

MINUTES

TITLE: Environment and Planning Sub-committee
DATE: Tuesday, 8 November, 2005
TIME: 1.00 pm
VENUE: Motueka Service Centre, 7 Hickmott Place, Motueka

PRESENT: Crs EM O'Regan (Chair), TE Norriss and EJ Wilkins.

IN ATTENDANCE: Manager Consents (J Hodson), Resource Planner (M Bishop), Administrator Officer (BD Moore).

1. MOTUEKA HALLS TRUST, 63 TUDOR STREET, MOTUEKA – RM050633.

1.1 Proposal

The applicant proposed to use an existing dwelling at 63 Tudor Street, Motueka, to conduct church meetings.

1.2 Presentation of Applications

Resource Management Consultant, Mr G Thomas introduced the application for the proposal at 63 Tudor Street, Motueka which has an area of 819 m² and is Lot 3, DP 3661 in Certificate of Title 2A/1196. Mr Thomas said that operation of the proposed church hall in the Residential Zone is a permitted activity as a community activity, subject to compliance with the rules regarding hours of operation and the number of vehicle movements per day.

Evidence was tabled to describe how the Motueka Halls Trust has been established by a local church group and mostly operates from private dwellings. The Halls are generally structured to be able to hold up to ten households. The ability to start the meetings on Sundays at 6.00 am is a fundamental part of the applicant's belief.

Existing access is adjoining the boundary of Mr and Mrs Coppins of 65 Tudor Street. The applicant proposes to relocate this access from the side boundary towards the centre of the property. This relocation is to move the traffic from the boundary adjacent to the Coppins property. The area of the existing drive will be planted out in shrubs. The applicants also propose extensive planting down the common boundary and offered the erection of a barrier fence along that boundary.

Mr Thomas described how neighbours' consents were received from five properties and following limited notification of the application, two submissions were received. A submission in support was received from Mr AR Lewis of 61 Tudor Street and a submission in opposition from WL and JM Coppins of 65 Tudor Street.

Mr Thomas said that the only factors that need to be assessed are the breaches of the hours and the traffic movements. Council has restricted its discretion to the matters set out in Rule 17.1.7A.

Mr Thomas compared the potential effects of the proposed use that would be greater than effects that could happen as of right on this property through normal residential use. Mr Thomas said that some of the attendees will, on occasions, walk to the meetings and this in conjunction with more people per vehicle, reinforces further that the adverse effects of the traffic movements will indeed be proportionally less than those normally associated with meetings of this number of people. The Trust sought an average of four meetings per week so that the use of the site will be much less than a normal family occupation, full-time, seven days per week.

Mr Thomas tabled photos of the subject site and views of the neighbouring Coppins' property. These photos showed that the Coppins' property did not have windows on the upper floor on the side nearest the boundary on the subject side at 63 Tudor Street. However, there were some windows on the rear side of the upper floor of the Coppins' dwelling.

Mr Thomas said that the site had been proven to be adequate in size for the proposed use and the vehicle numbers and car parks. Mr Thomas tabled letters of support from HA and MA Hovenden and from PW Tait. Mr Thomas noted that no complaints had been registered with the Council regarding the use of any houses within Tasman District by Motueka Halls Trust.

1.3 Submissions

Mr A Lewis of 61 Tudor Street made a submission in support.

Cr O'Regan determined that this submission is valid having been received at a date later than an earlier approval form signed by the applicants.

Mr Lewis said that he lives west of the subject site and would be one of the group using the subject site for meetings. He reminded the hearing panel that the applicant is asking to have a meeting every Sunday at 6.00 am. Occasionally meetings would be held on Sunday mid-afternoon. He said that some vehicles are started in the neighbourhood at 4.00 am and 5.30 am.

A submission from W and J Coppins was introduced by Ms L Gibellini.

A written submission was tabled and read and reference made to an aerial photo and other photographs used to illustrate the area of the Coppins' site adjacent to the boundary of 63 Tudor Street. This showed the submitter's first floor bedroom and outdoor living area on the common boundary with the subject site at 63 Tudor Street.

The submission claimed that the proposed use will provide a disturbance especially at the proposed 6.00 am start time on Sunday mornings. The submission said that the proposed 40 vehicle movements per day is well in excess of that generated by any residential activity, or other permitted community activity. The submission claimed that it would result in a significant adverse effect, well over the anticipated level of traffic for a residential environment. The submission said that the proposed car park spaces required multiple manoeuvres to obtain access and are directly adjoining the submitter's bedroom and living areas. The submitter was also concerned about the potential effect of the sealed on-site car park and driveway.

The submission compared relevant parts of the Nelson City rules with those of the TRMP.

The submitters were not confident that a 1.8 metre fence and a landscape strip would have any beneficial effect in reducing traffic and noise effects. Although the applicant intended only four meetings per week, the submitter saw this as having a negative impact because of the building being vacant for most of the time. The submission said that there is nothing in the application that is proposed as a means of mitigating the effects, on residential amenity, the operating hours and level of traffic generated on site.

The submitters sought that the application be declined.

Mrs J Coppins then tabled and read a submission and explained that the submitter's property at 65 Tudor Street has an outdoor living area which adjoins the subject site at 63 Tudor Street leaving around 3 metres between this area and the residence next door. Mrs Coppins said that she was concerned about being woken every Sunday morning by at least 5.45 am by the noise of vehicles and car doors at 63 Tudor Street.

1.4 Officer's Report

Consent Planner, Ms Bishop spoke to the report contained within the agenda and said that the application is considered to be a restricted discretionary activity. The hours of operation for the non-residential activity commencing at 6.00 am instead of 7.00 am and that the vehicle movements would be up to 40 instead of 30 per day occurring about six times annually. Usually there would be less than 30 vehicles per day each Sunday morning. Ms Bishop acknowledged that the one hour early time breach will disturb Mr and Mrs Coppins but she noted that the activity can start as of right at 7.00 am. She said that the level of activity is similar or less than permitted as a residential/home occupation or commercial activity.

She said that the Plan does permit community activities and noted that the disturbance effect is short-lived. She said that this disturbance occurs only once a week and the rest of the time except for some evening meetings, the building is vacant. She said that parks 11-13 are to be used as a last resort in the car parking area. She said that landscaping will soften the effects and that the actual noise level will comply with the residential zone. Ms Bishop said that the disturbance effect is not dissimilar to what can happen as of right. She acknowledged that the type of surfacing had not been specified in proposed conditions of consent. She said that the average proposed usage needs to be defined within conditions.

1.5 Right of Reply

Mr G Thomas responded for the applicant. He said it was misleading for Ms Gibellini to provide an assessment comparing information from District Plans other than Tasman.

He reminded the Hearing Panel that the car park is in compliance and the minor non-compliance is for two Sunday's a fortnight apart and then on a four-monthly cycle. Mr Thomas said that he acknowledged and respected the concerns expressed by the submitters Mr and Mrs Coppins but reminded the Hearing Panel that they could also be disturbed at 7.00 am when the applicant's proposed use could operate as of right. He said that Motueka Halls Trust and the Coppins both want their own privacy.

He said that the applicant will leave the proposed conditions entirely over to the Council. He suggested that the car parking surface could be specified as a non-noise surface and that either concrete or hot-mix would be acceptable.

He said that the Trust wishes to be able to have an average of four meetings per week but would accept a maximum of four per week.

Mr Thomas said he saw no difference in the monitoring requirements for either situation. He acknowledged that the neighbouring property owners, Mr and Mrs Coppins will be aware of any breach of that condition. He said that the Trust would accept the Council's ruling on the meeting frequency. Mr Thomas said that the applicant will comply with residential rules for noise levels and that the new driveway will be located away from the Coppins' side of the property.

He reminded the Hearing Panel that a residential use on a daily basis is greater than the proposal and that the proposal complies with Part 2 of the Resource Management Act that is concerning people and their community.

Mr Thomas invited the Hearing Panel to conduct a site visit.

The committee reserved its decision at 2.15 pm.

Moved Crs Norriss / Wilkins EP05/11/05

THAT the public be excluded from the following part of the proceedings of this meeting namely:

Motueka 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 the passing of this resolution are as follows:

Subject	Reasons	Grounds
Motueka 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 O'Regan / Wilkins
EP05/11/06**

THAT for the purposes of discussing the application of Motueka Halls Trust as an "In Committee" item, the Manager Consents be authorised to be in attendance as advisor.

CARRIED

**Moved Crs Norriss / Wilkins
EP05/11/07**

THAT the public meeting be resumed and that the business transacted during the time the public was excluded be adopted and that the following resolutions be confirmed in open meeting.

CARRIED

2. MOTUEKA HALLS TRUST, 63 TUDOR STREET, MOTUEKA – RM050633

**Moved Crs O'Regan/ Norriss
EP05/11/08**

THAT pursuant to Sections 104 and 104B of the Resource Management Act 1991, Council GRANTS consent to Motueka Halls Trust to operate a community activity at 63 Tudor Street, Motueka.

The application is granted subject to the following conditions and for the following reasons:

CONDITONS:

1. The maximum number of meetings to be held in any given week is four.
2. No signs associated with the church meetings shall be placed on the property.
3. Landscaping and fencing shall be undertaken in general accordance with details provided with the application and shall be completed by 8 February 2006. The fence should be solid timber fence 1.8 metres in height which will assist with noise mitigation from the carparking area.
4. The hours of conducting the church meetings shall be between 7.00 am and 11.00 pm except for Sunday morning meetings that shall commence no earlier than 6.00 am.
5. A minimum of thirteen car parks and new driveway are to be provided on-site as per Plan A attached. Parking spaces numbered 1 to 10 on Plan A are to be occupied first with spaces 11 to 13 only being used when spaces 1 to 10 are full.

The existing vehicle crossing shall be removed and the road berm reinstated once the new crossing has been constructed.

A "Vehicle Crossing permit" from Council's Engineering Department must be obtained. See forms in Appendix 2.

The carparks and manoeuvring areas are to be sealed with concrete or asphalt or a similar surface which minimises noise from car wheels.

6. The consent holder shall submit engineering plans of the relocated vehicle crossing, carparking area including provision for stormwater to the Engineering Manager for approval prior to construction.
7. All works and engineering plan details are to be in accordance with Tasman District Engineering Standards or to the satisfaction of the Tasman District Engineering Manager.

Notes:

1. Any matters not referred to in this application for resource consent or are otherwise covered in the consent conditions must comply with the Proposed Tasman Resource Management Plan (PTRMP) or the Resource Management Act 1991 or further resource consent is required to be obtained. The permitted noise standard for the Residential Zone is required to be complied with at all times.
2. The applicant shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.
3. A building consent must be obtained for a change of use from a dwelling to a community activity. This must be accompanied by a fire safety report and an accessibility report.
4. 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, Council will recover this additional amount from the resource consent holder. Costs can be minimised by consistently complying with conditions and thereby reducing the frequency of Council visits.

REASONS FOR THE DECISION:

1. The land is zoned Residential under the Proposed Tasman Resource Management Plan (TRMP).
2. The application is a Restricted Discretionary Activity under the Proposed Tasman Resource Management Plan as the proposal does not comply with the rules for a permitted community activity in the Residential Zone. As there are no references to the relevant rules, the Proposed Tasman Resource Management Plan is the only relevant Plan. The application has been considered pursuant to Part 2 and Sections 104B of the Resource Management Act 1991.
3. The Committee noted that two submissions had been received, one in support and one in opposition.

The matters raised by the submitter in opposition concerned the following issues:

- Proposal is inappropriate in a quiet residential area
- Activity will cause a loss of residential amenity for adjoining properties
- Hours of operation are already generous and going beyond those hours is unreasonable as it will cause noise and disturbance
- Site is too small to provide adequate car parking
- Application is contrary to the policies and objectives of the Plan and the Resource Management Act 1991

4. The Committee noted the surrounding area was residential in character.
5. The Committee considered that the additional hour of operation on Sunday mornings would not cause a significant adverse effect given that it is only one day per week and this is balanced with the fact that the property will be quiet and unused for the majority of time.
6. The Committee considered that the sealing of the parking and manoeuvring area should be done in a manner which minimised noise from car wheels.
7. The Committee noted that the fence between the submitters' property and the subject site was not complete and therefore the landscaping and fencing as proposed should be a condition of consent. It was considered that this measure would enhance the level of privacy in the backyard area and would assist with noise mitigation.
8. The Committee considered that the number of vehicle movements anticipated over and above that permitted as of right would have a very minor effect.
9. The Committee was aware that a number of other similar church halls existed in the residential area of Motueka and no complaints regarding noise from early meetings had been received by Council. The letters in support of the church use from neighbours at other locations were noted.
11. In summary the Committee considered that the proposal to use an existing dwelling for a community activity with hours of operation slightly beyond those permitted as of right would have no more than a minor effect on the environment and was considered to be consistent with the policies and objectives of the relevant planning document.

CARRIED

Confirmed:

Chair: