

MINUTES

TITLE: Environment & Planning Subcommittee
Commissioner Hearing
DATE: Monday, 15 September 2008
TIME: 9.30 am
VENUE: Council Chamber, 189 Queen Street, Richmond

PRESENT: Commissioner Ms C Owen

IN ATTENDANCE: Principal Consents Planner (J Butler), Consent Planner Land Use (J Harley), Consent Planner Natural Resources (L Pigott), Development Engineer (D Ley), Administration Officer (B D Moore)

1. RICHMOND BAPTIST CHURCH, 123 SALISBURY ROAD, RICHMOND, RM080157 AND RM080594

1.1 Proposal

The application is for land use consent to erect buildings, and undertake the following activities:

- a) To extend the existing main building on site to provide for:
 - additional administration space
 - meeting rooms
 - community centre for meetings and teaching classes
 - counselling services
 - youth and recreational facilities
 - associated kitchen, ablution and storage facilities;
- b) To erect three new buildings adjoining the southern boundary to provide and operate an additional pre school, before and after school care, holiday programmes and life skills programmes. One of these buildings is to have a manager/staff accommodation unit within it;
- c) To erect a new building to provide for:
 - a worship centre with seating for 800 people, to accommodate church services, presentations, functions and performances
 - café
 - library
 - ancillary kitchen, ablution, storage facilities;

The Worship Centre building will have a portion of the building up to maximum height of 12.8 metres.

- d) To erect a campanile structure, with a height of up to 12 metres, a footprint of up to 0.5 m², and illuminated.

Consent is sought to create legal access:

- either by right-of-way or license to occupy through the adjoining Aquatic Centre to enable the creation of a one way traffic system entering from Salisbury Road and exiting through the Aquatic Centre.

The re-development and expansion of facilities will result in the total provision of 200 on site car parks.

Consent is sought to develop the extensions to buildings, and erection of new buildings as well as the establishment of varying associated activities over a 15 year period.

A discharge consent is also sought (RM080594) for the discharge of stormwater from buildings and other hard surfaces after treatment to land and to unnamed tributaries of the Waimea Inlet (including a watercourse locally known as Reservoir Creek) A lapse period of 15 years is sought for this Consent, and a term of 20 years.

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

**THAT pursuant to Section 104B of the Resource Management Act, the Committee GRANTS consent to Richmond Baptist Church 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 Monday 15 September 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 Baptist Church** (“the Applicant”), to undertake a community activity, namely the operation of a Church and associated activities, and to redevelop and expand its existing activities. The application, made in accordance with the Resource Management Act 1991 (“the Act”), was lodged with the Council and referenced as RM080594 and RM080157 respectively.

PRESENT:

Hearings Committee

Commissioner Camilla Owen, appointed pursuant to section 34A(1) Resource Management Act by letter dated 15 August 2008.

APPLICANT:

Mr Nigel McFadden, Counsel for **Richmond Baptist Church**
Pastor Allan Smellie
Mr Mark Barron, architect
Mrs Jackie McNae, planner

CONSENT AUTHORITY: **Tasman District Council**
Ms Jane Harley - Consent Planner, Land Use
Mr Leif Pigott - Consent Planner, Natural Resources

SUBMITTERS IN SUPPORT: Ms Shelley Hawke
Mr Kiem Thung Thia

**SUBMITTERS IN
OPPOSITION:** Ms Monica Arik

IN ATTENDANCE: Mr Jeremy Butler, Principal Resource Consents Adviser –
Assisting the Committee
Mr Brian Moore – Committee Secretary

SITE VISIT: Immediately following the closure of the hearing

1. DESCRIPTION OF THE PROPOSED ACTIVITY

- 1.1 The Richmond Baptist Church (“the Church”) is located on a 3.245 hectare property at 123 Salisbury Road, Richmond. This site sits between Salisbury Road and the Richmond Deviation, with the ASB Bank Aquatic Centre to the north east and residential neighbourhoods adjoining the site to the south west, as well as across Salisbury Road. Access is via Salisbury Road.
- 1.2 Currently the Church operates from a facility on site which was established as stage 1 of a two stage development, pursuant to a resource consent granted in April 1998 (RM970413). The worship centre is run out of a sports hall, with administrative buildings attached. A preschool also operates from the venue. It was intended that a purpose built worship centre be constructed in stage 2, but it became apparent that the design was inadequate for the congregation numbers and this was never built. Instead the Church commenced a reassessment and design process, culminating in the current application.
- 1.3 What is sought is a land use consent to erect buildings and undertake the activities described below, together with a discharge consent.
- 1.4 To extend the **main building** on site by a total of 680 square metres to provide for:
 - Additional administration space;
 - Meeting rooms;
 - Community centre for meetings and teaching classes;
 - Counselling services;
 - Youth and recreational facilities at the western end of the building;
 - Associated kitchen, ablution and storage facilities.
- 1.5 The hours of operation will be 8.00 am to 5.30 pm for the administration offices and 8.30 am to 10.30 pm for the community centre area. The hours of operation for the youth facilities will be 8.00 am to 10.30 pm.

- 1.6 To erect **three new buildings** (E, F and G) adjoining the southern boundary to provide for and operate from a relocated pre-school, before and after school care, holiday programmes and life skills programmes. One of these buildings will contain a manager's unit/staff accommodation. However the Applicant seeks flexibility as to which activities will be housed in which of the three buildings. As shown on the plans building E is designed to provide split playground facilities around the central preschool building, for respectively 0-3 and 3-5 year old pupils.
- 1.7 After the hearing the Applicant provided an updated plan (Jerram Tocker Barron Sheet A1 Rev A dated October 2006 – why not 2008 is unclear) showing the correct footprint measurements for all proposed activities. This indicated that the new preschool building (E) has a footprint of 500 square metres; and the out of school care/Life Skills/accommodation buildings (F and G) have respective footprints of 275 and 400 square metres.
- 1.8 These buildings are the ones which were the focus of submissions in opposition due to their proximity to the three neighbouring residential dwellings. All three buildings are single storey, facing north, with windows to the south being restricted to high level to ensure the privacy of the neighbours. Professional counselling services will move into the existing preschool building when the preschool moves. These services are in addition to the current counselling services in the present main building, which are in house staff providing counselling for members of the congregation.
- 1.9 The current preschool has a licence for 45 children, and a waiting list. The relocated preschool is designed to cater for 90 pupils. The preschool will operate from 7.00 am to 6.00 pm, an extension from the current hours. The present preschool is also sought to operate within those hours ahead of the new one being built. In addition, it is sought to have later hours up to three times a month, as provided for in the current consent. This is to cater for staff meetings and Board meetings after hours. Although the preschool will operate five days a week, it will be available for use on Saturdays and Sundays for "Sunday" school classes.
- 1.10 The before and after school care is for 5-11 and 12-15 year age groups, 40 pupils per group (total 80). Hours of operation are from 7.00 am to 6.0 pm, with the Life Skills programmes extending outside those hours up until 10.30 pm. This is from Monday to Friday.
- 1.11 The staff accommodation component is optional and is intended to be part of employment with the Church.
- 1.12 To erect a new building to provide for:
- A **worship centre**, to accommodate church services, presentations, functions and performances;
 - Café;
 - Library; and
 - Ancillary kitchen, ablution, storage facilities.
- 1.13 The floor area for the new Worship Centre is 1440 square metres, although the current design covers 1258 square metres. From the 3 metre eaves on the south side it will curve up at its highest to 11.5 - 12 .8 metres. The tiered nature of the 800 seat auditorium has necessitated the over height component of the architectural

design. As well as the auditorium the design caters for a multi purpose function and gathering area, ancillary meeting rooms and a library.

- 1.14 The café within the Worship Centre will be open to the congregation but also potentially to the public. The hours of operation for the cafe are the same as those for the Worship Centre.
- 1.15 The hours of operation of the Worship Centre are intended to be 8.00 am to 10.30 pm Monday – Thursday; 7.00 am to midnight Friday – Saturday; 7.00 am to 10.30 pm Sunday.
- 1.16 To erect a steel and concrete **campanile structure**, up to 12 metres high, with a footprint up to 0.5 square metres, and illuminated (but without a bell).
- 1.17 The redevelopment is anticipated to result in the requirement (when fully completed) for 200 **carparks**. The current consent requires 126 carparks, which will be maintained throughout the course of the development, with the final carpark layout providing sufficient parks for the range of proposed activities. A small part of the carparks are multi-use, functioning as outdoor basketball courts at times when the major venue is not in use and thus full parking demand is not being generated on site. Carparks are located away from the residential activities on the adjacent boundary to the south. The layout of the site has also used pedestrian flow through the site as a planning consideration, together with linkages to public walkways outside the site.
- 1.18 The lapse period sought is for 15 years, to allow the gradual development of the facilities, although stages as such were not proposed. The construction of the preschool was, however, identified as a priority.
- 1.19 Finally, the expansion of the facilities will result in additional hard stand on the site, and thus a discharge consent is required for discharge of stormwater from buildings and other hard surfaces after treatment. The discharge will both be to land and to unnamed tributaries of the Waimea Inlet (including a watercourse known locally as Reservoir Creek). A lapse period of 15 years is sought, and a term of 20 years.

2. NOTIFICATION AND SUBMISSIONS RECEIVED

2.1 The applications were notified on 5 July 2008 pursuant to section 93 of the Act. A total of 79 submissions were received, of which 75 were in support. Of the 4 in opposition the main issues raised were:

- The proximity and scale of three new buildings (E, F and G) along the southern boundary close to the submitters dwellings;
- The potential future uses of these buildings;
- Noise from activities within the buildings, including but not limited to the preschool in building E; and
- The 15 year timeframe for construction.

Of the three submitters owning property affected by the proposal:

- Shane Miles owns 29 Maple Crescent;
- Janice Hewetson owns 31 Maple Crescent; and
- Monica Arik owns 37 Maple Crescent.

3. PROCEDURAL MATTERS

- 3.1 Transit New Zealand (Wellington Regional Office) filed a submission in opposition dated 21 July 2008. However, at the hearing Mr McFadden tabled an e-mail dated 10 September 2008 from Mike Weir, Principal Planner New Zealand Transport Agency (as by this time Transit had renamed itself) to Staig and Smith, the planners for the Applicant. This e-mail confirmed that the NZTA submission was fully withdrawn. I have therefore not considered this submission.
- 3.2 Although the Staff Report recorded that consent was sought to create legal access either by right of way or license to occupy through the adjoining Aquatic Centre to enable the creation of a one way traffic system from Salisbury Road exiting through the Aquatic Centre, in fact all parties agreed this was not a matter within my jurisdiction. Rather, it is a matter for the Applicant and the Council to come to terms on. However I can assume that the one way traffic system is a realistic and feasible option, without seeing the Agreement reached between these two parties, as at present the Council's staff employed at the Aquatic Centre use the Church access to reach the Aquatic Centre carpark. Thus, mutual access has mutual benefits for the parties.

4. RELEVANT STATUTORY AND PROPOSED TASMAN RESOURCE MANAGEMENT PLAN ("PTRMP") PROVISIONS

- 4.1 According to the PTRMP the following apply to the subject property:
- Zoning: predominantly Tourist Services Zone, with an approximately 16m strip at the northern end of the site zoned Open Space Zone.
 - Site: expressly subject to Rules 16.2.2(da) and 16.2.2(ss) - Permitted Activities (Land Use - Vehicle Access Considerations).
- 4.2 The proposed activity does not comply with Permitted Activity Rule 17.2.4 (Land Use - Tourist Services Zone) of the PTRMP, nor with Permitted Activity Rule 17.2.6 (Building Construction and Alteration). It would, all other things being equal (which they are not), therefore be a discretionary activity in accordance with Rule 17.2.5.
- 4.3 However, as portions of the buildings are over 10 metres in height the restricted discretionary activity Rule 17.2.7 is also not complied with. The Staff Report treated the Application overall as a discretionary activity, but on behalf of the Applicant Mrs McNae acknowledged that the correct treatment should be as a non-complying activity. Mr McFadden's submissions were based on the activity being non-complying. That is, this status results from the general application of Section 1.9.1 of the PTRMP whereby an activity cascades from one rule to another, and notwithstanding that there is no non-complying activity rule in the PTRMP following on from Rule 17.2.7. The alternative approach is that the activity is not "labelled" in the PTRMP once it falls outside Rule 17.2.7 and is thus an innominate activity which is covered by section 77C RMA, which states that any such activity is a discretionary activity.
- 4.4 Of the two approaches I consider that the application of section 77C is most appropriate. It is not easy to read section 1.9.1 of the PTRMP as overriding the intent of section 77C – where the PTRMP does not classify an activity as non-complying then the activity should be treated as discretionary. Whilst section 1.9.1 illustrates or

deals with a situation where an activity can cascade down until it reaches a rule where it complies with all the relevant conditions, standards and terms, that section does not clearly deal with the present situation where there is no such rule. Indeed section 1.8.1(e) states that the activity must be stated in the PTRMP to be non-complying, and here it is not.

Other Plans have a general rule in the nature of section 1.9.1, but clearly state that where resource consent is required for an activity and that activity does not fall within a rule in the PTRMP then the activity must be considered to be non-complying. The expected PTRMP rule would be a non-complying rule, but it is not there. In that situation I consider section 77C should have primacy. I therefore find that the activity is discretionary.

4.5 In comparison with the permitted activity rules:

- The range of activities on site extend beyond tourist accommodation. However, restaurants, recreational activities, and tutoring and training in outdoor recreational pursuits and life skills are permitted activities on the site.
- Rule 17.2.2(i), imported via rule 17.2.4(e), requires an amenity planting of 2 metres in width along boundaries of sites adjoining a residential zone. The Application included a planting plan from Tasman Carter Ltd, landscape architects, for the area between buildings E, F and G and the neighbouring residential boundary.
- Maximum building coverage is 60% in the Tourist Services Zone, which the complex is well within, coming somewhere around 30% coverage when the new activities are added to the existing buildings on site.
- The maximum height of buildings in this particular Tourist Services zone is 8.5 metres, so the Worship Centre and the Campanile are overheight, but buildings E, F and G are lower than could be built as of right.
- Buildings are set back at least 5 metres from boundaries of sites in an adjoining residential zone, as proposed here.
- An offset of at least 2.5 metres is required at intervals of no greater than 15 metres along any wall in the Tourist Services Zone, and the walls of the Worship Centre exceed this. The longest wall has a gentle curve some 36 metres in length and 3.6 metres in height. However this will not be visible from outside the site apart from the occasional oblique glimpse. The remaining two walls of the triangular structure also exceed the rule, being some 17 metres in length.
- The relevant noise rule controlling activities on the site is rule 17.2.2 (m), which is imported into rule 17.2.4 via performance criterion (e).

4.6 Stormwater discharge is not a permitted activity pursuant to Rule 36.4.2 and a resource consent is required under Rule 36.4.4. The activity is discretionary.

4.7 The proposed discharges to land and water contravene section 15 of the Act, and therefore I have also had regard to the matters outlined in sections 105 and 107 of the Act in respect of the discharge permit sought by the Applicant.

5. THE APPLICANT'S EVIDENCE

- 5.1 In addition to Mr McFadden's legal submissions, the Applicant presented evidence from:
- Pastor Allan Smellie, the Administrative Pastor of Richmond Baptist Church;
 - Mr Marc Barron, architect;
 - Mrs Jackie McNae, planner.
- 5.2 These witnesses described the design approach to the complex. One of the main drivers for the layout of the services required, according to Pastor Smellie, was to develop a pedestrian link to all buildings. This was determined largely by the existing building, which made pedestrian activity to the north side of those three buildings logical, whilst still providing a connection with the existing pedestrian walkway from Maple Crescent. Moving the building further off the boundary was said to impinge on a natural and desired "pedestrian spine" or line shown in Diagram C to Mr Barron's evidence, connecting carparks and pedestrians with the buildings whilst achieving a pedestrian mall type ambience and meeting space (the "pedestrian heart" in front of the Worship Centre) for those pedestrians. Any movement of the three buildings north would impact on the carpark layout and move them closer to the intended one way traffic route through the site.
- 5.3 Mr Barron detailed the residential design style used for buildings E, F and G. The preschool has a mono-pitched roof, with the lowest point (3.75 metres) 5 metres away from the residential boundary rising to 5 metres at the highest part of its roof. It is located 5m from the boundary. Buildings F and G are similar, with the addition for building G of an 11 metre step back at the northwest end in order to provide a view shaft from the living spaces of the residential property at 27 Maple Crescent (Mr Miles' house). Building materials for all three buildings are intended to be those generally found in residential areas. The Application and evidence records that the buildings are to reflect a residential scale and style of building, not dissimilar to the existing preschool building on site (building D on the plans).
- 5.4 Mrs McNae emphasised the proposed layout efficiently utilised the Applicant's land and provided a valuable amenity for those visiting and working on site. She was critical of the idea of a 30 metre setback, as although it may achieve gains in neighbours' amenity this would be at the cost of efficient use of the Church land. She noted that Mr Barron had designed the Worship Centre to ensure the larger scale buildings were in the centre of the site, and the potentially noisy and visually intrusive (especially at night) car park activities were separated from the residential neighbours by the buildings themselves, including E, F and G. The Worship Centre is located some 30 metres from the residential boundary, which indicates the degree of shift and consequent redesign that would be required were I to adopt the submitters' preferred relief. Mrs McNae's view was that the proposal would significantly enhance the amenity values of the location, the character of the area, and the social and cultural well being of the Richmond community. Mrs McNae further considered that this can be achieved without the creation of significant cross boundary effects, as these effects had been identified and mitigated by the design of the buildings and the layout of buildings and carparks on the site.

6. THE EVIDENCE OF THE SUBMITTERS IN OPPOSITION

- 6.1 Essentially the matters at issue between the submitters and the Applicant are the potential cross boundary effects (particularly noise) from the variety of activities sought to be undertaken in buildings E, F and G, from 7.00 am to 10.30 pm Monday to Friday and for the preschool from 7.00 am to 6.00 pm seven days a week, with extended hours on up to three occasions per month.
- 6.2 Mr Miles' house is located closest to the proposed buildings (particularly building G) but the design of this building has been altered to step back part of it from the boundary and extend the distance between it and his dwelling. The preschool is closest to Ms Arik's dwelling. Although neither Mr Miles nor Ms Hewetson could attend the hearing, they had very similar concerns to that of Ms Arik. Therefore in focusing on her evidence their concerns are also recognised.
- 6.3 In addition to her written submission, Ms Arik expanded on why she opposed buildings E, F and G. Ms Arik purchased 39 Maple Crescent in 2002/2003 and was unaware of the rezoning of the property in 2003 by Variation 30. Prior to this rezoning the land was zoned Rural 1. The bedrooms run along the back of the house, closest to the boundary with the Church. The house then insteps slightly and there is a deck and another bedroom. Of the three submitters living in Maple Crescent, she considered herself less affected than the others, with Mr Miles' house (number 29) being the closest and thus most affected.
- 6.4 Ms Arik does not oppose the Church's expansion, merely these three buildings. She is not concerned with the protection of her view, as she considers it is only a view to the motorway. However she is very concerned regarding the closeness of the three buildings to the boundary, their height and their use. She confessed to having trouble with the height of the buildings in comparison with that of a residential dwelling, noting that she may find the buildings imposing because of their height and long faces towards the boundary. As Ms Arik's presentation was taken out of order she did not have the advantage of hearing the Applicant's evidence on this point.
- 6.5 In terms of use, there is nothing to say that the use will not alter over time. There is the preschool proposed, Out of School Care Programmes (OSCAR) and a Life Skills course, but the potential hours of operation are significant and there could be many uses made of the buildings other than those proposed. It is a seven day a week operation.
- 6.6 Ms Arik's preference was to move the buildings 30 metres off the boundary, as she considered 5 metres as proposed was "ridiculously close". This would provide more privacy. Finally, she opposed the construction timeframe, considering it would prevent her selling her property should she wish to in future.

7. THE LAND USE CONSENT - DISCUSSION

- 7.1 Under rule 17.2.4 certain activities are permitted and Mr McFadden thus submitted that this rule provides the permitted baseline against which the effects of the proposal must rightly be judged. Although consideration of the permitted baseline is a discretionary consideration under section 104(2), there is no reason in the present circumstances why this discretion should not be exercised in favour of comparing the activities proposed to the rule.

- 7.2 Permitted activities include those listed above in paragraph 4.5. Several aspects of the application fall within that list. Manager's accommodation is not one of those, perhaps because the site already has a manse on the existing title or perhaps for some other reason. In any event, it is clear that the activities proposed for buildings E, F and G, apart from any portion of the programme which is recreational pursuits and life skills, are not permitted on the site. It is these more than any other aspect of the application which are of concern to the three adjacent residents.
- 7.3 The seven day a week preschool/Sunday school operation and operation of activities within at least two of the three buildings (and at times potentially all three) until late at night does indicate a non-residential nature, but this is to be expected in a tourist services zone. Nothing proposed indicates that the activities in and of themselves will be particularly noisy, or carried out outside. The expectation would seem to be that the courses will be indoor activities. However breaks outside, for example, during a course for teenagers, could be anticipated, but again this would not seem to generate adverse effects. The basketball court on the sealed carpark is located on the inner side of the buildings away from the residential dwellings. Carparks are also located there, thus minimising disturbance late at night from the departure of course attendees.
- 7.4 Turning to the preschool, this is the major generator of noise in proximity to the dwellings. However this is not late night noise, and of the 90 pupils one could expect that only a certain proportion will be dropped off at the 7.00 am start. Thus even the early morning activity will not be a significant noise generator. Whilst not an activity that would be expected in a tourist services zone the early morning activity could be likened to guests departing from a motel, which is an activity that would be anticipated for this zoning. Again, whilst the nature of the noise is different, and is noise that will be present throughout the day, peaking at various times, it is not anticipated that the noise standards for the zone will be exceeded.
- 7.5 The use of the preschool for late night meetings up to three times a month was opposed by submitters, but overall it is difficult to imagine that this will create any adverse effect whatsoever. The submitters concerns were generated, it would seem, more by the potential for misuse of the extended hours or by a change in activity than adverse effects expected from the presently proposed activity. It is correct that the exact activities can alter, although this is not a limitless ability as the consent references the activities in the application. Significant alterations would need a further resource consent. Also, the exact locations of the activities was sought by the Applicant to be flexible, so for example the preschool may shift from building E and Mr Miles may find that it is then in proximity to his dwelling. Nevertheless such shifts are not anticipated to generate further adverse effects such that the Church should be required by condition to locate the preschool in building E permanently.
- 7.6 The design of the Worship Centre results in less than 30% of the roof area being higher than the Plan permits (8.5 metres), but less than 10% is over the 10 metre maximum height, as was graphically illustrated in Mr Barron's evidence. The Campanile, at 12 metres, is also over height but is an extremely narrow structure located towards the Salisbury Road frontage. The design of the Centre ensures that the over height aspect is located well away from residential boundaries. As Ms Arik noted, it is not this aspect that resulted in the submissions in opposition.

- 7.7 In terms of adverse effects from buildings the issue is E, F and G. By way of comparison with the permitted baseline these buildings are located 5 metres from the boundary, as the permitted activity rule requires. Although the submitters sought a 30 metre setback, referring back to Rural 1 requirements and the previous zoning of the land, there is no such setback for the zone as it presently exists. The Applicant is within its rights to locate the buildings as it has. As Mrs McNae has pointed out, this has led to an efficient use of the Church site, as well as separating the carparks and their potential adverse effects from the nearest residential dwellings.
- 7.8 In terms of the height of these buildings all three are at a lesser height than could be expected if a residential neighbour was located next door, and also in terms of the permitted baseline for this site the buildings are lower than is required for the zone. In the case of the pre-school the site allows 8.5 metres and the Applicant proposes 3.75 metres 5 metres from the boundary, rising to 5 metres at its highest point. This is some 4.75 – 3.5 metres lower than could be located here. Thus in bulk and location terms the proposal is of benefit to the submitters compared to what might have been erected on the site, notwithstanding that they do not share this conclusion.
- 7.9 In terms of privacy the Applicant has volunteered a condition to ensure that windows on the walls facing the dwellings are located high up, thus protecting the neighbours privacy.
- 7.10 Overall the adverse effects likely to be generated from the activities proposed and the site layout have been considered in its design and adequately mitigated by this design. There is no doubt that the amenity of the site will alter, from that of an open field to that of a built up area, and thus the amenity currently enjoyed by the neighbours will also alter. However they could have no expectation that this would not occur, and their overall amenity in terms of daylight to site and privacy will not be adversely affected.

8. THE DISCHARGE CONSENT (RM080594)

- 8.1 It is Mrs McNae's view that consent is not required for the existing discharge as that is a permitted activity under rule 36.4.2(2). Stormwater is discharged along the boundary and enters the Council's wetland system on the Aquatic Centre site. However consent is required for the additional stormwater to be generated on the site. The relevant rule is 36.4.4 and the activity is discretionary. This was not a matter raised in submissions.
- 8.2 The Applicant addressed the stormwater discharge in the original application and in the additional information provided by Mr Canton of Staig and Smith by letter dated 31 July 2008. The Applicant accepted all of the conditions proposed in Mr Pigott's report. That report stated that the critical issue raised by this consent was whether the increase in peak stormwater discharge from the additional hardstand on the site is controlled so that the cumulative adverse effects are no more than minor. Such effects could include downstream flooding.
- 8.3 It was Mr Pigott's view, unchallenged by any, that post development stormwater flows leaving the site will not increase above current flows. The Applicant proposes to achieve this by attenuation of stormwater discharges via low impact design as per the Council's Engineering Standards and Policies operative at the time the Applicant applies for each building consent. Thus the adverse effects of the proposal will be no

more than minor. Mr Pigott added that in his view the proposal is generally consistent with the relevant objectives and policies in the PTRMP.

- 8.4 I therefore conclude that the grant of this discharge consent is appropriate, upon the conditions attached to this decision.

9. LAPSE AND EXPIRY OF CONSENTS

- 9.1 The Applicant intends to gradually develop the site as proposed over a 15 year time frame. This length of time was a concern for Ms Arik and Mr Miles. Ms Arik expressed the adverse effects as being building noise, dust and the fact of the unknown. She sought a four year timeframe as being more appropriate, whilst Mr Miles sought three.

- 9.2 The Applicant has indicated that the construction of the preschool, because of the waiting list, is a priority. Therefore although the submitters are unclear when the rest of the buildings are to be constructed, construction of buildings E and G will begin on their boundaries within five years as the Applicant has in respect of these two buildings committed to commence construction within five years, although still retaining the 15 year lapse period. A specific condition addressing this point has been volunteered. These two buildings were chosen as they front the submitters dwellings. This construction will also require a reorganisation of carparks and therefore there will be other changes on site consequent on construction commencing. The preschool building and building G will give some degree of protection to the residents through their location. Also, the Church itself will not wish to unduly disrupt the activities of the preschool and can be expected to manage on site noise and dust appropriately.

- 9.3 A 15 year term for a lapse is significant, but the Act allows five years as of right so even the shorter terms sought by submitters are not within that set by the Act. Where there are reasons for extending the term of lapse the Act allows this to occur. Mr McFadden cited the need for flexibility over time as against the desire of the Church to be transparent about its proposals. Thus it could have sought a series of consents over time but instead chose to seek a one off integrated consent showing residents what it intended to undertake, albeit not all at once. Thus the residents have certainty about what is proposed on their boundaries. Mrs McNae's view was that the 15 year period would not cause any greater effect than a shorter timeframe, as the project will be completed one item at a time, with landscaping and carparking completed immediately following that, such that the site will not be a building site for 15 years but rather have completed "pockets" of development gradually forming the complete project. The reasons provided, the degree of capital development required, and the reduced lapsing period in respect of the two buildings that will affect the submitters the most, justifies the grant of consent to a 15 year lapse period for the remainder of the site.

- 9.4 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.

- 9.5 The Applicant seeks that the Discharge Permit (RM080594) expires in 20 years and the term of the consent is therefore 20 years.

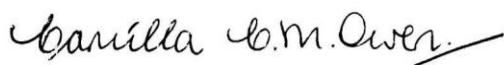
10. PART II MATTERS

- 10.1 In considering this application, I have taken into account relevant matters set out in sections 6 and 7 of the Act, as well as the overall purpose of the Act as stated in section 5. I consider the grant of consent will achieve the sustainable management of the natural and physical resources presented by this site and in the context of its surroundings, in particular the residential sites adjacent to the Church land.
- 10.2 For the avoidance of doubt, I consider that should I be incorrect and the activity is a non-complying one I consider that the application passes the first gateway in section 104D, and satisfies section 104 considerations. I find that the adverse effects of the activity on the environment will be minor, due to the location of buildings and carparks and the design of the buildings in proximity to the submitters, and that in terms of the proposed use of the three buildings these will not generate more than minor adverse effects. Accordingly I do not propose or need to consider whether it is contrary to the objectives and purposes of the zone and consider consent should still be granted.
- 10.3 With regard to the discharge consent Mr Pigott's report made it clear that this activity passes both gateways in section 104D and that consent could be granted even were this to be a non-complying activity. In that regard I note Mr McFadden pointed out that applications having different activity status could be separated out, such that the potential non-complying status of the land use consent would not affect the present discharge consent. However he did not take that submission further.

11. DECISION

- 11.1 Pursuant to section 104B of the Act, I **GRANT** both the land use consent and the discharge consent subject to the attached conditions. The conditions of consent have been specified in order to avoid, remedy, or mitigate adverse effects that may result from the proposal.

Issued this 29th day of October 2008



Camilla CM Owen
Commissioner

RESOURCE CONSENT NUMBER: RM080594

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

Richmond Baptist Church
(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT:

To discharge stormwater from the Richmond Baptist Church buildings to land or water

LOCATION DETAILS:

Address of property: 123 Salisbury Road, Richmond
Legal description: Lot 2 DP18824
Certificate of title: CT 12C/192

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

CONDITIONS

1. The Consent Holder shall ensure that all works are carried out in general accordance with the application and plans (except insofar as the plans have been amended by the Jerram Tocker Barron Plans Sheet A1 Rev A dated October 2006 and supplied on 30 September 2009), dated 26 June 2008, and further information supplied on the 5 August 2008, unless inconsistent with the conditions of this consent, in which case the conditions shall prevail.

General

2. The Consent Holder shall ensure that the post development stormwater flows discharged from the site shall not exceed the predevelopment flows.
3. Stormwater generated by a 1:20 year (5% AEP) shall be accommodated within the primary stormwater management system in a way that does not cause damage to, or nuisance effects on people, or property.
4. Stormwater generated by a 1:50 year (2% AEP) shall be accommodated with secondary stormwater management systems in a way that does not cause damage to, or nuisance effects on people, or property.
5. Secondary flow path(s) on the site shall be identified and protected such that overland flows, produced by rainfall events of an AEP of $\leq 5\%$, are able to be disposed of without contravening the conditions of this consent.
6. The stormwater disposal systems will be designed in accordance with the Council’s Engineering Standards that are current at the time that building consent is applied for. The Consent Holder shall submit a “Stormwater Discharge Design Report”, including design plans and calculations, and prepared by a suitably qualified and experienced person to the Council’s Engineering Manager for approval. This report shall provide evidence of how the design and performance requirements imposed by this consent

are met. The design must be approved before any building consent for the buildings authorised by resource consent RM080157 is submitted.

7. The discharge or diversion shall not cause or contribute to erosion of land, including the bed of any stream or drain. Bare ground shall be revegetated as soon as practical to minimise the generation of sediment.

Roof runoff

8. The two buildings proposed as part of the initial construction (buildings E and G) shall have water tanks to collect rainwater from roofs and this water will be used on site for non-potable purposes. The overflow from the tanks shall discharge to a primary stormwater management system (swale, watertable, etc) and be constructed to avoid flooding and erosion.

Advice Note:

Low impact design for stormwater management on each of these properties is encouraged. The soils found in this area have poor drainage, thus soakage methods of disposal are unlikely to be effective.

Roading and Parking

9. The stormwater run off from the parking and roading shall be treated to remove contaminants including, but not limited to, waste oil, zinc, copper, lead and sediment.

Water Quality

10. The discharge or diversion shall not cause the production of conspicuous oil or grease films, scums or foams, or floatable or suspended material in any receiving water.

Maintenance

11. All systems associated with the discharge (such as the interceptors, connecting drains and rain gardens) shall be maintained in effective, operational order at all times. This shall be undertaken by the owner of the property where the system is located.
12. All systems shall be checked on a regular basis as required, but not less than once every year, to prevent carryover of contaminants into the receiving environment.

Review of Consent Conditions

13. The Council may, during the month of April each year, review any or all of the conditions of the consent pursuant to Section 128 of the Act for all or any of the following purposes:
 - a) to deal with any adverse effect on the environment which may arise from the exercise of the consent that was not foreseen at the time of granting of the consent, and which is therefore more appropriate to deal with at a later stage; and/or

- b) to require the Consent Holder to adopt the best practical option to remove or reduce any adverse effects on the environment resulting from the discharge; and/or
- c) to review the contaminant limits, loading rates and/or discharge volumes and flow rates of this consent if it is appropriate to do so; and/or
- d) to review the frequency of sampling and/or number of determinands analysed if the results indicate that this is required and/or appropriate;
- e) to require consistency with any relevant Regional Plan, District Plan, National Environmental Standard or Act of Parliament.

Duration of Consent

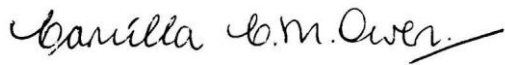
14. This resource consent expires on 28 October 2028.

ADVICE NOTE(S)

1. Officers of the Council may also carry out site visits to monitor compliance with resource consent conditions.
2. The Consent Holder should meet the requirements of the Council with regard to all Building and Health Bylaws, Regulations and Acts. Building consent will be required for these works.
3. Access by the Council or its officers or agents to the property is reserved pursuant to Section 332 of the Act.
4. All reporting required by this consent should be made in the first instance to the Council's Co-ordinator Compliance Monitoring.
5. Council draws your attention to the provisions of the Historic Places Act 1993 that require you in the event of discovering an archaeological find (eg, shell, midden, hangi or ovens, garden soils, pit, depressions, occupation evidence, burials, taonga) to cease works immediately, and tangata whenua, the Council and the New Zealand Historic Places Trust should be notified within 24 hours. Works may recommence with the written approval of the Council's Environment & Planning Manager, and the New Zealand Historic Places Trust.
6. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent or covered by the conditions must either:
 - a) comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP);
 - b) be allowed by the Act; or
 - c) be authorised by a separate resource consent.

7. 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.

Issued this 29th day of October 2008

A handwritten signature in black ink that reads "Camilla C.M. Owen". The signature is written in a cursive style with a long horizontal stroke at the end.

Camilla CM Owen
Commissioner

RESOURCE CONSENT NUMBER: RM080157

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

Richmond Baptist Church
(hereinafter referred to as “the Consent Holder”)

ACTIVITY AUTHORISED BY THIS CONSENT:

To erect buildings and undertake activities on the Richmond Baptist Church site

LOCATION DETAILS:

Address of property: 123 Salisbury Road, Richmond
Legal description: Lot 2 DP18824
Certificate of title: CT 12C/192

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

CONDITIONS

Land Use Activity

1. The Baptist Church activity shall be carried out in general accordance with the application and plans labelled RM080157 Plan A, B, C, D, E, F, G and H attached to this consent. Where a condition of consent is contrary to the application, the condition shall prevail.

Lapse of Consent

2. This land use consent shall lapse 15 years from the date of issue unless at least one non-lapse requirement specified in subsection 125(1) of the Act is satisfied.

Commencement of work associated with Buildings E and G

3. The construction works associated with Buildings E and G shall be commenced within five years from the date of this consent.

Community Centre

4. The Main Building Extension (Administration, Community and Counselling Centre) shall:
 - a) not exceed a height of 6 metres as shown on the elevation plans attached as Plan B.
 - b) not exceed a building footprint of 465 square metres.

- c) be limited to undertaking activities in the administration offices between the hours of 8.00 am to 5.30 pm; and for the community centre area between the hours of 8.00 am to 10.30 pm seven days a week.

Youth Centre

- 5. The Main Building Western Extension (Youth Centre) shall:
 - a) not exceed a height of 8 metres as shown on the elevation plans attached as Plan C.
 - b) not exceed a building footprint of 215 square metres.
 - c) be limited to undertaking activities between the hours of 8.00 am to 10.30 pm seven days a week.

Worship Centre (including permitted café facility)

- 6. The Worship Centre building shall:
 - a) not exceed the height of 12.8 metres as shown on the elevation plans attached as Plan D.
 - b) not exceed a building footprint of 1440 square metres in area.
 - c) be limited to undertaking activities between the hours of:
 - 8.00 am to 10.30 pm Monday to Thursday,
 - 7.00 am to Midnight Friday and Saturday
 - 7.00 am to 10.30 pm Sunday.
 - d) be limited to a maximum of 800 people within the centre at any one time.

Preschool (Building D)

- 7. Prior to the occupation of buildings for the purposes of preschool use, the preschool operating from Building D shall operate between 7.00 am and 6.00 pm Monday to Friday, provided that staff meetings and board meetings may take place outside of these hours on up to three occasions per month.

Preschool (Building E)

- 8. The Pre School Building shall:
 - a) not exceed a height of 3.75 at a point 5 metres from the residential boundary and not exceed an overall height of 5 metres as shown on the elevation plans attached as Plan E.
 - b) not exceed a building footprint of 500 square metres.
 - c) be limited to Pre-School operating hours between 7.00 am to 6.00 pm Monday to Friday, provided that staff meetings and board meetings may take place outside of these hours on up to 3 occasions per month.

- d) be limited to use by Sunday School Classes only on Saturdays and Sundays.
- e) have on site at any one time no more than 90 children for the purposes of early learning at the preschool.
- f) be limited to high level windows along the back wall of the building adjoining the residential zone.
- g) be landscaped in accordance with Plan F attached labelled RM080157. Planting shall be implemented prior to the commencement of the Pre School activity and shall be maintained to a maximum height of 1.8 metres along the southern boundary.

Before and After School Care/ Life Skills Training/ Staff Accommodation Building F

9. Building F shall:

- a) not exceed a height of 5 metres.
- b) not exceed a building footprint of 275 square metres.
- c) no more than 80 children shall be on site at the Before and After School Facility (meaning Buildings F and G in total) for the purposes of care at any one time.
- d) be limited to the hours of 7.00 am to 6.00 pm Monday to Friday as a Before and After School Facility.
- e) be limited to the hours of 7.00 am to 10.30 pm Monday to Friday as a Life Skill Training Facility.
- f) be landscaped in accordance with Plan G attached labelled RM080157. Planting shall be implemented prior to the commencement of the activities within Building F and shall be maintained to a maximum height of 1.8 metres along the southern boundary.
- g) be limited to high level windows along the back wall of the building adjoining the residential zone.

Before and After School Care/ Life Skills Training/ Staff Accommodation Building G

10. Building G shall:

- a) not exceed a height of 5 metres.
- b) not exceed a building footprint of 400 square metres.
- c) no more than 80 children shall be on site at the Before and After School Facility (meaning Buildings F and G in total) for the purposes of care at any one time.
- d) be limited to the hours of 7.00 am to 6.00 pm Monday to Friday as a Before and After School Facility.

- e) be limited to the hours of 7.00 am to 10.30 pm Monday to Friday as a Life Skill Training Facility.
- f) be landscaped in accordance with Plan G attached labelled RM080157. Planting shall be implemented prior to the commencement of the activities within Building G and shall be maintained to a maximum height of 1.8 metres along the southern boundary.
- g) be limited to high level windows along the back wall of the building adjoining the residential zone.

Minimum Floor Levels

11. Minimum floor levels for all new buildings shall be at least 200 millimetres higher than the centreline level of the Richmond Deviation (SH6) to the north of the site.

Campanile Structure

12. The Campanile Structure shall:
- a) not exceed a height of 12 metres.
 - b) if illuminated, such illumination shall be by back lighting or up lighting with spot lights or flood lights that shall be fixed and directed solely at the structure during hours of darkness.

No lighting shall be directed at any residential property.

Noise

13. Noise generated by the activities within the site, measured:
- i) at or within the boundary of any site within the zone, other than the site from which the noise is generated, shall not exceed:

	Day	Night
L ₁₀	55 dBA	55 dBA
L _{max}		70 dBA

Noise generated by the activity, measured:

- i) at or within the boundary of a site within a Residential Zone; or
- ii) at or within the notional boundary of any dwelling in a Residential Zone shall not exceed:

	Day	Night
L ₁₀	55 dBA	40 dBA
L _{max}		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.

Noise must be measured and assessed in accordance with the provisions of NZS 6801:1991, *Measurement of Sound* and NZS 6802:1991, *Assessment of Environmental Sound*.

14. The Consent Holder shall submit a Noise Management Plan for certification by Council's Regulatory Co-ordinator prior to commencement of the early childhood centre activity.

Glare

15. All exterior lighting shall be directed away from adjoining residential areas, and shall not be directed at public places and roading networks.
16. All exterior building surfaces (excluding windows) and fencing shall be finished in a non-reflective surface.

Landscaping

17. Onsite landscaping, other than that addressed through conditions 8(g), 9(f) and 10(f) shall be undertaken in general accordance with the application. The consent holder shall submit a detailed landscape plan through the Building Consent Process for each major stage of the development for certification from the Council's Resource Consents Manager.
18. The Consent Holder shall retain and maintain no less than 10 metres of landscaping along the Salisbury Road frontage.

Parking

19. At the completion of construction of the Worship Centre as shown on Plan A and D attached to this consent, a total of 200 parking spaces shall be formed, sealed with a minimum of two coat chip seal, and clearly marked out on the ground with paint. These spaces shall be maintained on an ongoing basis.

Advice Note:

This condition shall ensure that there is sufficient parking provided on site while the complex is being developed and once it is fully completed. It does not preclude the use of empty carparks identified on the plans for sporting use.

Access

20. The Consent Holder shall construct the one-way exit road link across Lot 3 DP18824 (ASB Aquatic Centre Site) in accordance with Plan H attached. The access link shall have a formation width (sealed carriageway) of 3.5 metres and shall be completed prior to the Worship Centre activity commencing.
21. The Consent Holder shall enter into a Licence to Occupy Agreement with the Council prior to the commencement of the works specified in condition 20 above.
22. Prior to the Worship Centre activity authorised by this consent commencing, access by ingress traffic from Salisbury Road shall utilise both lanes of the Salisbury Road entrance as set out in Plan H **attached**, and be clearly indicated on the ground, and

as from that time all traffic shall exit the site through the Aquatic Centre site access to Champion Road.

23. All kerb, channels and sumps shown on plan H shall be installed in accordance with the Council's Engineering Standards 2008 and constructed on the southern side of the access link, together with kerb cut-outs and adjacent grassed swale as shown on Plan H attached.

Advice Notes:

- a) The existing stormwater wetland adjacent to the proposed access is not to be compromised and runoff is to be restricted (using low-impact stormwater design) to the developed flows that exist at the time of RM080594 is issued.
- b) The applicant is responsible for the access leg as constructed above until such time as it is taken over or legally maintained by the Council.

Access Signage

24. Once the Worship Centre activity authorised by this consent commences, "One Way Only" signage shall be erected at both ends of the access link across Lot 3 DP 18824 (ASB Aquatic Centre) to clearly indicate that traffic shall flow in a one-way direction from west to east only.
25. A "No Entry" sign shall be erected at the eastern end of the one way access link where it meets the existing access to Aquatic Centre car park.
26. A two lane "Entry Only" sign shall be erected at the Salisbury Road entrance once the access link over Lot 3 DP 18824 for egress has been completed.

Waste Water

27. The Consent Holder shall connect to Council's reticulated waste water system using the existing lateral connections already in use.

Engineering Plans

28. All engineering works as outlined above shall be shown on staged engineering plans in accordance with the requirements as set out in the Council's Engineering Standards 2008. These plans for each stage shall be submitted with application for building consent.

Advice Note:

"As built" plans of services and new road links will be required at the completion of the works and supplied to Council prior to the issue of a compliance certificate.

Review

29. Pursuant to Section 128(1)(a) and 128(1)(c) of the Act, the Council may, during the month of April each year, review any conditions of the consent 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 therefore appropriate to deal with at a later stage; and/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; and/or
- c) to assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly; and/or
- d) to review the noise limits specified in Conditions 12 and Management plan specified in Condition 13 of this consent should these be deemed to be inappropriate; and/or
- e) to review the appropriateness of the access and parking requirements specified in Conditions 19-25 inclusive of this consent.

Financial Contributions

30. 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
Building Consent (\$0 to \$50,000 value)	0%
Building Consent (\$50,001 to \$200,000 value)	0.5%
Building Consent (above \$200,001 value)	0.25%
Notes: <ol style="list-style-type: none"> 1. The financial contribution is GST inclusive. 2. The building consent value is GST exclusive. 3. The contribution due on a building should be identified separately from other contributions set for any resource consent for an activity that includes buildings. 4. The financial contribution shall be determined by taking the total estimated value of the work required for a building consent and applying each component identified in the table to that value and the contribution is the sum of the components. 	

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

ADVICE NOTE(S)

Council Regulations

1. This is not a building consent and the consent holder shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.

Other Proposed Tasman Resource Management Plan Provisions

2. This resource consent only authorises the activity described above. Any matters or activities not referred to in this consent, associated Discharge Permit RM080594 or covered by the conditions must either:
 1. comply with all the criteria of a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP);
 2. be allowed by the Act; or
 3. be authorised by a separate resource consent.

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.

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

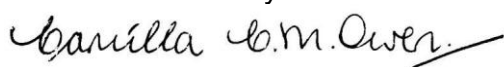
Monitoring

5. Monitoring of the consent is required under Section 35 of the 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 Consent Holder. Costs are able to be minimised by consistently complying with conditions and thereby reducing the frequency of Council visits.

Interests registered on Property Title

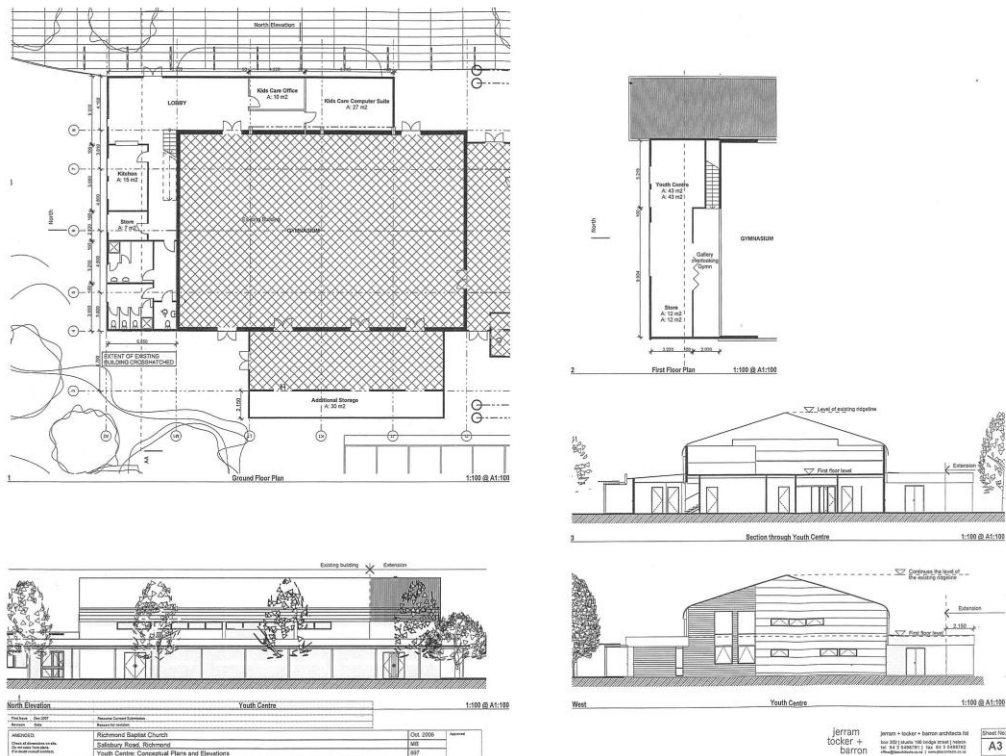
6. The Consent Holder should note that this resource consent does not override any registered interest on the property title.

Issued this 29th day of October 2008



Camilla CM Owen
Commissioner

Plan C Youth Centre Concept Plan



Plan D Worship Centre Concept Plan

