



STAFF REPORT

TO: Environment & Planning Committee

FROM: Paul Gibson – Consent Planner

REFERENCE: RM041391 (Subdivision) and RM050151 (Land Use)

SUBJECT: **HOPE COMMUNITY CENTRE TRUST - REPORT EP05/07/02**
Report prepared for hearing of 8 July 2005

1. INTRODUCTION

Proposals

Subdivision Application

Hope Community Centre Trust have applied for subdivision consent to subdivide Lot 1 DP 18344 (CT NL12A/469) into two allotments (Lot 1 and Lot 2) and to amalgamate proposed Lot 1 of 3.1575 hectares with Lot 2 DP 15359 (CT NL12A/469) and proposed Lot 2 of 7635 m² with Lot 1 DP 17913 (CT NL12A/468).

The outcome will remain two titles, with no additional titles created, as follows:

- The existing Church/community centre site will increase from 3284 m² to 10919 m².
- The existing orchard site will decrease from 6.7114 hectares to 5.9479 hectares.

Services

Power and telephone are already provided to both the orchard site and the existing Church site. These are not proposed to change.

Water supply will be from the local supply and a minimum of 23000 litres of water storage is proposed.

Domestic waste water will be treated and disposed of on site. Details of treatment and disposal methods are provided in a report by Tasman Consulting Engineers included with the applications.

Stormwater is proposed to be disposed of via four infiltration trenches to be constructed on the site in accordance with Council's Engineering requirements and is proposed to meet the permitted standards for discharges of stormwater. This is discussed in a report from Tasman Consulting Engineers and a further report dated 17 June 2005 (sent to submitters).

Access to the orchard site is proposed via a 6.5 metre wide access leg onto Ranzau Road West. Access to the Church/community centre site will be directly onto Ranzau Road West via two vehicle crossings. Ranzau Road is classified as a "Collector" under the Proposed Tasman Resource Management Plan (PTRMP).

Land Use Application

The Hope Community Centre Trust has applied for a land use consent to extend and operate a Church/community centre on Lot 1 DP 17913 and proposed Lot 2. The building is approximately 550 m² at present, and is proposed to be increased in size as per the site/planting plan dated 17 June 2005 (received as further information by Council on 17 June 2005).

The proposed activity comprises a Church complex and associated activities including the following:

- An auditorium with capacity for 450 seated persons.
- Offices and meeting rooms totaling 242 square metres.
- Two children's rooms of 98 square metres and 63 square metres.
- A café with indoor seating for 40 persons and outdoor seating for 20 persons.
- A 23 square metre library.
- A 266 square metre youth hall with seating for 275 persons.
- Foyer and lobby areas totaling 327 square metres.
- Kitchen and ablution facilities.
- A youth den of 43 square metres
- A car park with capacity for 191 parking spaces, including assessable spaces for people with disabilities, an area for cycle spaces, and one loading space.
- A grassed playing area.
- An outdoor playground.
- Landscape planting.

The above features are shown on the site/planting plan dated 17 June 2005, the elevations, floor plan and schematic plans dated 1 December 2004, and the subdivision plan dated 10 December 2004. building development plans.

The land use proposal requires site enlargement to be achieved by purchasing 7635 square metres of land to be subdivided from Lot 1 DP 18344.

Parking Area

The application proposes that the car park circulation area will be divided into several parts by chains to discourage “boy racers” from using the car park for doing burnouts. The full car park area will be inaccessible to vehicles except when church activities warrant full use. A smaller ‘open’ area will be available for normal day to day use by staff and visitors.

Nature of use

Activities will be conducted at the facility on a daily basis and are expected to include:

- Church Services on Sundays usually between 8.00 am and 11.00 pm.
- Youth Group meetings between 8.00 am and midnight but not on a daily basis. Most meetings will be during evenings and will usually finish before or by 11.00 pm. During school holidays there may be youth activity programs which take place during daytime.
- Crèches daily.
- Activities such as music lessons, counseling and community group meetings.
- Special events such as concerts and drama performances by church or community groups on a regular basis as required.
- Funeral services, baptisms and weddings as required.
- Use of hall space by the Ranzau School.
- Conferences.

Note: these activities may change over time but will stay within the scope of the “Community Activities” definition within Chapter 2 of the PTRMP.

Duration of Land Use Consent

As the proposal will require funding the applicant seeks a period of 15 years to complete all the works related to the land use consent.

Concurrent Applications

These two applications for resource consent are inter-related, and have been notified jointly and will be considered concurrently in this report.

1.2 Further Information

Further information was requested by Council staff in order to understand the effects of the proposal. The applicant has provided additional information in order to address Council’s questions and to further mitigate potential environmental effects. As the nature and scope of the proposal has not changed it is considered that the proposal did not need to be re-notified.

All the further information received from the applicant after the applications were notified has been mailed to all submitters. It should be noted that the applicable site/planting plan for the proposal is dated 17 June 2005. This supersedes all other previous site plans.

This report addresses the applications, as amended by the further information provided by the applicant.

1.3 Site Description and Neighbourhood

The property is located at 114 Ranzau Road West, Hope. An aerial photograph is attached as **Appendix 1** of this report.

The application site is located on the south western side of the road. It is across the road from the Ranzau School. The site has frontage to Ranzau Road which is classed as a Collector Road in the Tasman District Roothing Hierarchy. This is a flat, straight stretch of road with no intersections nearby.

The site is flat land comprised of Class 1 soils. Lot 1 DP17913 is occupied by an existing church building and associated car parking area located predominantly to the south of the building.

Proposed Lot 2 which is proposed to be amalgamated with Lot 1 DP 17913 to provide an enlarged site for the development is part of a large pip fruit orchard.

Surrounding Area

Land uses in the vicinity of the site include various types of farming and orcharding, scattered dwellings, rural industrial activities, and other community activities. Ranzau School and a Lutheran Church are located on the opposite side of Ranzau Road. Both are clearly visible from the street. On the stretch of road where the subject site is located, between Pugh Road and Main Road Hope, a fertilizer blending plant is sited about 300 metres to the north with a timber yard some 200 metres to the south, both on the same side of Ranzau Road. The locality is therefore one of the more intensely developed rural areas in the district and a site visit shows that it does not display a truly open rural character.

Ranzau Road West is straight and relatively flat where it adjoins the site and for several hundred metres in each direction.

1.4 Background

Previous Application

On 15 December 2003 Council received subdivision application RM031319 to adjust the boundaries of the subject allotments. This application was withdrawn by the applicant upon the lodgement of these applications with Council.

Current Activity

The Church has occupied this location since 1913, first as a Church and later as a Church and community facility. There is a growing congregation, currently about 200 people. The reason for the proposal is that due to the provision of a wider range of community services being provided by the Church and the growth they are experiencing, they seek that the premises be enlarged. The application states that the Church draws its congregation from a wide area including the Richmond/Hope “urban area” and the rural area of the Waimea Basin and Redwoods Valley.

2. NOTIFICATION AND SUBMISSIONS

Submissions were received from nine parties, three in support, five in opposition, and one neutral.

The submissions are summarised as follows:

2.1 Nelson Marlborough District Health Board

Neither supports or opposes the proposal.

Requests:

- that a number of issues relating to the on-site sewage disposal system proposed be further addressed – the need for a reserve area for the treated effluent disposal, public access to the disposal area, reduction of faecal coliforms to the level required by Rule 36.1.5, possible effects on groundwater in the vicinity, contribution from wastewater from the café, an assessment of effects for sewage disposal.
- a condition be imposed ensuring the sewage disposal system meets the requirements of Australia/New Zealand Standard 1547:2000 – on-site domestic wastewater management.

2.2 Shirley Clark – 100 Ranzau Road

Supports the proposal.

Reasons relate to:

- the development being an asset to the community

Requests, if the proposal is approved:

- no noise after 10.00 pm and no boy racers.

2.3 Judith and Gilbert Ralston – 91 Rauzau Road

Opposes the proposal.

Reasons relate to:

- the boundary adjustment of Rural 1 land for a purpose other than rural use/fragmentation of productive land

- complex looks like a commercial enterprise
- out of keeping with low-key lifestyle type rural aspect of neighbourhood
- additional traffic congestion on the road
- there are other better locations for this development.

2.4 Lutheran Trust Board – 125 Ranzau Road

Supports the proposal.

Reasons relate to:

- the potential for the community that the development provides for a growing population
- the opportunity for shared parking with the Ranzau School.

2.5 A and M Melis – 65 Ranzau Road

Opposes the proposal.

Reasons relate to:

- fragmentation of Class 1 rural land
- opportunity to combine services with the Grace Church at Headingly Lane and not extend this site
- extended consent period of 15 years is too long, 3 years is more appropriate
- oppose waiver of financial contributions and development contributions as everyone needs to contribute when we as ratepayers develop new buildings.

2.6 Anthony and Janice Gargiulo – 134 Ranzau Road

Opposes the proposal – decline the application until a safe, healthy and appropriate method of sewage disposal is submitted.

Reasons relate to:

- car parking causing security issues, noise and vehicle accumulation
- use of the auditorium
- the disposal of sewage options are unsuitable for the size of the additional proposed

Requests, if the proposal is approved:

- car parking area be closed at nights to avoid security issues, noise and vehicle accumulation
- conditions on the auditorium controlling hours of use, noise levels and types of functions

2.7 Ranzau School – 111 Ranzau Road

Supports the applications.

Reasons relate to:

- the amenities will be of benefit to the school, providing access to further working spaces, a performance area and indoor sports areas, as well as improved traffic flow due to access to parking.
- the Hope Community Centre Trust have consulted appropriately.
- already a positive relationship with the Church currently providing parents and children at the school with parking, before and after school. The improved parking area proposed (also with better access and entering) will alleviate traffic congestion before and after school. The safety of the children will be improved.
- the centre will be an asset to the community.

2.8 Helen Rance – 26 Ranzau Road

Opposes the proposal.

Reasons relate to:

- lack of consultation with neighbourhood
- subdivision of productive land – productive orchard land will be used for unproductive buildings and car parks
- detrimental visual effects – the fenced areas give an impression of a “compound”
- detrimental traffic effects – there is no valid reason why the parking requirements should be reduced/. On site parking management – the design of the car park lacks safe pedestrian access from the parking area to the buildings. Location and timing of traffic counter was inappropriate.
- extended consent to 15 years excludes community input
- another facility that offers many of the same functions is planned in nearby Headingly Lane.

Requests, if the proposal is approved:

- any future development of the café to be prohibited
- any commercial development of the crèche to be prohibited
- that a traffic management plan should be put in place by the applicant and the Council working together which includes marking pathways within the parking area for pedestrians moving between the buildings and their vehicle, complying car parking and cycle spaces, speed limit reduced at least as far as Pughs Road corner, a ‘school zone’ speed restriction, footpath extension, an onroad ‘cycle and horse’ lane be established, and equestrian warning signs.

2.9 Mrs V Chittenden – 381 Pugh Road

Opposes the proposal.

Reasons relate to:

- fragmentation of Rural 1 land, smaller than 12 hectares
- the buildings and parking areas proposed are not part of the rural community
- the property being within the Waimea East irrigation area
- increase in traffic
- increase in noise
- increase in visual effects
- attendees are not from Hope so would encourage the use of vehicles to access the property
- better options available such as move to a more populated area e.g. Richmond or combine with another group.

3. STATUTORY CONSIDERATIONS

3.1 Resource Management Act 1991

Section 104 of the Resource Management Act sets out the matters which Council is required to have regard to in assessing this application. The assessment contained in this report follows the matters in Section 104.

Section 104

Subject to Part II matters, Council is required to have regard to those matters set out in Section 104. Of relevance to the assessment of this application, Council must have regard to:

- Any actual and potential effects of allowing the subdivision and land use to proceed (Section 104 (1) (a));
- Any relevant objectives and policies in the Tasman Regional Policy Statement, the Golden Bay Section of the Transitional Plan and the Proposed Tasman Resource Management Plan (Section 104 (1) (b));
- Any other relevant and reasonably necessary matter(s) to determine the consent (Section (1) (c)).

In respect of Section 104 (1) (b), the Proposed Tasman Resource Management Plan is now considered to be the dominant planning document, given that it was formulated under the current statutory framework and it is well progressed through the public submission and decision-making process.

Sections 104B and 104C sets out the framework for granting or declining consents based on the status of an activity as set out in the relevant Plan.

Part II RMA

Part II contains the purposes and principles of the RMA.

Section 5 describes the purpose of the RMA as being to promote the sustainable management of natural and physical resources.

Section 6 contains matters of national importance.

Section 7 contains 'Other Matters' for the Council to have particular regard to.

3.2 Tasman Regional Policy Statement

The Regional Policy Statement seeks to achieve the sustainable management of land and coastal environment resources. Objectives and policies of the Policy Statement clearly articulate the importance of protecting land resources from inappropriate land use and subdivision.

Because the Proposed Tasman Resource Management Plan was developed to be consistent with the Regional Policy Statement, it is considered that an assessment under the Proposed Plan will satisfy an assessment against Policy Statement principles.

3.3 Transitional District Plan – Waimea Section

Status of the Applications

The subject site is zoned Rural A with an Identified Use 5 over the site which provides for a Church use as a discretionary activity (formerly a conditional use under the Town and Country Planning Act 1977).

Subdivision Application

The subdivision application to undertake a boundary adjustment constitutes a discretionary Activity (conditional use) as the proposed community facility allotment will not meet the net area of 8.5 hectares specified in the Rural A Zone.

Policy 2.54 (iv) states that the subdivision of smaller allotments for essential non-productive activities may however be approved as part of a resource consent where the site and activity have been applied for jointly.

This is the case here.

Land Use Application

The land use application constitutes a conditional use due to the Identified Use 5 over the site.

The Transitional Plan now has little relevance to this application as the Proposed Plan which was developed under the current Resource Management Act effectively replaced this. In any case, the Transitional Plan contains objectives and policies that relate to the rural environment and the maintenance of amenity values in much the same way the current resource management documents do.

For these reasons, the provisions of the Transitional Plan are not discussed further.

3.4 Proposed Tasman Resource Management Plan

Status of the Applications

The subject site is zoned Rural 1 and is located within the Special Domestic Wastewater Disposal Area and the Aquifer Protection Area.

Subdivision Application

The subdivision application to undertake a boundary adjustment constitutes a Discretionary Activity under Rule 16.3.7A as it meets all relevant standards with the exception of the following:

- Rule 16.3.7 (b) which prescribes a minimum area of 12 hectares for allotments within the Rural 1 zone
- Rule 16.3.7 (a) as it does not comply with Rule 16.2.2 (l) allowing not more than one vehicle crossing per site and Rule 16.2.3 (c) on-site parking spaces required

Land use Application

The proposed Church and community centre falls within the definition of “community activity” which is defined as:

“The use of land and buildings for the primary purpose of health, welfare, care, safety, education, cultural or spiritual wellbeing, but excludes recreational activities...”

The above definition then goes on to list specific uses which fit within this definition, and includes churches, halls and community centres.

The land use application constitutes a Restricted Discretionary Activity as under Rule 17.4.12D Community Activities within the Rural 1 Zone are classified as such.

The proposal complies with all relevant standards with the exception of the following:

- Rule 17.4.4 (d) maximum building height
- Rule 17.4.4 (f) 10 metre building setback from front boundary

- Rule 17.4.4 (h), the site coverage
- Rule 16.2.2 (l) (iii), the number of vehicle crossings per site
- Rule 16.2.3 (c), the quantum of on-site parking spaces required

Regarding financial contributions, the application seeks a waiver from:

- Rule 16.5.7, the financial contribution on building development

As the activity status of an activity seeking a waiver from Rule 16.5.7 is not specified in the Proposed Plan, under the Resource Management Amendment Act 2003, the application becomes a Discretionary Activity.

Please Note:

The application also seeks a waiver of the applicable Development Contributions. As these are contained within the Long Term Council Community Plan, and are outside the PTRMP, they cannot be assessed in this report. Any such application would need to be pursued under the Local Government Act.

4. ASSESSMENT

In accordance with Section 104 of the Resource Management Act, Council must consider, subject to Part 2 of the Act (the purpose of the Act), the actual and potential effects on the environment of allowing the activity, have regard to any relevant objectives, policies, rules, and assessment criteria of applicable Plans, and consider any other matters relevant and reasonably necessary to determine the application. Each of these matters are discussed below.

4.1 Part II of the RMA Matters

Section 5

This section describes the purpose of the RMA as being to promote the sustainable management of natural and physical resources.

Comments

The ability of communities to provide for their social and cultural needs is an important aspect of the concept of sustainable management. The proposed development is a community facility which has existed at this location since 1913, first as a church and later as a church and community facility. The facility has a history of providing the church's congregation and other members of the community with a venue for a range of spiritual, cultural and social activities which contribute to the wellbeing of both the local community and the wider community. The ability of the facility to continue to meet these social and other needs of the local people will be improved by this proposal.

It is expected that the proposed activity will result in many positive effects on the neighbourhood. Some of the positive effects relate to the provision of a hall and performance area which the Ranzau School can use, access to improved facilities for social and cultural activities, the ability of the facility to be used as a local conference center, and the provision of childcare facilities for local families.

Part 2 also focuses on the avoidance, remediation and mitigation of adverse environmental effects. The effects of the development is dealt with in detail in the next section of this report.

Section 6

This section contains matters of national importance. None of the matters listed in this section are relevant to this proposal.

Section 7

This section contains 'Other Matters' for the Council to have particular regard to.

The matters of most relevance to this application are as follows:

- (b) *The efficient use and development of resources*
- (c) *The maintenance and enhancement of amenity values*
- (f) *Maintenance and enhancement of the quality of the environment*

Comments

To avoid duplication, these matters are addressed in the following section of this report.

Section 8

This section relates to principles of the Treaty of Waitangi.

4.2 Plan Provisions and Assessment of Relevant Effects

It is considered that the relevant Plan provisions (objectives, policies, rules, reasons for the rules, and assessment criteria) and the environmental effects of this proposal (both the subdivision and land use) are best dealt with on an issues basis.

The key planning issues relating to this proposal are considered to be:

1. Amenity values and rural character
2. Cross-boundary effects
3. Productive land values
4. Servicing matters
5. Contamination matters
6. Traffic matters
7. Duration of consent
8. Financial contributions

For each of the above matters the relevant Plan provisions are quoted (objectives, policies, rules, reasons for the rules, and assessment criteria, as applicable). The degree to which these provisions are met, taking into account submitter's concerns and the anticipated environmental effects of the proposal are then discussed. The intention of this 'issues based' format is to focus this assessment on the key resource management issues and to avoid duplication.

Pursuant to Section 104 (3) (b) of the Act, when considering these applications, no regard has been had to any effect on a person who has given their written approval to the applications. A map showing the parties who have given their written approval, and the location of the submitters, is attached as **Appendix 2** of this report.

Amenity Values and Rural Character

Provisions of the Plan regarding amenity values and rural character which are of relevance to the development:

Objectives

Objective 5.1.0 *Avoidance, remedying or mitigation of adverse effects from the use of land on the use and enjoyment of other land and on the qualities of natural and physical resources.*

Objective 7.3.0 *Avoidance, remedying or mitigation of the adverse effects of a wide range of existing and potential future activities, including effects on rural character and amenity values.*

Comments

These are the key rural amenity objectives relevant to this development. They are fulfilled by a number of relevant policies and supporting rules, reasons for rules, and assessment criteria. The main rural character and amenity matters that are considered to be relevant in assessing this proposal are the bulk and location of the building (height, building coverage and setback).

Proposed Plan provisions relevant to Rural Character and Amenity

Policy 5.1.1 *To ensure that any adverse effects of... development on site amenity, natural and built heritage and landscape values, and... natural hazard risks are avoided, remedied, or mitigated.*

Policy *To provide for the maintenance and enhancement of local rural character, including such attributes as openness, greenness, productive activity, absence of signs, and separation, style and scale of structures.*

All relevant rules relating to amenity values and rural character are met, with the exception of:

Rule 17.4.4 (d) *maximum building height of 7.5 metres*

Height Rule Reason *The height of buildings in Rural areas is regulated to preserve rural amenities and, coupled with setback requirements, to avoid shading across boundaries.*

Rule 17.4.4 (f) *10 metre building setback from front boundary*

Setback Rule Reason *Setback from roads will promote road safety and help maintain rural open space. It will also separate dwellings from the adverse effects of road use, such as dust, noise and vibration. Separation between buildings on adjoining sites maintains open space and privacy and minimises shading of neighbourhood properties.*

Rule 17.4.4 (h) *building coverage of all buildings, excluding dwellings and greenhouses, is no greater than 5 percent of the net site area (but not greater than 2000 m²) for any site with a net area greater than 4000 m² .*

Rural Character and Amenity Assessment Criteria

Subdivision Criteria (2) *The potential effects of the subdivision on the amenity values and natural and physical character of the area.*

Community Criteria (2) *The scale of any building, structures and car parks compared to existing permitted development.*

Rural 1 Criteria (5) *The adverse environmental effects of a higher building, including visibility on a ridgeline.*

Rural 1 Criteria (6) *The circumstances leading to, or need for, an increase in height.*

Rural 1 Criteria (8) *The potential for landscaping, existing planting or topography to mitigate the effect of an increase in height or extent of buildings.*

Rural 1 Criteria (9) *The adverse environmental effects of a building with reduced setbacks.*

Rural 1 Criteria (13) *The extent to which the proposed building would detract from the openness and rural character of the locality.*

Community Criteria (1) *The extent to which the activity will result in loss of rural character.*

Rural 1 Criteria (14) *The extent to which the building would be compatible with existing development in the vicinity.*

Rural 1 Criteria (17) *The visual impact and appropriateness of colour and materials for buildings and structures.*

Rural Character and Amenity Comments

The objective, policies, rules and assessment criteria relate to the maintenance and enhancement of local rural character and amenity values, including such attributes as openness, greenness, absence of signs, and separation, style and scale of structures.

Some of the submissions identify the scale of the buildings and the style of the architecture as being out of keeping with the low-key rural neighbourhood. The fences are also identified in a submission as an area of concern, giving the impression of a compound.

In order to assess the effects of this proposal on the character of the area it is first necessary to discuss the existing receiving environment. The area contains an assortment of different land uses, different sized allotments, with a range of building sizes. Nearby uses include grazed pasture, orcharding, and other land based activities, "rural-residential" style blocks, rural industrial activities (a fertiliser blending plant and a timber yard), a primary school and another Church.

The presence of the Ranzau School buildings across the road and the nearby Lutheran Church are relevant as these, along with the visual effect of the existing approximately 607 square metres of church building already on the site creates a substantial built environment in the locality. Whilst the activity is of a larger scale than other built development in the vicinity, the existing Church is widely known and acknowledged as an activity in this locality, having been there in some form for almost 100 years. The area is considered to be "mixed use" and is not a rural area characterized by open green space and a lack of built form.

The main visual effect of the proposal will be the physical appearance of a large building with a floor area of just over 1760 square metres. The community activity site will be 10919 m² (Proposed Lot 2 is 7635 m² and Lot 1 DP 17913 containing the existing facility is 3284 m²). As the subject site is greater than 4000 m², the permitted site coverage is a maximum of 5 percent of the site area, but not more than 2000 m². Five percent of the site area is 546 m². The proposed building coverage is 16 percent, which is about three times the permitted building coverage in the zone for buildings (other than dwellings and greenhouses).

The proposed building will have a maximum height of 8.5 metres which is the height of the existing church building. That building will remain and be integrated into the enlarged complex. The majority of the complex will comply with the 7.5 metre height standard. The reason for encroaching the 7.5 metre height specified in the Plan is due to the existing building being already over this height. It is considered to be overly restrictive and unnecessary to require the existing building to be cut down in height. This would be unnecessary in order to mitigate effects while likely resulting in a building out of character with the proposed ridgeline roofs.

The additional height and site coverage is not expected to have a more than a minor effect owing to the large size of the site and the building additions being lower than the roof peak of the existing church. As this high part of the new building is set some considerable distance back from site boundaries no adverse effects from shading on other properties will occur. The large setbacks on the side and rear boundaries, combined with the substantial distance from adjacent dwelling houses will also assist in reducing the scale of the buildings when viewed from dwellings in the area. If consent is granted the height and site coverage can be limited to what is proposed by conditions on the land use consent.

In addition, the landscaping concept shown on the site/planting plan dated 17 June 2005 proposes plantings in strategic positions to provide effective screening and to soften the built form. A condition on the land use consent requiring general accordance with this site/planting plan is recommended if consent is granted.

The building itself is considered to be of an interesting and appropriate design, with the timber and stone being sympathetic to the rural landscape.

The view from the street is an issue also raised by submitters. Although the proposal does not meet the 10 metre setback from the road, this is an existing situation – the current Church building is some 5.5 metres from the road boundary. All extensions to the building will be located significantly further back from the road. Of the additional to the building, only a small portion of the open porch entrance of the youth hall will encroach into the 10 metre front setback. This small encroachment will be hardly perceptible to a passing pedestrian or motorist. Apart from the existing Church building and proposed youth hall, the remainder of the building is positioned with the clear open front yard of over 30 metres for the remaining width of the site. In fact, as the orchard tree plantings used to approach the front boundary, the proposed playground and open grass area will provide a much greater feeling of open space than is currently apparent. In addition, the proposed landscaping will soften the built form and improve the view of the frontage as there is no landscaping to speak of at present.

The site plan shows the location of a proposed sign at the front of the site. Further information received by the applicant confirms that any signage will comply with the relevant standards of the Rural 1 Zone which will avoid all but minor effects from this aspect of the proposal.

A further consideration is that the land could as of right have a much larger building coverage in the form of greenhouses as a permitted activity. These would have a far greater effect on aesthetics and such open character as exists, as a typical commercial greenhouse activity on the Waimea Plains is likely to involve a minimum of 4000 square metres of building coverage.

It is concluded that the visual impact of the proposed building and parking area extension will result in only a minor environmental effect on the amenity and character of the locality and that its coverage is within the scope of building coverage that could occur on a site of the same size in the zone.

Cross Boundary Effects

Provisions of the Plan regarding cross boundary effects which are of relevance to the development:

Policy 5.1.4 *To avoid, remedy, or mitigate effects of:*

- (a) Noise and vibration*
- (b) Dust and other particulate emissions*
- (e) Glare*
- (h) Buildings and structures;*

beyond the boundaries of the site generating the effect.

Policy *To exclude from rural areas, uses or activities (including rural-residential) which would have adverse effects on rural activities, health or amenity values, where those effects cannot be avoided, remedied or mitigated.*

Rules relating to cross boundary effects

The rules relating to noise limits and dust will be met. There are no rules relating to glare for activities in the Rural 1 Zone. Specified setbacks for all side and rear boundaries are met.

Cross boundary assessment criteria

Subdivision Criteria (9) *The relationship of the proposed allotments with the pattern of adjoining subdivision, land use activities and access arrangements, in terms of future potential cross-boundary effects.*

Cross boundary comments

The site has horticultural land on each side except for the road boundary. This will not change with the new proposal – only the rear boundary is moving via the boundary adjustment.

The new building areas and outdoor areas for the outdoor café area, entrance and playground are facing the road and the property to the north west are separated from 100 Ranzau Road on the north western boundary by some 25 metres, comprised of car park areas on the application site and a 6.5 metre wide access leg leading to an orchard area behind the site to the south west. The separation between buildings and the orchard on this side is about thirty metres. The building separation on the south-eastern side will be some 21 metres which is an existing situation. On the new south eastern orchard boundary the building will be setback about 30 metres. The side and rear boundary perimeters will be planted in order to provide a planting buffer to obscure the parking areas and buildings and to reduce cross boundary effects. Reverse sensitivity effects from spraying crops on adjoining sites is not of concern, given that the children's playground is sited over 30 metres from the nearest internal boundary.

Noise

Potential noise effects from activities on the site and vehicles have been raised as a matter of concern by some submitters.

Council's Environmental Health Officer confirms that Church activities have operated from the site now for many years without any Council record of complaint from neighbours. The main noise generation from the extended complex are expected to be the arrival of cars to the site and music from the Church services. The proposal features several mitigation measures to address potential noise effects.

Further information from the applicant indicates that noise attenuation will be incorporated into the building. This will reduce noise from music and activity within the buildings. The design of the site is such that the buildings are located centrally on the site, as far as possible from the boundaries. The application states that the majority of activity will take place within the building in spaces to the rear of the building.

In addition, there are few dwellings in the immediate vicinity of the site, the closest being about 70 metres away across the road at 91 Ranzau Road, thus the noise effects of activity at the Church are expected to be of little significance to residential activities in the vicinity.

In any event, a statement from the applicant states that the proposal will meet the applicable permitted activity standard in the Rural 1 Zone regarding noise, Rule 17.4.2 (d), and that may be considered as the permitted baseline with respect to noise generation.

Dust

Under Rule 17.4.2(c), no activity is permitted to emit offensive and pervasive dust or odours that are discernable in a Residential Zone. I note that there are no Residential zones in this locality, and in any event there will be no emission of odour from the community activity, and potential dust nuisance will be avoided by the proposal sealing all parking and access areas in a dust free surface.

Glare

There is no rule relating to glare and lighting in the Rural 1 Zone. Moreover, the plan does not show any external lighting on the parking area or close to boundaries.

Productive Land Values

Provisions of the Plan which relate to productive land matters and are relevant to this development:

Objectives

Objective 7.1.0 *Avoid the loss of potential for all land of existing and potential productive value to meet the needs of future generations, particularly land of high productive value.*

Objective 7.2.0 *Provision of opportunities to use rural land for activities other than soil-based production, including papakainga, tourist services, rural residential and rural industrial activities in restricted locations, while avoiding the loss of land of high productive value.*

Policy 7.1.2 *To avoid, remedy, or mitigate the effects of activities which reduce the area of land available for soil-based production purposes in rural areas.*

Policy 7.1.2A *To avoid, remedy, or mitigate adverse actual, potential, and cumulative effects on the soil resource and the productive value of the land.*

Policy 7.1.3 *To require land parcels upon subdivision to be of a size and shape that retains the land's productive potential, having regard to the actual and potential productive values, the versatility of the land, ecosystem values, access, and the availability of servicing.*

Policy 7.2.1 *To enable activities which are not dependent on soil productivity to be located on land which is not of high productive or versatile value.*

Policy 7.1.2A *To ensure that activities which are not involved or associated with soil based production do not locate where they may adversely affect or be adversely affected by such activities.*

Comments

These objectives and policies are given effect to by way of 'Methods of Implementation' listed in 7.2.20, page 7/5 of the PTRMP. These include regulatory methods as follows:

1. Zones, which have been established to manage the effects of specific types of activities or built development within the rural area,
2. Rules that govern allotment size, establish on-site amenity standards and other matters,
3. Assessment matters to take account of when considering resource consent applications.

The Proposed Plan does not provide specific zones for community uses such as this proposal. As such, community activities trigger a resource consent and need to be assessed on their merits against the provisions for the RMA and the relevant Plans.

Relevant Rules

All relevant rules relating to productive land values are met, with the exception of:

- Rule 16.3.7 (b) which prescribes a minimum area of 12 hectares for subdivision of allotments within the Rural 1 zone

Lot 2 and Lot 1 DP 17913 (to accommodate the community facility) will be 10919m².

The rule regarding site coverage was addressed in the previous section.

Principal Reasons for the Rule

Reasons - lot area *In order to maintain the productive values of land, controls are required on subdivision which allow for a range of soil-based production opportunities retained, despite shifts over time in the economic prospect for particular production activities. The Rural 1 Zone contains the small area of the District's land which has high productive value and which is suited to a wide range of uses, including both soil based production and other uses such as residential.*

The rules protect this land's productive potential value for a range of soil based productive uses. The soils in the Rural 1 Zone are suited to intensive production and the subdivision limited reflect this land's potential for such use.

Relevant Assessment Criteria

Subdivision Criteria (1) *The productive value of the land in Rural 1, Rural 2, Rural 3 and 3A zones, and the extent to which the proposed subdivision will adversely affect it and its potential availability.*

Rural 1 Zone Criteria (1) *The location of the building on the site and the effects of the building on the potential availability of productive land, including any effects relating to the extent of the building and capitalisation of the site.*

Subdivision Criteria (13) *Taking into account local land form, whether allotments are of a regular shape that will maximise the range and efficiency of potential activities that may take place on the land in the future.*

Comments

The boundary adjustment proposed to create the larger site required by the community activity and the associated additional building coverage will reduce the area of the land used in land based production of the rural land. This matter is raised by some submitters who are concerned that the potential availability of productive land will be reduced by this proposal. Whilst a community activity may not normally be regarded as a sustainable use of a rural zoned site, there are distinctive factors which of this application which should be taken into account.

It should be noted that the existing Church property of about 3000 square metres operates on existing use rights dating back to 1913. A subdivision consent to enlarge the original site to its current size was approved in the late 1990's. This existing situation is lawful and should not be taken into account in assessing the deduction in land used productively. This application will remove 7635 square metres of land from productive potential.

This is considered to be an unusual and distinct situation, that is, the ongoing development of a local community facility which has so much history on this site to a significant extent caters for social and cultural needs of the broader Waimea basin.

In addition, the majority of proposed Lot 2, being the land currently in orchard and proposed for the community facility, is not currently being utilised for land based production. A site inspection indicates that the much of proposed Lot 2 to be amalgamated with the Church is currently unplanted. The balance land contained in Lot 1 will be amalgamated back into the orchard site in order for the orchard to retain its productive potential. It is important to note that the subdivision application is for a boundary adjustment only; no additional titles will be created. Consequently, although some productive land will be used for a community activity, no additional titles are proposed so the proposal will not result in any further potential for dwellings or new activities in the rural zone.

An assessment of alternatives suggests that the activity cannot be easily relocated to another site which avoids the use of Class 1 rural land without it becoming distant from its community of users. All rural land on the Waimea Plains is of high quality. There are few site choices on rural land of lower quality or on urban land and these are some distance from the existing locality which is central to the congregation catchments. It is likely that even on other rural sites a resource consent would also be required and similar issues around the use of productive land would arise. Consequently the effects of relocating this activity to an entirely new site may well result in additional effects on productive land over and above the quantum of effect proposed here. Given the limited amount of urban land of around 10000 m² available in the District today it is likely to be difficult for such an operation to find a Greenfield or developable urban zoned site of a sufficient size to accommodate the range of functions and services proposed there. Some of the submitters suggest that the Church should either move to, or share facilities with the proposed Church on Headlingly Lane or other Churches nearby. From the application it would appear that the Church is committed to providing a range of services to the local community and does not wish to limit its services in the local area. In any case, a decision must be made on the application before Council, rather than other options outside the scope of the applications.

While the expansion of the community activity onto productive land will limit the productive versatility of this site, it is considered that this effect is no more than minor given the history of the Church on this site, the small scale of the reduction in productive potential, and the positive spiritual, social and cultural effects this development will bring which outweigh the effect on productive land.

Servicing Matters

Provisions of the Plan regarding to servicing matters which are of relevance to the development:

Objectives

Objective 5.1.0 Avoidance, remedying or mitigation of adverse effects from the use of land on the use and enjoyment of other land and on the qualities of natural and physical resources.

Comments

This is the key servicing objective relevant to this development. It is fulfilled by a number of relevant policies and supporting rules, reasons for rules, and assessment criteria. The main servicing matters that are considered to be relevant in assessing this proposal are:

- the provision of water supply
- the provision of power and telephone
- the provision of stormwater control
- the treatment and disposal of wastewater
- appropriate engineering design and easements

Proposed plan provisions regarding Water Supply

Subdivision Criteria (8) *The cumulative effects of the subdivision on the District's infrastructure and its efficient use and development, including the capacity and capabilities of the road network and utility services to meet demands arising from the subdivision.*

Comments on water supply

Further information received from the applicant on 30 May 2005 states that potable water requirements are likely to be an averaged maximum of 1750 litres per day. One or more storage tanks with a minimum total capacity of 23000 litres is proposed to provide a buffer for intense draw of water, with the tank being recharged from the local supply. The application information states that if required, there will be additional storage over and above the 23000 litre tank in order to comply with the relevant fire fighting regulations.

Subdivision Criteria (7) requires Council to assess the adequacy of design, capacity, standard and staging of proposed public utilities servicing the subdivision such as the water supply. Also to consider any impact on utilities servicing the wider area and outlets to, or connections with, public systems, and the ability to accommodate future developments on adjoining land, and their ability to avoid, remedy or mitigate effects.

Council's Development Engineer comments that by limiting the water supply lateral the development will not put undue pressure on the local water supply. A condition of consent is recommended on the land use consent to this effect.

Proposed plan provisions regarding Power and Telephone

Power and telephone connections already exist to the orchard site and the community activity site. Council's Engineering Department staff confirm that they are satisfactory and no conditions are required in relation to these services.

Proposed Plan provisions regarding wastewater

Policy 5.1.3 *To limit the intensity of development where wastewater reticulation and treatment are not available.*

Relevant Rules

Rule 36.1.5 *Discharges of Domestic Wastewater Special Areas*
This rule permits the discharge of up to a weekly average flow of 2000 litres of domestic wastewater to land provided compliance with a number of conditions. These requirements include stringent wastewater quality limits imposed in these "Special Areas" where an existing density of septic tanks and limitations for on-site disposal warrant such controls.

Subdivision Criteria (9A) *Where wastewater disposal will occur within the net area of the allotment, the extent of compliance with NZS 4610 "Household Septic Tank Systems" or any subsequent approved replacement of this Standard. For package wastewater systems, whether an equivalent or better level of service can be achieved.*

Subdivision Criteria (11) *Whether the treatment and disposal of wastewater and stormwater from the proposed allotments is likely to adversely affect water quality, public health or environmental health, or safety, taking into account the provisions of Schedule 16.3C and the powers under Section 220(d) of the Act.*

Comments regarding wastewater

The policies, rules and assessment criteria of the Proposed Plan relating to wastewater seek to limit the effects of wastewater treatment and disposal.

The submission from the Nelson Marlborough District Health Board neither supports or opposes the proposal but requests that a number of issues relating to the on-site sewage disposal system proposed be further addressed – the need for a reserve area for the treated effluent disposal, public access to the disposal area, reduction of faecal coliforms to the level required by Rule 36.1.5, possible effects on groundwater in the vicinity, the contribution from wastewater from the café, and an assessment of effects for sewage disposal. They also request that a condition be imposed ensuring the sewage disposal system meets the requirements of Australia/New Zealand Standard 1547:2000 – on-site domestic wastewater management.

The relief sought by Anthony and Janice Gargiulo of 134 Ranzau Road is for Council to decline the application until a safe, healthy and appropriate method of sewage disposal is submitted. They believe that the disposal of sewage options are unsuitable for the size of the addition proposed.

In a request for further information the applicant was asked by Council whether the proposal will meet Council's permitted activity requirements and seek resource consent to authorise the proposed discharge if not. Natasha Lewis, Council's Consent Planner, Discharges, was concerned that the wastewater flow limits and strict wastewater quality limits applicable to permitted discharges at the site may be difficult to achieve. Compliance with the wastewater quality limits of the permitted activity rule will be required as alternative authorisation has not been sought. Regional Public Health discussed the need for tertiary treatment of wastewater in their submission. Council's Consent Planner, Discharges agrees that tertiary treatment of wastewater will be necessary prior to disposal to land in order to meet the relevant permitted rule. This rule permits up to 100 faecal coliform units per 100 millilitres, tertiary treatment (either ultraviolet disinfection or ozone treatment) would be necessary to meet this limit. Minimising bacterial contamination of wastewater is of particular importance at this site, where protection of the valued groundwater resource below is required.

A buffering system (as outlined in the report from Tasman Consulting Engineers dated 24 November 2004 and submitted with the application for consent) is proposed to limit the amount of wastewater discharged each day to within Council's permitted volumes. These concerns were discussed with the applicant's Engineer Ron O'Hara prior to notification. To address Council concerns the applicant has agreed (letter from Bacon Planning Group dated 4 February 2005) to a condition of consent requiring the installation of a flow metre to measure wastewater flows, enabling ongoing assessment against permitted activity requirements. This condition is recommended should the consents be approved.

Concern has also been raised by submitters and Council staff regarding the proposed disposal area. The amount of car parking required on site to accommodate potential visitors constrains the land available for wastewater disposal. Council's Consent planner, Discharges considers that it would be preferable for a dedicated area to be found in addition to the area required for the land use activities. However, the applicant has proposed to discharge wastewater around the perimeter of the site, which meets Proposed Plan's 1.5 metre setback requirement for a disposal area from property boundaries. A reserve disposal area of an equivalent size to the primary field is recommended as noted in the District Health Board submission and at the hearing should be indicated by the applicant on a site plan. During a site inspection, Council's Consent Planner, Discharges noted the considerable engineering work that would be required to form this area in order for it to be suitable for wastewater disposal (much is currently sealed). This concern was raised with the applicant.

In any case, the applicant has proposed compliance with Council's permitted activity rules for discharges of domestic wastewater (Rule 36.1.4), so additional restrictions cannot be imposed. Further consideration of the wastewater treatment and disposal systems and intended compliance with permitted activity requirements would also occur at Building Consent stage.

An advice note is recommended on the consents that the development should meet the relevant permitted activity requirements of the proposed Tasman Resource Management Plan or resource consent shall be obtained if these criteria cannot be met. Compliance with the New Zealand Standard for On-Site Wastewater Management ASNZS 1547:2000 is recommended.

Proposed Plan provisions regarding stormwater

Rule 36.4.2 *Discharge of Stormwater to Land and/or Water*

This rule permits the discharge of stormwater to land or water in the Rural 1 zone provided compliance with a number of conditions seeking to minimise potential adverse effects.

Comments on Stormwater

Consent was not sought for the discharge of stormwater at the site so compliance with Rule 36.4.2 of the PTRMP is required. Rule 36.4.2 permits the discharge of stormwater on Rural 1 sites provided compliance with a number of conditions. Concern has been expressed by Council's Engineering Staff and Consent Planner, Discharges about potential contaminant levels in the discharge, given the significant sealed car parking area required.

Contaminants likely from car parking areas include zinc (tyres), copper (from vehicle brake pads), oil, grease and fuels. Discharges authorised by the PTRMP permitted activity Rule 36.4.2 must not contain any hazardous substances other than a thin sheen of hydrocarbons (less than 15 milligrams per litre). Council's Consent Planner, Discharges comments that it is likely that the applicant will have to utilise some form of stormwater treatment device to reduce contaminant levels in the discharge to meet the permitted standard. Information to address these concerns was requested 21 April 2005, and a report from the applicant's engineer Ron O'Hara of Tasman Consulting Engineers was received by Council on 17 June 2005 (this further information was mailed to all submitters).

Through this report the applicant has proposed compliance with permitted activity Rule 36.4.2 for discharges of stormwater on a Rural 1 site. If consent is to be granted this requirement should be reinforced through an advice note on both the subdivision and land use consents. The site is already very limited in area. The stormwater design proposed in this report, in particular the requirement for infiltration trenches will require further land area in an already limited site. The separation of the stormwater and wastewater disposal areas will be critical to their performance but is difficult to ascertain from the site plan provided with the most recent report from Ron O'Hara (contained in the further information section of the application).

Proposed Plan provisions regarding Engineering Design and Easements

Subdivision Criteria (7) *The adequacy of design, capacity, standard and staging of existing or proposed public utilities servicing the subdivision, including any impact on utilities servicing the wider area and outlets to, or connections with, public systems, and the ability to accommodate future developments on adjoining land, and their ability to avoid, remedy or mitigate effects on a temporary or permanent basis.*

Subdivision criteria (14) *Whether engineering design is appropriate for the circumstances.*

Subdivision Criteria (15A) *The granting or reservation of an easement over any private land for the purpose of locating stormwater systems to convey stormwater to any reticulated network utility under the control of the Council.*

Comments on engineering design and easements

Council's Development Engineer notes that no services will be vested in Council and that engineering plans are not necessary. The only Council service in the area is water supply.

Traffic Matters

Provisions of the Plan regarding to traffic matters which are of relevance to the development:

Objectives

Objective 11.1.0 *A safe and efficient transportation system, where any adverse effects of the subdivision, use or development of land on the transport system are avoided, remedied or mitigated.*

Comments

This is the key traffic objective relevant to this development. It is fulfilled by a number of relevant policies and supporting rules, reasons for rules, and assessment criteria. The main traffic matters that are considered to be relevant in assessing this proposal are:

- the location and design of vehicle accesses onto the road
- the provision of parking
- the ability of the existing road network to cater for the additional traffic demands

Proposed Plan provisions regarding access

Policy 11.1.2 (b) *To ensure that land uses generating significant traffic volumes are designed so that traffic access and egress points avoid or mitigate adverse effects on the safety and efficiency of the road network.*

All PTRMP rules relating to access are met, with the exception of:

Rule 16.2.2 (l)(iii) *Number of vehicle crossings per site
Not more than one crossing per site, except where: (iii) for any site fronting a non-arterial road with a speed limit greater than 50 kilometres per hour, where crossings for that site are either not more than 25 metres apart or not less than 200 metres apart.*

Reason - crossings *Restriction on the number of vehicle crossings aim to minimise the number of potential traffic contact points while still providing for access to developments.*

Access Assessment Criteria

Subdivision Criteria (28) *The ability to comply with the site access and vehicle crossing requirements of Rule 16.2.2.*

Traffic Criteria (1) *The location and design of crossings, including width, and visibility between crossings and traffic on the road.*

Vehicle Access Comments

The restriction on the number of vehicle crossings aims to minimise the number of potential traffic contact points while still providing for access to developments.

Two two-way vehicle crossings are proposed in order to allow efficient flows of traffic in and out of the site having regard to the car park layout which splits it into two distinct areas. Further information received in relation to the application explains that the logistics of retaining the existing Church building and developing around it and

using the rear parking area as a buffer to the orchard at the rear of the site makes it difficult to design car park with only a single access point.

Council's Engineering Department staff have reviewed the proposal and concludes that the location of the vehicle crossings are appropriate for the activity and the traffic environment, provided the crossings are each 6 metres wide. This is suggested as a condition of the subdivision consent.

Proposed Plan provisions regarding parking

Policy 11.1.4 *To ensure that adequate and efficient parking and loading spaces are provided...*

All PTRMP rules relating to parking are met, with the exception of:

Rule 16.2.3 (c) Quantum of on-site parking spaces
Parking spaces, of at least the number specified in Figure 16.2D, are provided at all times within the net area of the site... Figure 16.2D: Place of assembly – 1 parking space per 4 persons' design capacity.

Principal Reasons for Rule

On-site parking spaces *The rule requires that sufficient parking spaces be provided on a given site in order to reduce cross-boundary and on-street effects arising from the parking generated by the activities on the site.*

Parking Assessment Criteria

Traffic Criteria (3) *The effects of trip generation and demand for and supply of parking.*

Traffic Criteria (4) *The securing of rights to use any parking off the site of the activity.*

Comments on Parking

The purpose of the on-site parking policy and rule is to ensure that sufficient parking spaces be provided on the site or on a useable nearby site in order to reduce cross-boundary and on-street effects arising from the parking generated by the development.

Parking requirements in the PTRMP are listed in Figure 16.2D by activity. The most appropriate interpretation, consistent with the Council planning approach is to regard the entire building as a place of assembly. With a design capacity of 1000 people as proposed, at one parking space per four persons design capacity, 250 spaces are required by the Plan. The application proposes 191 on-site parking spaces as shown on the site/planting plan dated 17 June 2005 which was received by Council as further information on 17 June 2005. This represents 76 percent of the on-site quantum specified by the Plan.

Some of the submissions state that they have concerns regarding the number of parking spaces proposed to be provided. Note that the parking area has since been redesigned and 191 spaces are now proposed, an additional 46 spaces than the 145 spaces proposed on the 1 December 2005 application site plan as notified.

In the Proposed Plan a place of assembly includes facilities such as a stadium, which could be expected to achieve full occupancy design capacity on a regular basis. The proposed Church building will not function like this. It is a multi functional building with spaces dedicated to particular activities and it is not likely that all activities will be happening at the same time, owing to the nature of the facility's operation.

On Sundays, the activity involves a congregation of people, most of whom are expected to reach the site by motor vehicle. The design capacity of the proposed building is theoretically one thousand people, based on an allowance of one person per 1.13 square metres for the larger rooms and a further informal occupancy allowance for other spaces such as offices and meeting rooms. In reality occupancy of the building is expected to be much less than this figure, which is unlikely to ever be reached due to the multiuse use of the facility. The greatest occupancies are anticipated to be reached for conferences, or at Sunday Church services when the 450 person auditorium could be fully occupied on some occasions (although the application states that this will be unlikely for some time yet as the congregation now is not that large, being approximately 200 people).

For much of the week occupancy will be significantly less than the maximum and associated with youth group activity, crèche use, music groups and other small group meetings. The application states that under most circumstances car parking requirements will be for less than fifty spaces.

On this basis it is appropriate to provide car parking to cater for a full auditorium plus an allowance for some other activities which may require parking at the same time as a church service. This is expected to be easily catered for by a total of 191 spaces as shown on the site/planting plan received by Council on 17 June 2005. A condition can be imposed on the land use consent requiring all 191 spaces to be formed, sealed with a minimum two coat chip seal, and marked out on the ground. This is a higher standard than normally required for parking areas in the Rural zones under the Proposed Plan where parking areas do not normally need to be sealed and marked out.

However, the applicant has stated that they would accept a condition that the number of people on the site at any one time be not more than four times the number of parking spaces available on the site. This matches the parking ratio for community activities in the Plan.

The applicant has provided a copy of the agreement with the Ranzau School across the road for shared parking of 50 spaces available at Ranzau School. This is considered to be another reason for allowing the reduction in on-site parking. It is understood that this mutual parking agreement with the school has been operating for a number of years. It is considered to be an efficient use of the land resource, as the provision of a large car park which is unnecessary and underused would result in potentially greater visual effects and utilise more land than the parking area which is proposed.

It is considered reasonable to exclude from the 1 car park: 4 people ratio visitors using the Ranzau School as part of the longstanding shared parking arrangement between the school and the Hope Community Centre Trust.

The submissions raise a pertinent matter in relation to the nature of the café as shown on the application site plan. They are concerned that the café will be used as a commercial venture unrelated to the Church and community facility use. This is relevant as if the café is a destination in its own right the traffic generated could increase. It is considered that this can be avoided by the imposition of a condition on the land use consent that the café is an ancillary activity to the community facility and is only for the use of people visiting the site for reasons relating to community activity events. It should further state that the café shall not be advertised on any sign on the site as a destination in itself.

Due to the location of the community centre only 500 metres from Hope it is expected that there will be some opportunity for cycling to the site. The facility will provide a bicycle stand for six cycles, shown on the site/planting plan dated 17 June 2005. Although local residents may walk to the site, this is unlikely to be a common transport option.

The nature of the activity and multi use of the complex, resulting in the full building capacity not utilised all at one time, combined with the opportunity to share parking with the Ranzau School, and the other modes of transport available, mean that the parking provided will be sufficient for this activity. Although this is considered sufficient, it is suggested that a review condition be imposed on the land use consent that the condition relating to the number of on-site parking spaces may be reviewed at 12 months from the commencement of the consent. This will allow Council to monitor the traffic effects at that time.

Another issue relating to car parking which was raised in submissions is the potential for misuse of the parking area and security during the hours of darkness. Submissions request that if the proposal is approved the parking area should be closed at night. Submitters do not want to have the parking area used for "burnouts" by 'boy racers'. The application addresses this issue and the site/planting plan dated 17 June 2005 shows that the majority of the parking area can be chained off. If the proposal is approved it is recommended that a condition of land use consent is imposed requiring that the parking area be secured at night while the facility is not being used. This is considered to be an effective solution to avoid potential security effects and nuisance impacts from the vehicle noise of misuse of the parking area.

Plan Provisions Regarding Capacity of the Roothing Network

Policy 11.1.2 (a) *To ensure that land uses generating significant traffic volume are located so that the traffic has access to roads that are able to receive the increase in traffic volume without reducing safety or efficiency.*

Community Activities (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.*

Subdivision Criteria (26A) *The proximity, safety and ease of access between any site and the nearest collector, distributor or arterial road,...*

Subdivision Criteria (26C) *The extent to which an existing road needs to be upgraded to manage effects of traffic generated by the subdivision, taking into account the existing state and use of the road and the construction standards of Chapter 18.10 rules for that particular class of road.*

Comments Regarding the Capacity of the Roothing Network

Four submitters are concerned that the additional traffic generated by the development will impact on Ranzau Road. It is clear that the proposal will increase traffic movements on Ranzau Road. However, it needs to be ascertained whether this increase will result in a situation which is contrary to the relevant provisions of the Plan and cause traffic effects which are more than minor.

Vehicle movements on and off site will vary throughout the day and on different days of the week. Peak traffic volumes will be associated with church services and other occasional activities which make maximum use of the main auditorium. The application states that this could generate vehicle flows of up to or around 120 vehicles in the twenty minutes prior to a service and a less intensive flow of departing vehicles after services. This is because people often stay on after services to socialize or participate in other Church activities.

Traffic flows on Ranzau Road are currently in the order of 1500 vehicles per day, which the serving road accommodates with no apparent difficulty.

It is considered that for the periods leading up to and immediately after Church services that traffic flows at this time on Ranzau Road will be low and probably dominated by Church related traffic. Church peak traffic flows are unlikely to coincide with other peaks of activities in the area such as the school and rural industrial activities nearby.

I do not regard this level of traffic movement associated with the activity as adversely affecting the amenity of this mixed rural area. By way of comparison, a single household typically generates about 10 car movements per day, and horticultural and other permitted farming activities on sites in the vicinity of this site can reach high levels particularly at times of planting and harvest.

Ranzau Road is a straight two-lane road with a two-way carriageway in the vicinity of the site. Visibility for vehicles entering and leaving the site will also be satisfactory, exceeding the 290 metre minimum sight distance from the two proposed vehicle crossings required by the Plan. As shown on the site plan/landscape plan dated 17 June 2005, road frontage landscaping will be designed to maintain good sight lines. The height of planting in the vicinity of vehicle crossings is addressed on the site/planting plan.

Council Engineering Department staff verify that no road upgrading is required as a result of this activity.

Duration of Consent

Provisions of the Plan regarding to the duration of consent which are of relevance to the development:

Assessment Criteria

Community Criteria (5) *The duration of the consent and the timing of reviews of conditions.*

Comments on Duration of Consent

The applicant seeks a duration of land use consent of 15 years, where 5 years is the default period within the Resource Management Act 1991. This means that the land use consent would not have to be given effect to for that period of time (15 years) before it would lapse unless an extension of time application under Section 125 of the RMA was granted.

In this instance it is considered unlikely that there will be any adverse effects in granting the extended lapse period of 15 years. The surrounding environment is not expected to change sufficiently in that time to create undue environmental effects from the consent holder giving effect to this consent in a delayed manner. In any case, even if the building extensions have not been undertaken, the existence of the land use consent is public information.

This is a relatively large project for a community/non-commercial organisation who are dependant on funds in order to complete the project. It is reasonable that a longer consent period is granted in order to provide greater certainty to the consent holder with regard to their timeframes and project management. Consequently, a condition on the land use consent is recommended that the consent shall lapse in 15 years from the date of commencement, unless it has either been given effect to, or an extension of time application pursuant to Section 125 of the Act has been approved by Council.

Financial Contributions

The land use application seeks a waiver of the financial contributions relating to building construction requiring a resource consent. This matter is addressed in **Appendix 3** of this report which contains the recommendations of Council's Reserves Planner, Rosalind Squire. She recommends that the application to waive reserve fund contributions on the proposed development be declined for the reasons discussed in her report.

Note that as the subdivision consent is for a boundary adjustment which does not result in the creation of additional titles, no financial contribution is payable on the subdivision consent.

4.3 Other Relevant Matters

Precedent

Case law has established that the granting of consent for one application may well have an influence on how another application should be dealt with. The extent of influence will depend upon the extent of similarities.

The current applications have arisen because the Church members are hoping to provide additional opportunities for the spiritual and social aspirations of the community to be met and associated activities proposed require the building and site to be expanded. An important factor is the fact that the Church has been located on this site for over 90 years. The Church's long association with the site is considered to be a distinctive factor which is rare in the District. Consequently no issue of precedent will arise from the grant of consents.

5. RECOMMENDATIONS

Subdivision Recommendation

That pursuant to Section 104(B) of the Resource Management Act 1991, the Tasman District Council grants consent to the application by the Hope Community Centre Trust for subdivision consent (RM041391) at 114 Ranzau Road, to subdivide Lot 1 DP 17913 and Lot 1 DP 18344 as a boundary adjustment, as detailed in the application and further information provided with the application, subject to the following conditions:

General Accordance

1. That the development be in general accordance with the subdivision plan attached as **Appendix A** of this consent, and the information submitted with the application, as amended by the further information received. Where a condition of consent is contrary to the application, the condition shall prevail.

Amalgamation

2. Lot 1 hereon shall be amalgamated with Lot 2 DP 15359 (CT NL12A/469) and one certificate of title issue. Lot 2 hereon shall be amalgamated with Lot 1 DP 17913 (CT NL12A/468) and one certificate of title issue.

Land Information New Zealand Reference Number: 296217.

Vehicle Crossings

3. The two proposed vehicle crossings onto Lot 2 shall be formed to the standard specified in Schedule 16.2C: Rural Intersection and Access Design (Diagram 1) of the Tasman Resource Management Plan (attached as **Appendix B** to the subdivision recommendation). Each of the two crossings shall be 6 metres wide.

Advice Note:

The vehicle crossing serving proposed Lot 1 (to be amalgamated with the orchard) is considered to be suitable at present for the purposes of this condition.

Remove Existing Crossing

4. The existing vehicle crossing serving Lot 1 DP 17913 (the existing Church site) shall be removed and the road berm reinstated.

Wastewater – Flow Meter

5. The Consent Holder shall install an appropriately installed and calibrated flow meter capable of measuring to an accuracy of plus or minus five percent.

Advice Note:

The applicant has volunteered this condition.

Engineering Certification

6. At the completion of works, a suitably experienced registered engineer or surveyor shall provide Council with written certification that the works have been constructed to the standards required. Certification that a site has been identified on the new community activity allotment suitable for a building shall be submitted from a registered engineer or geotechnical engineer experienced in the field of soils engineering.

Subdivision Advice Notes**Tasman Resource Management Plan**

1. Any matters not referred to in this application for resource consent or are otherwise covered in the consent conditions must comply with the relevant provisions of the Tasman Resource Management Plan and the Resource Management Act 1991.

Other Council Requirements

2. The consent holder shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.

Concurrent Resource Consents

3. This subdivision consent application was made in conjunction with land use consent application RM050151.

Archaeological

4. If in the course of any earthworks for the development, any artifacts, taonga, or koiwi are unearthed, then all earthworks in the immediate vicinity of the find shall be suspended and contact made immediately with local iwi and the New Zealand Historic Places Trust for the establishment of a protocol for removal of the findings.

Wastewater

5. The Consent Holder is advised that any discharge of domestic wastewater at the site should meet the relevant permitted activity requirements of the proposed Tasman Resource Management Plan or resource consent shall be obtained if these criteria cannot be met. Compliance with the New Zealand Standard for On-Site Wastewater Management ASNZS 1547:2000 is recommended.

Stormwater

6. The Consent Holder is advised that any discharge of stormwater at the site should meet the relevant permitted activity requirements of the proposed Tasman Resource Management Plan or resource consent should be obtained if these criteria cannot be met. The installation of stormwater treatment devices may be necessary to treat stormwater prior to its discharge from site to meet the permitted standards.

Development Contributions

7. Unless otherwise agreed with the Tasman District Council Development Contributions Committee the consent holder shall pay the required Development Contribution in respect of the following services prior to uplifting the section 224(c) certificate.

Council will not issue the section 224(c) certificate in relation to this subdivision until all development contributions have been paid in accordance with Council's Development Contribution Policy under the Local Government Act 2002. The power to withhold a section 224(c) certificate is provided under section 208 of the Local Government Act 2002.

The Development Contributions Policy is found in the Long Term Council Community Plan (LTCCP) and the amount to be paid will be in accordance with the requirements which are current at the time the relevant development contribution is paid in full. This consent will attract a development contribution in respect of roading only.

Financial Contributions

8. As the subdivision is for a boundary adjustment which will not result in an additional title, under the PTRMP no financial contributions are required on the subdivision. However, they may still be applicable on the land use proposal.

Engineering Plans

9. Council's Development Engineer confirms that no engineering plans are required for this development.

Land Use Recommendations

Land Use Recommendation 1 – Waiver of Financial Contributions Only

That pursuant to Section 104(B) of the Resource Management Act 1991, the Tasman District Council declines consent to the application by the Hope Community Centre Trust for land use consent (RM050151) at 114 Ranzau Road on Lot 1 DP 17913 and proposed Lot 2, to waive the applicable Financial Contributions - Reserves for the development involving the extension and operation of a community activity requiring a resource consent.

Advice Note:

As a result, a condition of consent on Land Use Recommendation 2 imposes the payment of a financial contribution of the development.

Land Use Recommendation 2 – To extend and operate a community activity

That pursuant to Section 104(C) of the Resource Management Act 1991, the Tasman District Council grants consent to the application by the Hope Community Centre Trust for land use consent (RM050151) at 114 Ranzau Road on Lot 1 DP 17913 and proposed Lot 2 of Subdivision Consent RM041391, to extend and operate a community activity generally as detailed in the application and further information provided with the application, subject to the following conditions:

Land Use Activity

1. That the activity shall be carried out in general accordance with the application and associated further information, and the plans attached as **Appendix I** to this consent. Where a condition of consent is contrary to the application, the condition shall prevail.

Commencement and Duration of Consent

2. This land use consent shall not be given effect to (commence) until the certificate of title is issued for the amalgamated Lot 2 and Lot 1 DP 17913. This land use consent shall lapse 15 years from the date the certificate of title is issued for the amalgamated Lot 2 and Lot 1 DP 17913, unless this land use consent has been given effect to, or an extension of time application pursuant to Section 125 of the Resource Management Act 1991 has been granted by Council.

Maximum Building Height

3. The building shall not exceed the maximum height of 8.5 metres as shown on the elevation plans attached in **Appendix I** of this consent.

Maximum Site Coverage

4. The building coverage on the site shall not exceed 1760 m² as shown on the site/planting plan attached in **Appendix I** of this consent.

Front Setback

5. The building shall not be closer to the road boundary than is shown on the site/planting plan attached in **Appendix I** of this consent.

Parking

6. At the completion of construction of the building as shown on the site/planting plan attached as **Appendix I** to this consent, a total of 191 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.

Security of the Parking Area

7. The chains shall be established as shown on the site/planting plan dated 17 June 2005 attached as **Appendix I** of this consent, or in similar locations. These chains shall be drawn across and locked between the hours of 10:00pm and 6:00am each night. The only exception to the above shall be if the facility is in use between the hours of 10:00pm and 6:00am then the chains may remain unlocked until the event ceases.

Advice Note:

This condition will discourage inappropriate use of the parking area while the facility is unattended.

Review of Condition 6 regarding parking

8. Pursuant to Section 128 of the Resource Management Act 1991, condition 6 specifying on-site parking spaces may be reviewed by Council 12 months after the date of commencement of this land use consent. The purpose of such a review shall be limited to:
 - (i) deal with any adverse effect on the environment which is more than minor which may arise from the exercise of the consent regarding the number of parking spaces provided on the site that was not accurately foreseen at the time of granting of the consent, and is therefore more appropriate to deal with at this later stage; and/or
 - (ii) require the consent holder to adopt the best practicable option to avoid or mitigate any more than minor adverse effects on the environment resulting from the number of parking spaces provided on the site.

Number of Persons

9. The number of persons on the site at any one time, excluding any people who have travelled in a vehicle parked on the Ranzau School site in order to attend the subject site, shall not exceed the number of parking spaces on the subject site multiplied by four (4).

Advice Note:

The applicant has agreed to this condition (letter from Bacon Planning Group received by Council 17 June 2005). Excluding any people who have parked on the Ranzau School site in order to attend the subject site from the one parking space per four people calculation recognises the long-standing shared parking agreement between the Ranzau School and the Hope Community Centre Trust. Please note that the Council is not responsible for administering the shared parking agreement between the Ranzau School and the Hope Community Centre Trust as this is a private agreement.

Water Supply

10. That the site shall be provided with water storage of not less than 23,000 litres and whether the storage is provided by an above ground or an underground tank/s, each tank shall be fitted with an accessible 50 mm diameter Camlock coupling enable connection with firefighting equipment.

Advice Note:

This will ensure that there is a suitable connection for firefighting equipment.

11. Water supply shall be obtained from a maximum 15 millimetre diameter lateral.

Advice Note:

This will limit the volume of water which can be taken, avoiding adverse effects on the water supply and other properties.

Wastewater – Flow Meter

12. The Consent Holder shall install an appropriately installed and calibrated flow meter capable of measuring to an accuracy of plus or minus five percent.

Advice Note:

The above condition was volunteered by the applicant. Pursuant to Section 35 of the Act, the consent holder should keep records and should if so requested supply this information to the Council to illustrate compliance with the permitted activity requirements. The consent holder is advised that the weekly averaged wastewater flows should not exceed 2000 litres per day.

Café

13. The café shown on the approved plans attached as **Appendix I** to this consent shall operate as an ancillary activity to the community facility and shall only be for the use of people visiting the site for reasons relating to community activity events. Further, the café shall not be advertised on any sign on the site as a destination in itself.

Advice Note:

This condition will ensure that the café is not used as a commercial venture unrelated to the Church and community facility use. This is necessary as the parking calculation and traffic assessment is not based on the café being a destination in its own right. That is, parking was calculated at the rate of a community activity rather than a commercial restaurant/café.

Financial Contributions

14. A Financial Contribution – Reserves shall be payable for the land use proposal at the time of Building Consent for the development.

Planting Plan

15. Planting shall be undertaken generally in accordance with the site/planting plan dated 17 June 2005, attached as **Appendix I** to this consent. This planting shall be planted within the first planting season following the commencement of the land use consent (that is, from the date the land use consent is begun to be given effect to). The planting shall be maintained and irrigated thereafter in general accordance with the abovementioned Plan.

Land Use Advice Notes**Tasman Resource Management Plan**

1. Any matters not referred to in this application for resource consent or are otherwise covered in the consent conditions must comply with the relevant provisions of the Tasman Resource Management Plan and the Resource Management Act 1991.

In particular, it is noted that:

- further information provided to the application states that the PTRMP noise standard for the Rural 1 Zone will be met.
- Further information received on 30 May 2005 from Bacon Planning Group confirms that all relevant signage rules of the PTRMP will be met.

Other Council Requirements

2. The consent holder shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.

Concurrent Resource Consents

3. This land use consent application was made in conjunction with subdivision consent application RM041391.

Monitoring

4. That all actual and reasonable costs incurred by this Council in monitoring, enforcement and administration of this consent should be met by the consent holder.

Archaeological

5. If in the course of any earthworks for the subdivision, any artifacts, taonga, or koiwi are unearthed, then all earthworks in the immediate vicinity of the find shall be suspended and contact made immediately with local iwi and the New Zealand Historic Places Trust for the establishment of a protocol for removal of the findings.

Wastewater

6. The Consent Holder is advised that any discharge of domestic wastewater at the site should meet the relevant permitted activity requirements of the proposed Tasman Resource Management Plan or resource consent shall be obtained if these criteria cannot be met. Compliance with the New Zealand Standard for On-Site Wastewater Management is recommended.

Stormwater

7. The Consent Holder is advised that any discharge of stormwater at the site should meet the relevant permitted activity requirements of the proposed Tasman Resource Management Plan or resource consent should be obtained if these criteria cannot be met. The installation of stormwater treatment devices may be necessary to treat stormwater prior to its discharge from site to meet the permitted standards.

Development Contributions

8. Unless otherwise agreed with the Tasman District Council Development Contributions Committee the consent holder should pay the required Development Contribution in respect of the following services prior to uplifting the section 224(c) certificate.

The Development Contributions Policy is found in the Long Term Council Community Plan (LTCCP) and the amount to be paid will be in accordance with the requirements which are current at the time the relevant development contribution is paid in full. This consent will attract a development contribution in respect of roading only.

Transit New Zealand Comment

9. Transit New Zealand have viewed the applications and advise as follows, *“Whilst Transit New Zealand does not have any specific concerns with this development, we did feel that there was some merit in “flagging” our intention to install a yellow no-stopping line along the south west shoulder of State Highway 6 turning into Ranzau Road at a future date. As this development will increase the number of left turning manoeuvres onto Ranzau Road, it is important this area is projected over the long-term for movements of this nature.”*

SUMMARY OF REASONS FOR BOTH RECOMMENDATIONS

Notification

1. The application was publicly notified under Section 93 of the Resource Management Act 1991. Concerns raised by the submitters have been considered in the recommendations and the formulation of the recommended conditions above.

Activity Classifications

2. The property is in a Rural 1 zone, and is located within the Special Domestic Wastewater Disposal Area and the Aquifer Protection Area. The subdivision application is a discretionary activity and the land use consent to extend and operate the community activity is a restricted discretionary activity while the requested waiver of the financial contribution – reserves is a discretionary activity under the dominant planning document, the Proposed Plan.

Part II Resource Management Act

3. The proposal is not considered to be contrary to Part II of the Resource Management Act 1991. it is particularly consistent with Section 5 of the Act as the extended community activity will contribute to the social and cultural wellbeing local people and the general community by providing a venue for people to meet, to worship, and to obtain counselling and other support services. In addition, other services such as childcare, youth events, and music teaching will be provided. The venue will make available additional space for the local school and provide a location for other community groups to meet. The relevant provisions of the Proposed plan have been taken into account in designing this facility and conditions have been volunteered or imposed in order to avoid and mitigate adverse effects on the environment.

Objectives and Policies

4. The proposal is not contrary to the relevant objectives and policies of the Proposed Plan.

Rules

5. The proposal complies with the majority of relevant rules in the dominant planning document, the Proposed Plan.

Assessment Criteri

6. In assessing this proposal Council had regard to the relevant assessment criteria of the relevant Plans. The proposal was found to be generally consistent with the relevant assessment criteria, especially in regard to the maintenance of amenity values and the character of the area, the minimisation of cross-boundary effects, the provision of appropriate services, traffic efficiency and safety, and the duration of consent.

Environmental Effects

7. The application is for consent to enlarge an existing community facility in a locality used for the purpose now for about ninety years. The expansion is required to allow the church to meet the needs of its growing congregation and to provide for a wide range of community services and activities to the wider community as well as the church members. The historic association of the church with this locality, and its role in the social and cultural life of the local community set it apart from being regarded merely as a non-productive activity encroaching onto productive land. The proposal is likely to result in a number of positive effects relating to the provision of childcare and community services and the opportunity for the local school to share facilities.
8. Conditions have been recommended to ensure that the amenity and character of the surrounding area will be maintained and the proposal will result in no more than minor effects on the environment.

Servicing

9. The allotments will be appropriately serviced.

Conclusion

10. The proposals can be granted as they are not contrary to the purpose of the Resource Management Act, they are generally consistent with the relevant provisions of the Plan, the development will result in significant positive effects and any adverse environmental effects generated will be no more than minor, and the issue of precedent will not apply.

P J Gibson
Consent Planner