

# MINUTES

**TITLE:** Environment & Planning Subcommittee  
**DATE:** Monday, 3 March 2008  
**TIME:** 9.30 am  
**VENUE:** Council Chamber, 189 Queen Street, Richmond

**PRESENT:** **Hearings Committee**  
Cr T B King, Chairperson  
Cr R G Currie  
Cr S G Bryant

**IN ATTENDANCE:** **Tasman District Council**  
Mr R Askew – Principal Resource Consents Adviser  
Mr J R Andrew – Co-ordinator, Land Use Consents  
Mr D R Lewis – Co-ordinator, Regulatory Services  
Mr B D Moore – Administration Officer

## 1. RICHMOND SOUTH GOSPEL HALL TRUST - APPLICATION RM070921

### 1.1 Proposal

The application seeks to undertake a Community Activity, being a church hall. The proposal includes provision for up to 16 on-site car parks. The church hall is proposed to be used as follows:

- Up to 50 people on Sundays between 5.50 am and 7.10 am;
- Up to 50 people on Mondays between 6.25 pm and 7.30 pm;
- Up to 100 people on Sundays on no more than 24 occasions in any 12 month calendar period between 2.50 pm and 3.45 pm; and
- Up to 100 people on Fridays on no more than 24 occasions in any 12 month calendar period between 7.20 pm to 8.45 pm.

Also, 2 metre high boundary fences are proposed to be constructed.

The site is zoned Rural Residential according to the Proposed Tasman Resource Management Plan.

The application site is located at 61 Hill Street, Richmond, being legally described as Lot 6 DP 3539 (CT NL101/119).

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 King / Curry  
EP08/03/01

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

Richmond South Gospel Hall 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 Gospel Hall Trust	Consideration of a planning application	A right of appeal lies to the Environment Court against the final decision of Council.

Moved Crs Curry / Bryant  
EP08/03/02

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

**CARRIED**

Moved Crs King / Bryant  
EP08/03/03

**THAT pursuant to Section 104c of the Resource Management Act, the Committee GRANTS consent to Richmond South Gospel Hall Trust subject to conditions 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 3 March 2008, commencing at 9.30 am**

A Hearings Committee (“the Committee”) of the Tasman District Council (“the Council”) was convened to hear the application lodged by **Richmond South Gospel Hall Trust Incorporated** (“the Applicant”), to erect a replacement building to be used as a community activity (church hall). The application, made in accordance with the Resource Management Act 1991 (“the Act”), was lodged with the Council and referenced as RM070921.

- PRESENT:** **Hearings Committee**  
Cr T King, Chairperson  
Cr S G Bryant  
Cr G Curry
- APPLICANT:** Mr G Thomas, Planning Consultant for the Applicant  
Mr S Malcolm, Representing the Applicant
- CONSENT AUTHORITY:** **Tasman District Council**  
Mr J Andrew, Coordinator Land Use Consents  
Mr D R Lewis, Coordinator Regulatory Services
- SUBMITTERS:** Mr N Hill, representing N and J Hill  
Mr N E Pollitt
- IN ATTENDANCE:** Mr R Askew, Principal Resource Consents Adviser –  
Assisting the Committee  
Mr B Moore – Committee Secretary

**1. DESCRIPTION OF THE PROPOSED ACTIVITY**

The Applicant proposes to replace an existing building, previously used as a dwelling, located at 61 Hill Street, Richmond, with a new building to be used as a church hall on the following days and times:

- a) Up to 50 people on Sundays between 5.50 am and 7.10 am;
- b) Up to 50 people on Mondays between 6.25 pm and 7.30 pm;
- c) Up to 100 people on Sundays on no more than 24 occasions in any 12 month calendar period between 2.50 pm and 3.45 pm; and
- d) Up to 100 people on Fridays on no more than 24 occasions in any 12 month calendar period between 7.20 pm to 8.45 pm

The period referred to in c) above was requested by the Applicant at the hearing to extend a further 45 minutes making the period between 2.50 pm and 4.30 pm.

The Applicant also requested to include possible occasional use of the building for meetings of the Richmond South Gospel Hall Trust Board, being a meeting having a maximum number of 12 persons (Board Trustees) attending.

(Refer to comments under "Procedural Matters" made later in this report in regards to the above two matters).

The Applicant also proposes to establish up to 16 on-site car parks of which 13 will be sited at the rear (south side) and, if required, three car parks at the front of the property.

Boundary fences are to be constructed on internal property boundaries being two metres high.

## **2. PROPOSED TASMAN RESOURCE MANAGEMENT PLAN ("PTRMP") ZONING, AREAS AND RULE(S) AFFECTED**

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

Zoning: Rural Residential Serviced

The proposed church hall activity does not comply with Permitted Activity rule 17.6.2(b)(iii) of the PTRMP and is deemed to be a Restricted Discretionary Activity in accordance with Rule 17.6.10B of the PTRMP.

The 16 on-site carparks to be provided, whilst meeting the requirements for 50 persons attending a place of assembly (places of assembly requires one car park for every four persons under rule 16.2.3(c) of the PTRMP), does not meet the requirement for 100 persons attending the church hall and therefore falls to be considered a Restricted Discretionary Activity pursuant to rule 16.2.6 of the PTRMP.

The proposed building development includes the erection of a 2.0 metre high boundary fence along internal boundaries. As fences that exceed 1.8 metres height fall to be considered as buildings and that the proposed fence is within the Permitted Activity yard setback of 5.0 metres for the Rural Residential zone, the building activity falls to be considered as a Restricted Discretionary Activity under PTRMP rule 17.6.5.

The Applicant has stated in the application that "The proposed activity will not be generating noise outside the permitted levels." (refer to the sixth paragraph on page 10). The Permitted Activity rule for noise in the Rural Residential zone is provided in rule 17.6.2(h).

## **3. NOTIFICATION AND SUBMISSIONS RECEIVED**

The application was notified on 17 November 2007 pursuant to Section 93 of the Act. A total of three submissions were received. The following is a summary of the written submissions received and the main issues raised:

Submitters' Hill Street address	Submitter	Reasons	Decision Sought
55 and 55A	R and G K Kalma & C Newby	Traffic and parking effects on Hill Street.	Decline
59	N and J Hill	Adversely affect the residential amenity of their property.  Traffic concerns including the timing and disturbance of traffic, parking, congestion and safety effects.  Request relocation of access	Decline  Wished to be heard.
63	N E Pollitt	Opposed to a church hall activity next door.  Detracts from property investment and residential amenity (quiet and peaceful environment)	Decline  Wished to be heard.

#### 4. PROCEDURAL MATTERS

The Applicant, during the hearing, requested two matters of change to the application:

- a) That the hours of the occasional meetings to be held on Sunday afternoons be extended from between 2.50 pm to 3.45 pm to between 2.50 pm and 4.30 pm.
- b) That the proposal allow for occasional use of the church hall by up to 12 Board Trustees for a Board Meeting.

The Council's reporting officer Mr Andrew advised the Committee that the request to extend the hours beyond what was in the application required the Committee to be satisfied that the effects of such an extension would be 'de minimis', or no more than a triviality, in regards to adverse environmental effects. The Committee noted that the greatest concern for submitters was the Sunday morning service and the Committee also noted that the use of the church hall on Sunday afternoons would only be occasional, and no more than 24 times in a year.

In considering the requested extension period, the meeting time that the requested extension related to and the infrequency of such meetings, and the fact that the submitters in attendance at the hearing had raised no objections to the proposed extension, the Committee concluded that the matter of the requested extension was de minimis and could be considered.

The matter of the additional use of the church hall for occasional Board meetings of the Hall Trustees was also considered to be de minimis in that the use would be infrequent and occur during early evenings and would have an effect that was similar to that which could be anticipated from a dwelling on the site. The submitters present at the hearing raised no concerns regarding this additional use.

## **5. EVIDENCE HEARD**

The Committee heard evidence from the Applicant, expert witnesses, submitters, and the Council's reporting officer. The following is a summary of the evidence heard at the hearing.

### **5.1 Applicant's Evidence**

Mr G Thomas, a resource management consultant for the Applicant, tabled and read a statement of evidence and described the proposal as seeking consent for the operation of a church hall in a Rural Residential zone. He described this as a community activity, which is a Restricted Discretionary Activity, and the construction of the proposed church hall building is a Permitted Activity. He stated the Applicant sought consent for a Discretionary Activity to construct a boundary fence on the sides and rear of the property to a height of 2 metres. This fence was specifically made part of the application to provide an effective noise mitigation measure. The subject site at 61 Hill Street, Richmond is Lot 6 DP 3539 in Certificate of Title NL101/119. It was proposed that the existing dwelling be removed and a new purpose-built hall that will have the exterior appearance similar to that of a dwelling be constructed. The new building and proposed noise attenuation fencing will be constructed out of AFS panelling. This material is a form of concrete structural panelling, mainly used in commercial forms of construction. This panelling will provide noise attenuation qualities and double glazing will also be used on all windows. A brochure providing specifications of the panelling was submitted as evidence.

Mr Thomas read his evidence and discussed the assessment of effects provided in the Council officer's report. He stated that this clearly showed that the adverse effects are no more than minor.

He explained that vehicles entering the site will be travelling slowly and there will not be excessive engine noise and the driveway surface will be asphaltic cement. The car park will be located at the rear of the building, except for three car parks at the front.

Mr Thomas explained that the Trust sought a minor variation of the meeting times to extend Sunday afternoon meeting hours to 4.30 pm instead of 3.45 pm.

Mr Thomas tabled copies of letters of support from neighbours to other similar Church Trust halls in Richmond, Motueka and Nelson. The Applicant was generally in support of the recommended conditions of consent from Council staff.

Mr Thomas also explained that there was potential for meetings of the Trust Board for up to 12 people on occasions of only once or twice a week.

### **5.2 Submitters' Evidence**

Mr N Hill of 59 Hill Street, Richmond stated he was mostly concerned about the early starts on Sunday mornings. He tabled and referred to a report prepared for the Ministry of Transport on vehicle noise which he stated showed that vehicles attending the proposed activity would be in breach of the noise control provisions of the PTRMP. He opposed the three car parks in front of the building, which would be adjacent to his bedroom windows. Mr Hill acknowledged that the Applicant had

raised the question of potentially double glazing some of the windows of the house owned by him to assist with noise control.

Mr N Pollitt stated he was concerned about the Sunday morning meetings when there is potential for up to 100 people to attend on the subject site. He was concerned about noise from vehicles using the driveway and the on-site car parking. He stated he was particularly concerned about noise from vehicles and people using the front car parks.

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

Mr J Andrew referred to the staff report contained within the agenda. Mr Andrew referred to relevant case law for similar church halls in Motueka and Onehunga and stated that these cases mirror the subject application. He stated that small church halls where a small group can be serviced with the one common communion cup are at the quieter end of the scale for churches and that the subject site would be residential in nature and appearance.

He explained that there was potential for the church building to be sited slightly more forward on the site to allow additional car parks to be gained at the rear.

He addressed his recommended conditions of consent.

Mr Andrew suggested that, for Sunday services beginning at 5.50 am, the front car parks adjacent to the road not be used. He stated that this could reduce noise in a location closer to the bedrooms of the submitters. Mr Andrew suggested that the Applicant consider relocating the building further towards the road to provide more parking at the rear of the building and eliminating front yard carparking altogether.

Mr Andrew recommended that some of the existing trees on the site be retained.

Mr D R Lewis, stated that the Sunday morning start time of 5.50 am may result in an intrusive noise problem. He stated that the proposed noise wall will be quite effective and that this is the most efficient and effective means of providing noise attenuation. Mr Lewis stated that with all parking at the rear of the subject site, the noise aspect will be fairly well addressed. He stated that the Council cannot require conditions outside the subject site in the form of double glazing and hush glass on adjacent properties. He stated that for effective noise control both double glazing and the proposed acoustic fencing is required.

Mr Thomas sought leave from the chair, on behalf of the Applicant, for the submitters to comment on their preference for glazing for sound reduction and moving the building forward on the site. Both submitters commented that they favoured upgrading the glazing of windows for sound reduction and moving the building forward on site to put further car parks at the rear. The meeting adjourned for a short recess to allow the Applicant to consider the options.

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

Mr Thomas responded for the Applicant, saying that the Applicant did not propose to relocate the building on site. He stated that as an alternative, the Applicant proposed a volunteered management control so that the front three car parks are not used for the early morning services. Mr Thomas noted that the submitters (Mr Hill and

Mr Pollitt) both agreed to that alternative proposal. Mr Thomas stated that the Applicant was prepared to volunteer double glazing or hush glass to be installed on the bedroom windows on the walls facing the subject site for the houses at 59 and 63 Hill Street. He stated that the qualification is that this would only be where this is practical from a glazier's point of view and only to replace the glazing. Mr Thomas stated that this should take away any concerns raised by the submitters. Mr Thomas stated that the Applicant was happy with the proposed conditions of consent and reminded the hearing panel that the Applicant had volunteered noise attenuation fencing. He referred to the traffic report tabled by Mr Hill and stated that this applied to traffic on roads in 50 kilometre per hour areas. He invited the hearing panel to conduct a site visit at the subject property and also visit other Trust church sites in Hill Street, Edward Street and William Street, Richmond.

## **6. PRINCIPAL ISSUES**

The principal issues that were in contention were:

- a) Would the activity on Sunday mornings create adverse effects from noise?
- b) Would the occasional increased use of the church hall on Sunday afternoons and Friday evenings create adverse effects from vehicles parking on the street?

## **7. MAIN FINDINGS OF FACT**

The Committee considers that the following are the main facts relating to this application:

- a) The activities of similar church halls located within residential areas have not resulted in any significant issues in regards to noise although an issue with car doors closing and footsteps on hard surfaces had been noted. The Committee noted that noise mitigation measures were feasible and three measures were volunteered by the Applicant at the hearing, being: i) a 2 metre high acoustic fence erected on the internal boundaries; ii) double or acoustic ('hush-glass') glazing for windows of habitable rooms of the two dwellings adjoining the proposed church hall; and iii) not using the front three carparks for the Sunday morning service.
- b) The Church members have been established for many years in Richmond and their fellowship includes inviting other church members into their hall on a rotational basis. This activity has not created any issues in regards to parking at the other church halls in Richmond as far as the Council is aware. The Council's Development Engineer has considered that there is adequate on-site parking for the normal attendance (50 persons) of the church hall, and that there will be no more than a minor effect from any on-street parking generated by the occasional increased use of the church hall (100 persons). The Applicant introduced a number of supportive testimonials from neighbours of adjoining churches including a neighbour of their William Street church hall which this proposed church hall is to replace.



## 8. RELEVANT STATUTORY PROVISIONS

### 8.1 Policy Statements and Plan Provisions

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

- a) the Tasman Regional Policy Statement (TRPS);
- b) the Proposed Tasman Resource Management Plan (PTRMP);

### 8.2 Part II Matters

In considering this application, the Committee has 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, the Committee **GRANTS** consent subject to conditions.

## 10. REASONS FOR THE DECISION

The type of church hall proposed is not uncommon within residential areas of Richmond and Motueka. There are eight such church halls in Richmond where local church members can attend services.

One of the main concerns of two of the three submitters, who are the two adjoining neighbours, was the potential adverse effects of noise from the activity, particularly from the Sunday morning service.

The halls are located such that members could attend by walking to the hall rather than driving. The church is one that operates quietly and has not attracted any significant complaints from residential neighbours according to Council records.

It is noted that the Applicant also stated in their application that the proposed activity will not be generating noise outside of the permitted levels.

The Applicant has also volunteered to introduce additional noise mitigation measures which include a 2.0 metre high acoustic barrier fence along the internal boundaries and has also volunteered to install double glazing or acoustic glazing for the adjacent properties for the bedroom windows that face onto the subject site.

Notwithstanding the above, the Committee has adopted the recommendation of Council's reporting officer that a review of the conditions of the consent which could include any additional requirements to effectively mitigate any adverse effects from noise.

The Committee has considered the matters under Part 2 of the Act and also the relevant objectives and policies of the PTRMP in regards to site amenity effects, urban environment effects and land transport effects.

The Committee considered that the proposal is consistent with the following objectives and policies of the PTRMP:

#### Chapter 5 – Site Amenity Effects

- Objectives 5.1.0, 5.2.0, 5.3.0
- Policies 5.1.1, 5.1.4, 5.2.1, 5.2.8, 5.2.10, 5.3.3

#### Chapter 6 – Urban Environment Effects

- Objective 6.1A.0
- Policy 6.1A.1

#### Chapter 11 – Land Transport Effects

- Objective 11.2.0
- Policies 11.2.2, 11.2.3

More importantly, the Committee considers that the granting of this consent meets the purpose of the Act, as set out in Section 5. The proposed activity does not offend the aforementioned policies and objectives and the Committee considered that noise from the activity would only be an issue for the Sunday morning service but that the historical track record of this activity from other such churches of the same denomination did not elude to any potential excessive or unreasonable noise occurrences and that the volunteered conditions for acoustic fencing and acoustic glazing for bedroom windows for the dwelling facing the church hall would effectively mitigate any noise to a level that would no more than minor.

The Committee is limited in its deliberations to consider those matters over which its discretion has been restricted.

The Council has restricted matters over which it has reserved its control to the following six matters:

1. The extent to which the activity will result in loss of rural 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.

The Committee has reviewed the proposed conditions recommended by reporting staff, and following the hearing and site visit has considered that those conditions with a few amendments can ensure that the proposed activity will not be inappropriate within the rural-residential environment of the surrounding

neighbourhood and that any adverse effects are minimised to a level that will be no more than minor.

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

Condition 2, which defines the numbers of persons and times that the site may be used, has been amended to include the minor addition to the provision for the Sunday afternoon service which now will end at 4.30 pm and the use of the church hall for Board Trustees (up to 12 persons) to hold meetings during any early evening has been added.

Condition 3 has amended the recommended conditions regarding noise that were in the Council officer's report to include the conditions volunteered by the Applicant and the agreement by the adjoining submitters regarding noise control works and practices. The Committee noted the acoustic report presented as evidence from Mr Hill but considered that this report had been prepared to assist the Ministry of Transport in regards to noise from vehicles travelling at 30 to 50 kilometres per hour on the open road and that the circumstances of the proposed activity were quite different and that the additional mitigation effects would effectively reduce noise received by adjoining neighbours to an acceptable level. The noise control standards that are set out in the PTRMP for a Permitted Activity do not need to be included as a condition of consent as the Applicant has not applied to make any noise in excess of these Permitted Activity criteria however the Committee has exercised its discretion to include noise mitigation measures by including the volunteered conditions of the Applicant to erect the acoustic barrier fence along internal boundaries of the subject property and install the acoustic barrier glass on windows of properties facing onto the subject property.

Condition 4 provides for a reduction in height of fences and landscaping within 2 metres of the access joining the road. This condition is to ensure adequate sight lines are maintained for safety reasons.

## **12. LAPSING OF CONSENT**

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.

## **13. EXPIRY OF CONSENT**

Pursuant to Section 123 of the Act, land use consents have no expiry provided they are given effect to within the lapse period provided and also provided that the use is not discontinued for a continuous period of more than 12 months.

Issued this 13<sup>th</sup> day of March 2008



Cr T King  
**Chair of Hearings Committee**

**RESOURCE CONSENT NUMBER:** RM070921

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 Gospel Hall Trust Incorporated**  
(hereinafter referred to as “the Consent Holder”)

**ACTIVITY AUTHORISED BY THIS CONSENT:** Erect a new building and its use as a church hall.

**LOCATION DETAILS:**

Address of property: 61 Hill Street, Richmond (“the property”)  
Legal description: Lot 6 DP 3539  
Certificate of title: NL 101/119  
Valuation number: 1961032700

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 J D Design Ltd and attached to this consent as Plans A and B RM070921. 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;
  - 50 people on Mondays between 6.25 pm and 7.30 pm;
  - 100 people on Sundays on no more than 24 occasions in any 12 month calendar period between 2.50 pm and 4.30 pm; and
  - 100 people on Fridays on no more than 24 occasions in any 12 month calendar period between 7.20 pm to 8.45 pm

- 12 people on any day between 4.00 pm and 8.00 pm for the purposes of a meeting of the Richmond South Gospel Hall Trust Board members.

## 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 works and practices:

### Acoustic Barrier Fence

- a) The Consent Holder shall construct an 'acoustic barrier fence' that is not less than 1.8 metres in height and not more than 2.0 metres in height, on all internal property boundaries subject to the following:
- i) within 2 metres either side of the site access the fence shall be no more than 1.0 metre high.
  - ii) the acoustic barrier fence shall be erected within the property boundary unless the adjoining neighbour(s) agree to the acoustic fence being erected on the common boundary
  - iii) the acoustic barrier fence shall be constructed so as to minimise any root damage to the two mature Cypress, Pencil Fir trees located on the shared boundary with 59 Hill Street.

**Advice Note:** This may require the foundations of the fence to be placed clear of the tree roots and a lintel at ground level formed to support the fence.

- b) An 'acoustic fence' for the purposes of this condition shall consist of a monolithic panel or block construction having a minimum width of 120 millimetres and a minimum wall mass of 290 kilograms per square metre.

**Advice Note:**

The "AFS 120 Logicwall" specifications presented as evidence by the Applicant at the hearing would achieve the aforementioned specifications.

### Acoustic Barrier Glass

- c) The Consent Holder shall, prior to the church hall being used, replace the glazing of the bedroom windows of the walls facing onto the boundary of the property of the dwellings located at 59 Hill Street and 63 Hill Street, Richmond, with 'acoustic barrier glass'
- d) 'Acoustic barrier glass' for the purposes of this condition shall be either sealed double glazing or a proprietary brand acoustic glass specifically designed to reduce noise transmission and that has a minimum Sound Transmission Class Rating of 37.

**Advice Note:**

Pilkington (New Zealand) Limited manufacture a 7mm thick laminated glass called 'Hush Glass' that has an STC rating of 37.

## Parking Restriction

- e) The Consent Holder shall not allow any vehicles to park on the property within 10 metres of the road boundary on Sunday mornings.

**Advice Note:** This condition requires all vehicles used by attendees of the 5.50 am to 7.10 am Sunday service to park at the rear (south eastern side) of the church hall.

## General Advice Notes on Noise:

Conditions 3a, 3b and 3c have been volunteered by the Consent Holder. Condition 3b) has been agreed to by the proprietors of 59 and 63 Hill Street, Richmond who were submitters to the application.

The Consent Holder is required to comply with the Permitted Activity rule criteria for noise applicable to the Rural Residential zone.

For the avoidance of doubt the relevant Permitted Activity rule criteria for noise applicable to the Rural 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 from which the noise is generated, or at or with the notional boundary of a dwelling within any other zone, does not exceed:*

	Day	Night
L10	55 dBA	40 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: 1991, Measurement of Sound and NZS 6802:1991, 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.

Compliance with Condition 3e) of this consent may require the Consent Holder to place appropriate 'no parking' signage or temporary barriers to ensure church hall attendees do not use the front parking area on Sunday mornings.

## 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 the road.

**Advice Note:** Refer to attached Diagram C – RM070921 for clarity which shows the required sight distance for the access on the left hand side of the vehicle access. The same sight distance would be applicable for the right hand side of the vehicle access.

5. The site access shall have a gate 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 16 car parking spaces shall be provided in general accordance with Plan A - RM070921 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. No signage shall be erected that is visible from Hill Street or from any neighbour's property;

### **Landscaping**

8. The present frontage landscaping shall be maintained to provide an effective visual screen along the Hill Street frontage of the property except that a small gap may be retained about the base of the Kowhai tree while that tree survives, otherwise the entire frontage shall be planted to complete the visual screen.

### **Advice Note:**

Where practical it is desirable that the existing planting along the internal boundaries of the property and at the edges of the proposed car parking areas are retained and enhanced by further planting.

9. A landscaping strip approximately 1.0 metre wide shall be established along the side boundaries against the acoustic barrier fence on the subject property side.

### **Review**

10. 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.

## **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

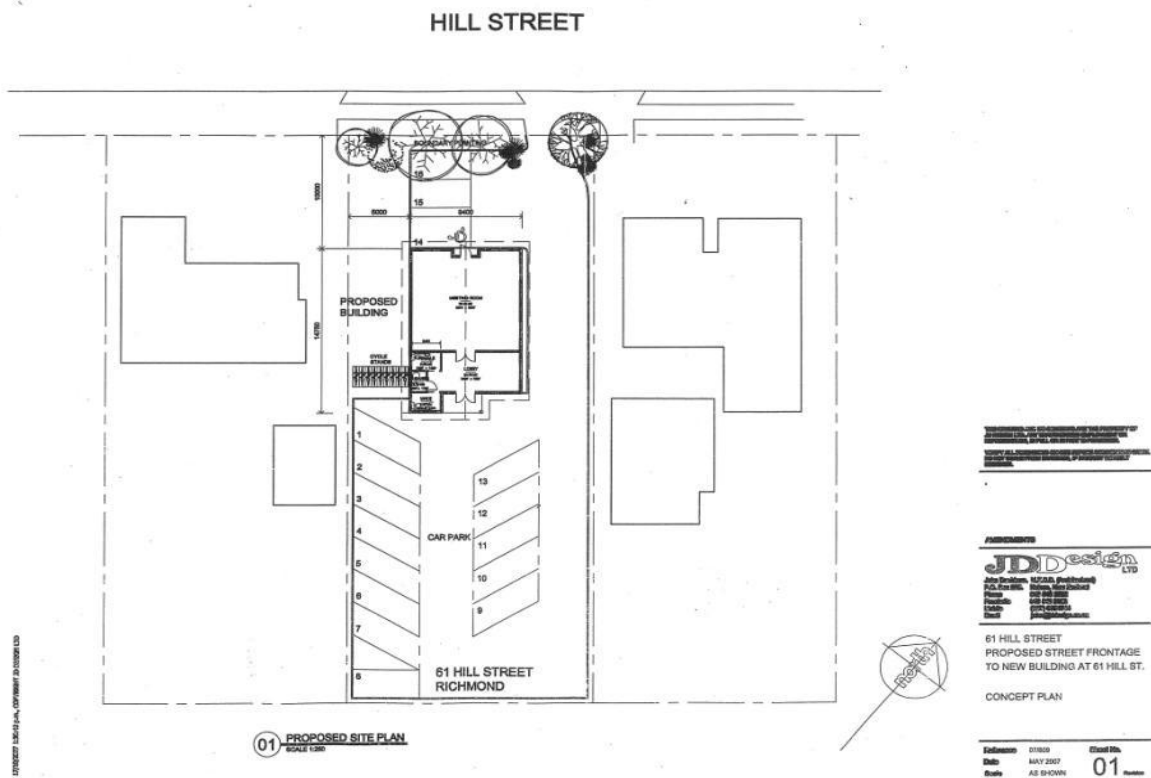
7. Unless otherwise specifically defined, the meanings of words in this consent are as provided in Chapter 2 of the Proposed Tasman Resource Management Plan or Sections 2 and 3 of the Resource Management Act as at the date of this consent.

Issued this 13<sup>th</sup> day of March 2008

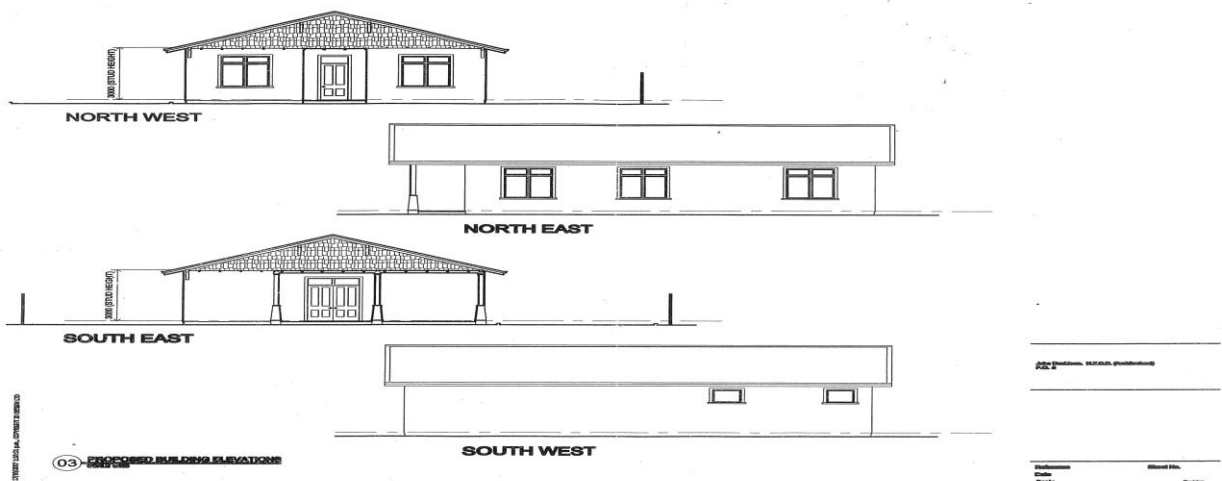


Cr T King  
Chair of Hearings Committee

Plan A – RM070921

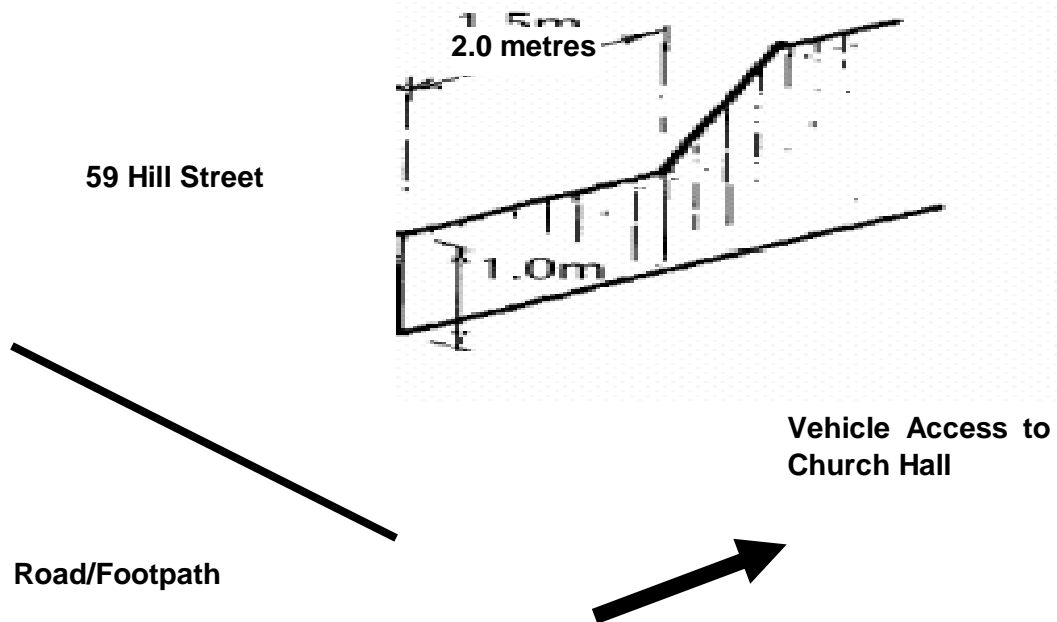


**Plan B – RM070921**



**Diagram C – 070921**

Required height reduction for access in Condition 4 of RM070921.  
Diagram shows left hand side of access only.



**Date Confirmed:** \_\_\_\_\_

**Chair:** \_\_\_\_\_