of building coverage.
- (20) The extent to which the proposed building will not adversely affect the character of the local environment, including the scale of other buildings in the surrounding area.
- (21) The effect on other sites, roads and public open space of the increased height, in terms of visual dominance, which is out of character with the local environment.
- (22) The extent to which the proposed building will shade adjoining sites and result in reduced sunlight and daylight admission beyond that anticipated by the daylight admission angle requirements for the area.
- (23) The effect of the increased height on other sites in terms of loss of privacy through being overlooked from neighbouring buildings.
- (24) The extent to which the increased building height will result in decreased opportunities for views from properties in the vicinity, or from roads or public open space in the surrounding area.
- (25) The ability to mitigate any adverse effects of increased height or penetration of the daylight admission angle, through increased separation distances between the building and adjoining sites, or the provision of screening.

Building Design and Appearance

- (27) The degree to which the proposed development will impact on the amenity and character of the area having regard to the scale, bulk, architectural style, materials, colours and setback of buildings and, in particular, the extent to which the development can be viewed from adjoining sites and public places.

- (28) The extent to which any adverse visual effect can be mitigated by altering the layout of buildings, storage areas, car parking, landscaped areas and vegetation.
- (29) The extent to which building design and appearance will adversely affect the natural character of the coast.
- (30) The extent to which the continuous building length detracts from the pleasantness and openness of the site, as viewed from the street and adjoining sites.
- (31) The ability to mitigate any adverse effects of the continuous building length through increased separation distances, screening or use of other materials.
- (32) The extent to which practical use of the site will be affected by the proposal.

Privacy

- (34) The ability to mitigate any adverse effects of the proposal on adjoining sites, including planting and landscaping and the relocation of windows to alternative practical positions.

Services

- (38) Provision for the collection and disposal of stormwater and sewage.
- (39) The actual and potential adverse effects of the development in terms of existing catchment drainage characteristics, stormwater flow, erosion and sedimentation, and stormwater quality, including the following:
 - (a) the extent to which all stormwater drainage features that form part of the stormwater drainage network are physically and legally protected from future development that may adversely affect the efficient functioning of the network.
 - (b) the degree to which the development has used Low Impact Design solutions in the management of stormwater.
 - (c) the degree of maintenance or enhancement of natural drainage characteristics in development.
 - (d) the degree to which the design of the stormwater management network accounts for any possible future changes in development that may have an effect on, or be affected by, the development.
 - (e) the degree to which water conservation principles, such as rainwater collection and stormwater detention, have been used in the development. C7 7/07

Op 10/10

Richmond South and Richmond West Development Areas

C5 3/06: Op 10/10

C10 10/07

Richmond South, ~~and~~ Richmond West, Mapua and Mapua Special Development Areas

C22 2/11

(40) Scale and Intensity of Use

(a) Whether the site is of sufficient size and configuration to allow the adequate mitigation of the effects of the proposal on the surrounding neighbourhood.

(b) Whether the intensity and scale of the proposal should be controlled to protect the amenity values of that neighbourhood. **C5 3/06**

Op 10/10

(41) Site Layout

(a) The extent to which the siting and configuration of buildings and the uses on the site have a positive relationship with the street, in particular whether main entrances front the street with garaging and parking located to the rear of the site. **C5 3/06**

Op 10/10

(b) The extent to which the siting and design of buildings, structures and open space adversely affects the acoustic environment of the adjoining property.

(42) Scale and Bulk

(a) Whether an increase in site coverage will increase the bulk of the building in such a way that it may cause dominance or intrusion on adjoining properties.

(b) Whether an increase in site coverage will adversely affect the amenity values and streetscape in the vicinity.

(c) Whether the proposed height of buildings and other structures will be compatible with the height and visual character of the surrounding area and streetscape. **C5 3/06**

Op 10/10

(43) Building Design and External Appearance

(a) Whether the design and external appearance of buildings, including the scale, orientation and spacing, complements the existing buildings in the vicinity.

(b) Whether the bulk or repetitive form of buildings is likely to detract from the visual amenities of the neighbourhood.

(c) Whether garages, garage doors or car parking on the site dominates the appearance of the site development when viewed from the street or internal accessways. In general, they should be recessed behind the front building line and integrated in the building design in a way that does not dominate the street frontage or internal accessways.

(d) Whether lighting overspill from the site will adversely affect the amenity values of adjacent properties. C5 3/06
Op 10/10

(44) Privacy

(a) Whether the siting and orientation of buildings and structures and the location of windows and entrances maintain an acceptable level of privacy between units and for adjoining neighbours, and whether any mitigation measures are used, for example by screening and planting. C5 3/06
Op 10/10

(45) Safety

(a) Whether the proposal has an adverse effect on the level of safety on the street or public place (including public open space) in terms of public surveillance. C5 3/06
Op 10/10

(46) Sunlight and Daylight

(a) Whether an increase in the height of the building in relation to the boundary will adversely affect access of sunlight and daylight to adjoining sites. C5 3/06
Op 10/10

(47) Servicing

(a) The ability to adequately reticulate water supply, wastewater, stormwater and solid waste storage and collection. C5 3/06
Op 10/10

(48) Landscaping

(a) Whether the location, scale and design of landscaped areas effectively contributes to the amenity of the site and the wider area.

(b) Whether the development ensures the retention of any significant existing trees and vegetation. C5 3/06
Op 10/10

(50) Traffic (roading, access, parking, manoeuvring, loading)

(a) Whether vehicle access provided is functional and safe.

(b) Whether car parking is safe and convenient while still maintaining an acceptable aesthetic quality as viewed from the street, in particular, whether hard-paved areas associated with parking and garaging dominate the streetscape. C5 3/06
Op 10/10

(50A)

Miscellaneous

(51) The duration of the consent (Section 123 of the Act) and the timing of reviews of conditions and purpose of reviews (Section 128).

(52) Financial contributions, bonds and covenants in respect of the performance of conditions, and administrative charges (Section 108).

5.1.2 Objective

Avoidance, remedying or mitigation of adverse effects from the use of land on the use and enjoyment of other land and on the qualities of natural and physical resources.

5.1.3.9 Policy To avoid, remedy, or mitigate effects of:

- (a) noise and vibration;
- (b) dust and other particulate emissions;
- (c) contaminant discharges;
- (d) odour and fumes;
- (e) glare;
- (f) electrical interference;
- (g) vehicles;
- (h) buildings and structures;
- (i) temporary activities;
beyond the boundaries of the site generating the effect.

5.2.2 Objective

Maintenance and enhancement of amenity values on site and within communities throughout the District.

5.2.3 Policies

5.2.3.1 To maintain privacy in residential properties, and for rural dwelling sites.

5.2.3.2 To ensure adequate daylight and sunlight to residential properties, and rural dwelling sites.

5.2.3.4 To promote amenity through vegetation, landscaping, street and park furniture, and screening.

5.4.2 Objective

Accommodation of a wide range of residential activities and accessible community facilities in urban areas.

5.4.3 Policies

5.4.3.2 To allow for health care, educational and cultural facilities and other local community activities, including in residential areas, providing these do not compromise the character or amenity of the residential neighbourhood.

Residential Activities – Zone

6.8.3.27 To provide for community activities and facilities within the Residential Zone where the nature, scale and intensity of the development is compatible with the residential environment, and adverse effects on visual amenity, noise and traffic safety can be avoided, remedied or mitigated.

11.1.2 Objective

A safe and efficient transport system, where any adverse effects of the subdivision, use or development of land on the transport system are avoided, remedied or mitigated.

11.1.3 Policies

11.1.3.1 To promote the location and form of built development, particularly in urban areas, that:

- (a) avoids, remedies or mitigates adverse effects of traffic generation;
- (b) provides direct and short travel routes by vehicle, cycling and pedestrian modes between living, working, service, and recreational areas;
- (c) avoids an increase in traffic safety risk;

11.1.3.2 To ensure that land uses generating significant traffic volume:

- (a) are located so that the traffic has access to classes of roads that are able to receive the increase in traffic volume without reducing safety or efficiency;
- (b) are designed so that traffic access and egress points avoid or mitigate adverse effects on the safety and efficiency of the road network.

11.1.3.7 To ensure that adequate and efficient parking and loading spaces are provided, either on individual sites or collectively, to avoid or mitigate adverse effects on the safety and efficiency of the road network.

11.1.3.8 To avoid, remedy or mitigate adverse effects from the location, design and operation of intersections.

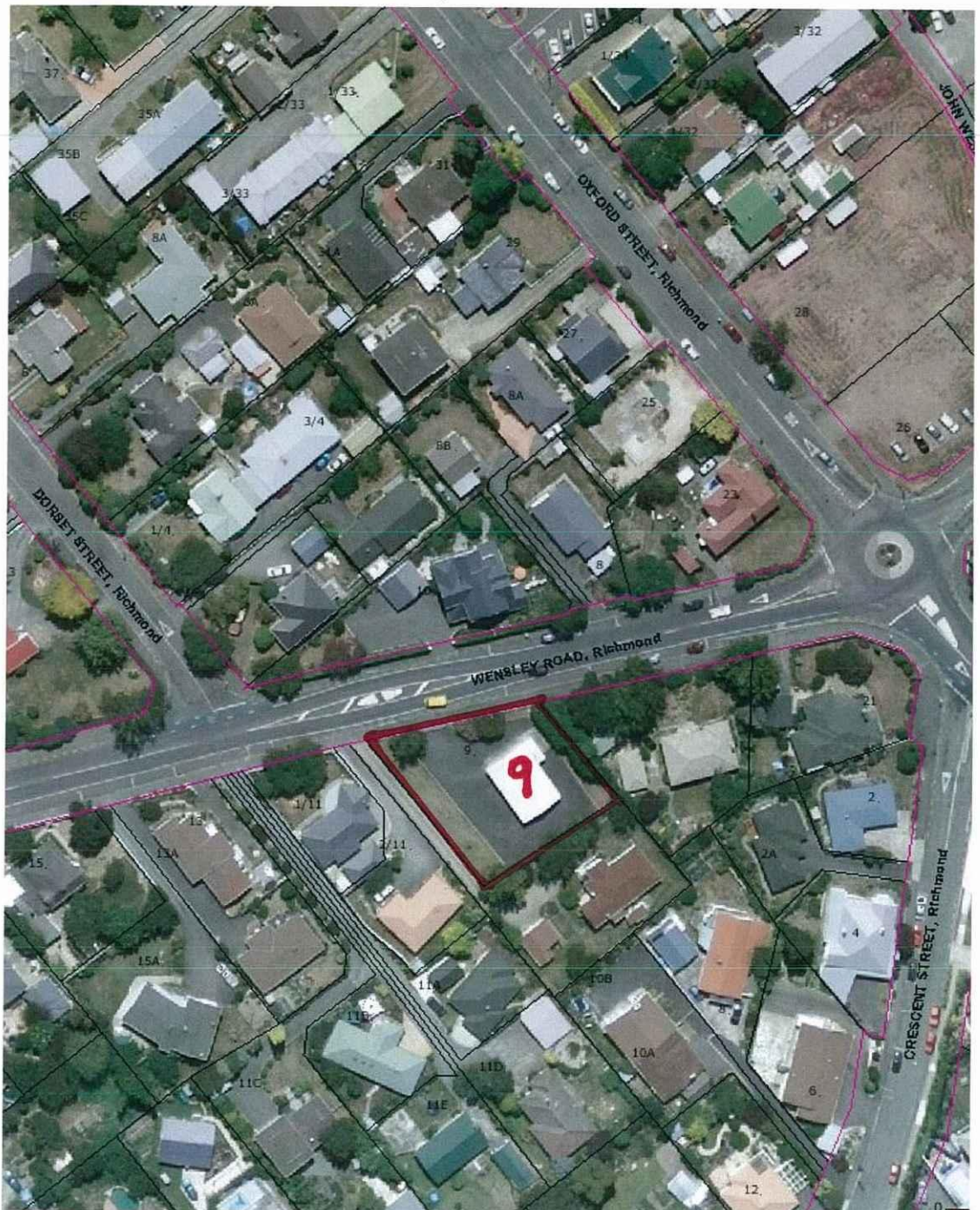
Aerial Photograph One



Key

- 1 Richmond South Halls Trust - applicant
- 2 Mrs J. L. F. Westbrooke - submitter
- 3 S. J. Field
- 4 Fairrose Holdings Ltd.
- 5 A. M & D. Bier

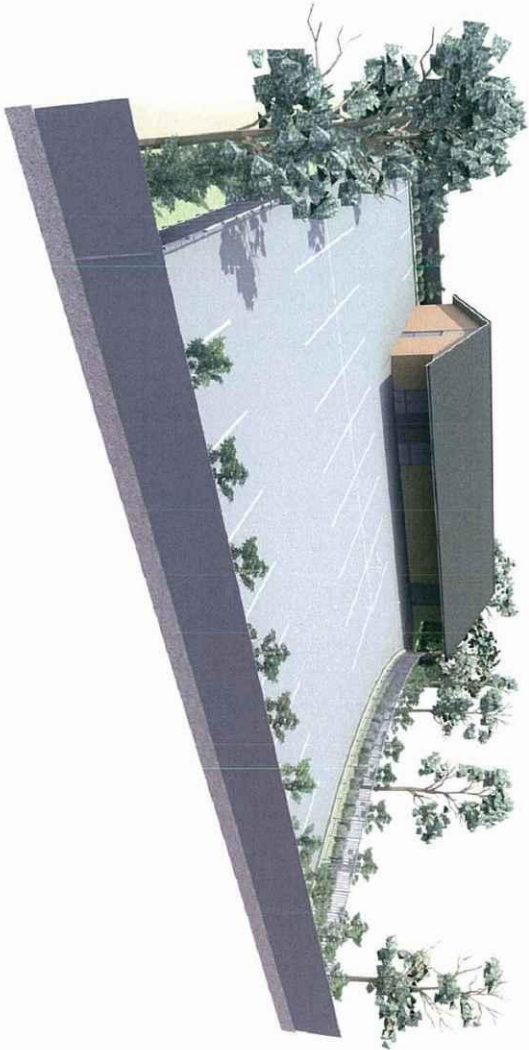
Aerial Photograph Two



Key

- 9** Richmond South Halls Trust. Existing meeting hall of 9 Wensley Road, Richmond.

PROPOSED NEW CHURCH HALL CONCEPT for RESOURCE CONSENT



SCHEDULE OF PLANS

Title Page	Title Page
1 Site Plan	1
2 Landscaping plan	2
3 Elevation 1	3
4 Elevation 2	4
5 Elevation 3	5
6 Elevation 4	6
7 3D Views	7

GENERATION
ARCHITECTURE AND DESIGN
 10 808 7227 NELSON 7041 011 278 5385 mail@gen.com

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

REVISION

DRAWING INFO

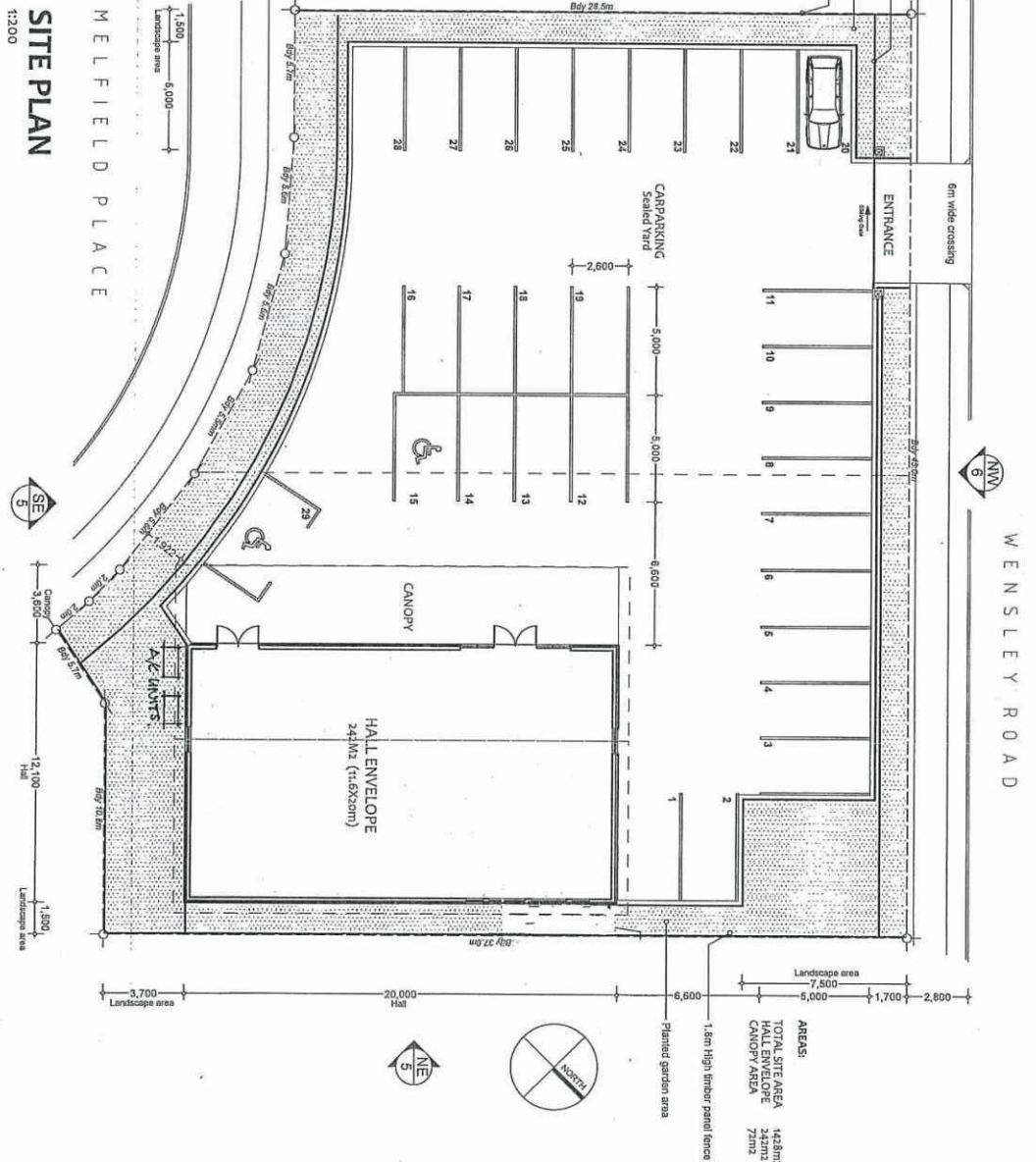
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JOB No: G720	

SCALE:

DATE: JUNE 2010
 DRAWN: MRH

Original Size: A3
Sheet No: 1
of 7

SITE PLAN
 1:200



FLOOR PLAN
 1:100



W E N S L E Y R O A D



LANDSCAPING PLAN
1:200

M F F I F I D P L A C E

KEY

- Native Broadleaf
- Emergent Groundcover
- Golden Elm

GENERATION
ARCHITECTURE AND LANDSCAPE ARCHITECTURE DESIGN
PO BOX 2157 NELSON NZ 011 218 5381 matthew@generation.nz

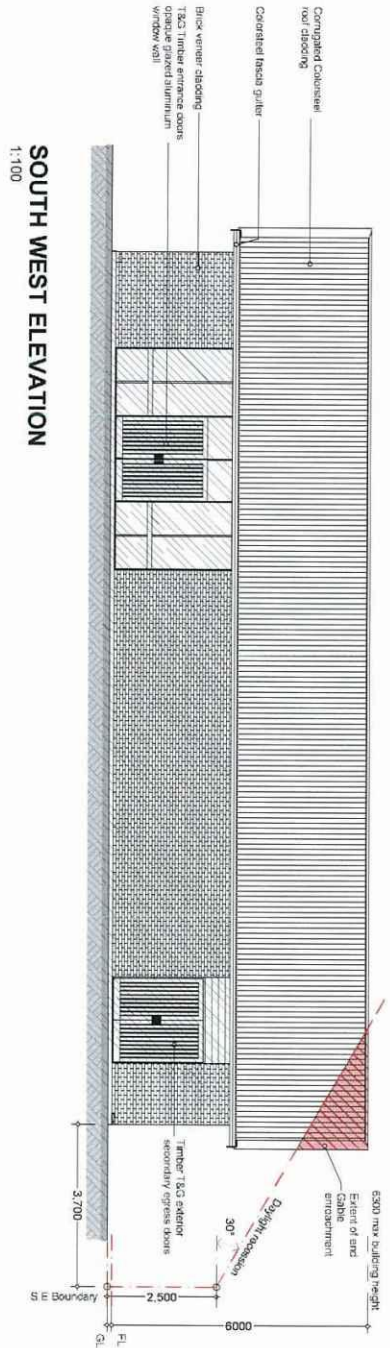
JOB TITLE
NEW CHURCH HALL
RICHMOND SOUTH GOSPEL HALL TRUST
WENSLEY ROAD, RICHMOND, NELSON

REVISION

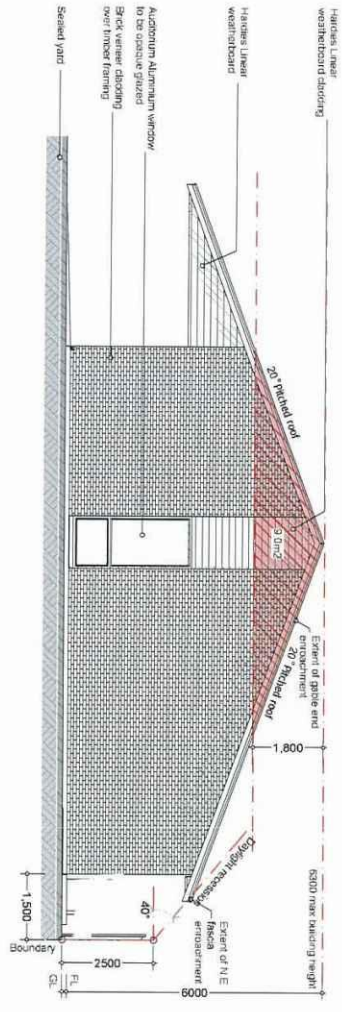
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DRAWING STATUS RESOURCE CONSENT
JOB No: G1220

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DATE: JUNE 2010
DRAWN: MCH

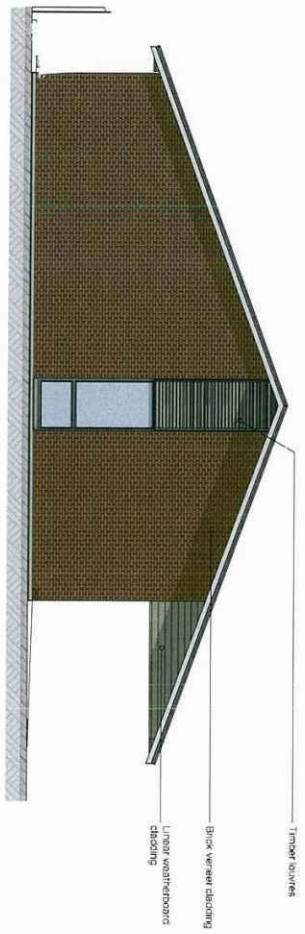
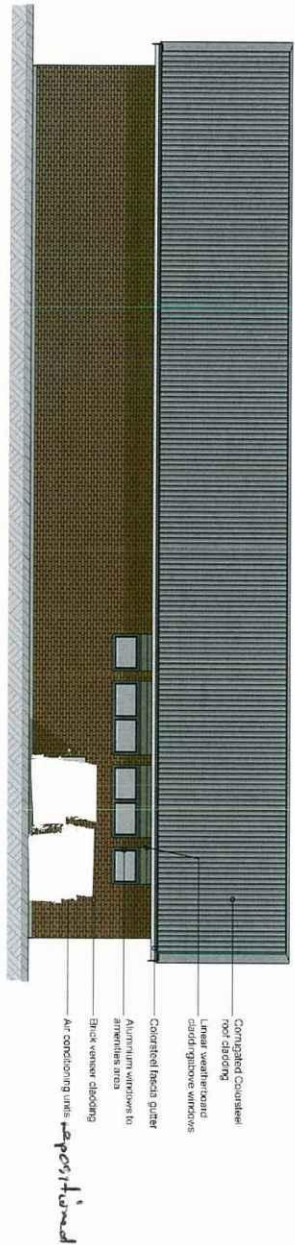
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Sheet No: **4**
of 7



SOUTH WEST ELEVATION
1:100



SOUTH EAST ELEVATION
1:100



Memo for: Jack Andrew, Co-ordinator Land Use Consents
From: Graham Caradus, Co-ordinator Environmental Health
Date: 8 April 2011
Subject: **RM0100887: Richmond South Gospel Hall Trust**

I have viewed the application and the objection as well as visiting the site that the proposed Church Hall would occupy.

My view is that there is a potential for a low level of noise disturbance to occur from the proposal and that consideration will need to be given to two aspects of the proposal as follows.

1. Potential nuisance noise from heat-pumps associated with the air conditioning or heating of the proposed building.

Plans for the proposed development show the heat pump units are to be placed in the 1.5 metre gap between the proposed building and the boundary adjacent to the neighbouring dwelling. If the scale drawing submitted is accurate, the heat pumps may be closer than 600 mm to the boundary. I note that the adjacent property has a dwelling on it that is sited less than 7 metres from that common boundary. Good practice in siting devices such as heat pumps that generate noise would place them on a side of the applicant's building that is not close to the neighbouring property. One side of the proposed building will face a road, and another will face an expanse of car park. Either would be a preferred option from the perspective of limiting noise emission.

There is a 1.8 metre wooden fence on the east-northeast boundary and that will assist in mitigating the transmission of noise. However, should complaints be received about noise from those heat pumps, the applicants could not argue that they had taken the "best practicable option" as required by section 16 of the Resource Management Act 1991 in establishing these devices so close to the common boundary.

2. Noise associated with arrivals and departures from the site

For the vast majority of the proposed use of the site I have few concerns about noise emissions, as the applicant states that the hours of operation are all within the period 7.00 am to 11.00 pm. I note that there are occasions when the applicant suggests that up to 174 persons may attend the hall, and assume that by implication, the parking of vehicles may exceed the capacity of the car park and result in some vehicles parking on the road in the vicinity of the proposed hall. However, that will occur during the period up to 11.00 pm on occasional Friday nights. During the period 7.00 am to 11.00 pm there should be an increased tolerance to noise, if for no other reason than the fact that during those hours there is generally increased use of the roads, and other activities in residential neighbourhoods. Normal traffic movements insidiously raise the background level of noise, masking many noises that may be intrusive at a quieter time of the day, for example, in the early hours of the morning.

The one exception to use of the hall within those hours detailed above, is the proposed Sunday meeting that is expected to commence at 6.00 am. It is reasonable to assume that vehicles will arrive prior to that time, and a number of vehicles arriving between 5.45 am and 5.59 am in the early hours of Sunday mornings would not be an unreasonable expectation. The noises associated with a number of people (the applicant states "Approximately 50 people will attend the meetings on a regular basis..")

and 30 car parks are shown in the plans for the proposal) arriving at the site generally in cars could result in 40 car doors being closed. Such noise could disturb a neighbourhood at the very early hour of around 5.50 am on Sunday mornings.

It is possible that the noise of vehicles arriving (with accompanying door shutting as already mentioned) at the site early on Sunday mornings could exceed the Tasman Resource Management Plan (TRMP) noise performance standard for residentially zoned areas. This premise is based on measurements conducted in TDC car park 8 April 2011 where the closing of a car door measured at about 3 metres was recorded at about L_{Amax} 70dB. If complaints occurred, there would be an obligation to check for compliance with the prescribed performance standards ($L_{Aeq(15\ min)}$ 40dB or L_{Amax} 70dB) at the nearest residential boundary (which is immediately adjacent to several of the proposed car parks). By way of explanation, I advise that despite the fact that complaints may be received from some distance away, if assessing compliance with the TRMP noise performance standards, Environment Court precedent (Downing and Trevena vs. Nelson City Council; Decision No C9/2006) and section 62(3) of the RMA oblige Council staff to undertake assessment of the TRMP noise performance standard at the location closest to the noise at which the standard would apply, that is, the boundary of nearest residential boundary, which in this case is the common boundary between the subject site and the next door dwelling.

Putting aside the requirements of the TRMP, there is an over-riding obligation imposed by section 16 of the Resource Management Act 1991 that I have already mentioned in relation to the comments in item 1. of this report. That obligation to take the best practicable option may exercise the applicant in ensuring that noise does not exceed a reasonable level at a very early hour on Sunday morning. The preferred position would be to avoid complaints being made. Reducing noise transmission from the site should logically reduce the likelihood of complaint about noise.

One possible method for reducing transmission of the type of noise (likely to be generated by arrivals and departures of vehicles from the site) towards the property of the objector would be to construct a fence with acoustic properties that will reduce transmission of noise in that direction. If such acoustic fencing was placed in specific locations on the road boundary it would go a reasonable distance to achieve that "best practicable option". Given the relative locations of the proposed hall and the property of the objector, I consider that an acoustic fence would only be necessary from the northern most end of the site to a point about half way along the street frontage. Such a fence could be of similar construction (solid timber 1.8 metre high, with no gaps between palings) to the fence already existing on the east-northeast boundary of the site and also on the street boundary of the neighbouring residence. I note that the plans for the proposed front boundary include a setback which encloses substantial plantings, and an acoustic fence that will offer some mitigation of noise transmission could sit behind the plantings and become substantially hidden in time.

Graham Caradus
Co-ordinator Environmental Health

TO: Jack Andrew, Coordinator Land Use Consents
FROM: Dugald Ley, Development Engineer
DATE: 4 May 2011
FILE NO: RM100887
SUBJECT: RICHMOND SOUTH HALL TRUST --125 WENSLEY ROAD

This report covers Engineering Services issues pertinent to the establishment of a hall in a residential zone.

The above application is to erect a 20 metre x 12 metre hall together with the formation of 28 car parks and access over two residential sites at 125 Wensley Road.

The site will have frontage to two roads, one being Wensley Road and the other being an unformed cul-de-sax yet to be constructed as part of a stage in the Bramley subdivision application.

Access to the site will be via a 6.0 metre wide crossing on to Wensley Road at the southern end of the site. This location has been chosen as it is furthest away from the proposed indicative road on the western side of Wensley Road. Officers concur that this location will cause the least amount of conflict with traffic movement in the area.

Wensley Road is a Distributor Road carrying approximately 3200 vehicles per day. It has recently been upgraded in the area of this development and a footpath is located on the eastern side where the development will occur.

I understand that the hall will be operated in a similar manner to other halls around the district. I note I was involved in the application for a similar hall at 61 Hill Street which was a replacement for the Hall in William Street.

In that application it is noted that "church attendees normally travel in families" and "members normal mode of transport is the larger vehicle movers". Also it is noted that "several of the family members live in close proximity and would walk to the meetings on occasions".

To this end I agree with the applicant that this activity will have no more than minor effects on the road carrying capacity as compared with that of two residential dwellings that could be constructed as of right.

I understand that the Council planner has viewed the existing halls in the immediate Richmond location and noted that the car parks were not all occupied during their Sunday morning meetings which would seem to be their busiest period.

Regarding other services the site can be serviced by existing infrastructure laid in Wensley Road.

The existing two sites are reportedly services and with this application work will need to be undertaken to abandon one set of laterals as the combination of the two sites is required to be amalgamated as complying car parks are spread across two titles.

Development contributions will be assessed at the time of building consent and the applicant notified at that time.

Summary

The application to provide a hall at this location is supported by Engineering Services as it will have less than minor effects on Council's infrastructure.

Dugald Ley
Development Engineer