



STAFF REPORT

TO: Environment & Planning Subcommittee

FROM: Jack Andrew, Co-Ordinator Land Use Consents
David Lewis, Co-Ordinatory Regulatory Services

FILE: RM070921

SUBJECT: **RICHMOND SOUTH GOSPEL HALL TRUST - REPORT EP08/03/01** - Report prepared for 3 March Hearing

1. INTRODUCTION - APPLICATION BRIEF

1.1 Proposal

To establish and operate a community activity being a church hall. The church hall is proposed to be used as follows:

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

The proposal provides provision for up to 16 on-site car parks of which thirteen car parks at the rear and if required three at the front of the property.

Two metre high boundary fences are proposed to be constructed on internal property boundaries.

1.2 Location and Legal Description

The property is located at 61 Hill Street, Richmond. (See Appendix 1 attached).

Its legal description is Lot 6 DP 3539, Certificate of Title NL 101/119.

1.3 The Setting

The application site is a 1012 m² property containing an existing dwelling, garage and gardens. The site gains access directly off Hill Street.

The adjoining properties on the eastern side of Hill Street are developed residential properties being the same size as the subject property. To the rear is a 2.034 hectare property owned by I F & N D Kearney. On 4 October 2007 Council granted consent through application RM070169 to an 18 lot subdivision of the Kearney property.

1.4 Zoning and Consent Requirements

The subject property is zoned Rural Residential under the Proposed Tasman Resource Management Plan (See Appendix 2 attached). This zoning is considered to be operative (as there are no outstanding appeals of relevance to this proposal), so no analysis is given of the Transitional Plan provisions.

The Proposed Tasman Resource Management Plan defines “community activity” as:

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

The application does not comply with Permitted Activity Rule 17.6.2 (b)(iii) as the proposal does not qualify as a “home occupation” The proposal may also breach the Rural Residential zones noise rule 17.6.2(h) in relation to on site traffic noise on Sundays. I say “may” as this matter has been considered by Councils Coordinator Regulatory Services, Mr Lewis, who has found that it is difficult to be absolute in ruling that the noise rule would be breached on Sundays. Mr Lewis has addressed the issue of noise effects later in this report. The application is deemed to be a Discretionary Activity under Rule 17.1.3 of the Proposed Tasman Resource Management Plan. Council has not restricted the matters it can consider. The main resource management effects generated by this application are outlined and discussed in Part 6.3 - The Assessment of Effects.

2. CONSULTATION

The applicant has undertaken consultation with nearby neighbours. The following written approvals were received by Council with the application:

	Address	Response
CIM Turner	64 Hill Street	Written Approval
A L and R W P Beer	68 Hill Street	Written Approval
R M Grant	57 Hill Street	Written Approval
Richards Family Trust	65 and 67 Hill Street	Written Approval
N D and I F Kearney	104 Champion Road	Written Approval

In accordance with Section 104(3)(b) of the Resource Management Act 1991 the Council cannot consider any adverse effects on persons that would normally be considered to be potentially adversely affected by a proposed activity that have given written approval to the activity.

Consultation was also undertaken with the two immediately adjoining neighbours at 59 and 63 Hill Street but their written approval was withheld.

3. NOTIFICATION AND SUBMISSIONS

3.1 The application was publicly notified on Saturday, 17 November 2007. Submissions closed on Friday 14 December 2007.

Three submissions were received and all were opposed to the application. Two submitters stated they wished to be heard. One submission where the submitters did not indicate if they wished to be heard was lodged jointly from the owners of 55 Hill Street (R and GK Kalma) and 55A Hill Street (C Newby).

The submissions have been summarised into the tables below: See Appendix 3 for the location of submitters and those who have provided their written approvals.

3.2 Submissions in Support (seven)

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

3.3 The three submissions which oppose the application have raised residential amenity, traffic and access, noise, and property value concerns which will be addressed individually in the assessment of affects made later in this report.

4. STATUTORY CONSIDERATIONS

4.1 Resource Management Act

4.1.1 Part II Matters

In considering an application for resource consent, Council must ensure that if granted, the proposal is consistent with the purpose and principles set out in Part II of the Act.

If consent is granted, the proposed activity must be deemed to represent the sustainable use and development of a physical resource and any adverse effects of the activity on the environment are avoided, remedied or mitigated.

These principles underpin all relevant Plans and Policy Statements, which provide more specific guidance for assessing this application.

4.1.2 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 activity to proceed (Section 104 (1)(a));
- Any relevant objectives and policies in the Tasman Regional Policy Statement 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 its progress through the public submission and decision-making process.

Section 104B sets out the framework for granting or declining consent based on the status of an activity as set out in the relevant Plan.

4.2 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 development.

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.

4.3 Proposed Tasman Resource Management Plan

The most relevant Objectives and Policies are contained in: Chapter 5 “Site Amenity Effects”, Chapter 6 “Urban Environment Effects” and Chapter 11 “Land Transport Effects”. These chapters contain Council’s key objectives: To ensure land uses do not significantly adversely affect local character, to provide opportunities for a range of activities in residential areas and to ensure land uses do not significantly adversely affect the safety and efficiency of the transport system.

The most relevant Rules which follow from these imperatives are contained in Chapter 17.1 “Residential Zone Rules” and Chapter 16.2 “Transport (Access, Parking and Traffic)”.

Details of the assessment of the proposed activity in terms of these matters are set out in the chapters following.

5. ASSESSMENT

In accordance with Section 104 of the Resource Management Act 1991, Council must consider the actual and potential effects on the environment of allowing the activity, have regard for any relevant objectives, policies, rules, and consider any other matters relevant and reasonably necessary to determine the application.

5.2 Permitted Baseline

Section 104(2) gives a consent authority the ability to disregard adverse effects on the environment of activities that the Plan permits, if it so wishes. This is the “permitted baseline” and can provide a yardstick for the effects that otherwise might arise.

The Plan permits “Community Activities” as a “Home Occupation” in the Rural Residential Zone where they are carried out by a person living in the dwelling and with no visitors between 6.00 pm and 8.00 am. Community activities cover a wide range of health and education facilities which can overlap as home occupations such as when a doctor or teacher works from home.

Although the church hall building and property frontage as viewed from Hill street has been designed as far as practical to resemble a dwelling the proposed church hall as an activity is quite different in nature from a home occupation.

5.3 Assessment of Environmental Effects

After my site visit and reviewing the applicant’s further information response and consideration of the matters raised by submitters I consider that the adverse effects both actual and potential can be summarised into the following five groups:

1. Residential Character and Amenity Values
2. Traffic Safety
3. Noise effects
4. Cumulative effects
5. Property Valuation effects

5.3.1 Residential Character and Amenity Values

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

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

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

Smaller churches are community activities that are often located in residential areas in light of their intended use mainly by local residents. The proposed church is a non commercial activity and because of its frequency of use and relatively small scale capacity (up to 100 persons) the proposed church is unlikely to be out of kilter with the amenities expected in a Rural Residential or a Residential zone.

The location of the proposed church/church hall is toward the north eastern end of Hill Street. While the site and those adjoining it are zoned Rural Residential the area has a residential character and looks similar to the some of Richmond's residentially zoned neighbourhoods.

The site is zoned Rural Residential and as such building development is anticipated on it. The present buildings comprise a residence and garage. While the proposed building which is to replace these existing buildings will look different to what presently exists, the proposed church hall building has been designed to a residential scale, to take on the appearance of a residence as viewed from Hill Street and from the north east. The south east and south west building elevations are different from most residences in that the lack of windows (only two small windows are proposed on the south west elevation). In addition the site will be largely developed for car parking and this is not typical of residential or rural residential properties. To help mitigate these visual effects as viewed from the surrounding properties and Hill Street, the applicants have offered to construct 2 metre high fences on the internal property boundaries if the adjacent neighbours would prefer that to the more traditional 1.8 metre high fence.

The Hill Street frontage landscaping is to be retained. The existing frontage landscaping provides a fairly solid visual screen except at the southern end by the Kowhai tree where one will be able to see through the tree to the front of the building. In my opinion seeing through from the Kowhai tree gap into the building will not detract from the streetscape and does not require additional landscaping to “close” the gap.

If the site access is not screened off by a solid gate then I consider some landscaping along the northern boundary of the property would be desirable. This arises because later in this report it is recommended that a 2 metre high noise attenuation fence be constructed along part of the northern boundary to assist with noise attenuation. Landscaping up to one metre in width would help to soften and break up the combined effect of the recommended fence, access and carparking in front of the building.

Behind the existing dwelling the eastern and southern internal boundaries of the property have been landscaped and it would be appropriate to retain that if practical given car parking design requirements.

The proposed church will have regular meetings on Sunday, Monday and Friday. The church will cater for up to 50 people on Mondays with up to 100 people on up to 24 Fridays and Sundays in the year.

The applicants propose erecting a two metre high fence around the internal property boundaries so that light spill and visual effects from the car parking area are mitigated for adjacent neighbours. The fence will also help muffle some of the noise generated by vehicles manoeuvring into car parks and from people gathering at the property.

The church is presently located at 58 William Street, in Richmond. This is a 758 m² property in a residential neighbourhood. The church does not visually dominate the area and in its 30 years of operation since 1978 has not generated complaints to Council.

In Richmond there are several relatively small Brethren church halls in Residential zones. They are located at: 9 Wensley Road (established in 1968); 35 Edward Street (established in 1969); 58 William Street (consent granted 1977 and commenced in 1978); 190E Hill Street (established in 1987); 26 Giblin Street (established in 1989).

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

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

Overall, small scale churches are part of the traditional amenity of residential areas and while they can generate adverse effects these can be mitigated by sensitive design, fencing, landscaping and limitations on the numbers of people attending the church and its operating hours. With appropriate mitigation and responsible management small scale churches should not detract from the amenities of a residential neighbourhood.

5.3.2 Noise Effects

Noise effects have been identified as a concern by neighbouring submitters. Advice on this potential adverse effect has been sought from Council's Coordinator Regulatory Services, Mr Lewis who is experienced in advising on noise and is familiar with the Brethren church halls. He has advised:

"Churches generate quite different amounts of noise mainly depending upon the type of music that is played during services and the size and formation of car parking areas.

The proposed church hall has a purpose built design with insulation and double glazed windows. Loud musical instruments with amplifiers are not part of the church halls operation. There will be no music at the Brethren church hall, only some unaccompanied singing. In this situation I do not believe that the inside operation of the church hall will create adverse noise effects.

The noise from vehicles and people arriving in the early morning and evening services when the surrounding environment is likely to be very quiet could be intrusive although unlikely to breach the zones noise standards. Comment was made by a close neighbour to the other Brethren church hall in Hill Street that they are disturbed(woken) during the early Sunday morning service by the closing of car doors and the "clacking" of shoes on the sealed pavement. The church has proposed noise mitigation measure on site by erecting a 2 metre high fence and sealing the car parking area and access. This will reduce some of the noise from vehicles particularly if the access and car park is finished in asphaltic concrete (hot mix) which is much quieter than a chip seal finish. In addition having a gate or chain across the access when the church hall is not in use should help prevent any unauthorised use of the properties car park.

It is also likely that people arriving for the early morning service would enter the church upon arrival and not gather about talking outside. However to ensure that neighbours are not disturbed further mitigation measures such as double glazing of the neighbours bedroom windows would seem appropriate. Such measures are outside the scope of consent conditions that could be imposed by Council and would have to be by agreement between the parties."

Council has no ability to impose conditions requiring that people don't talk outside the building or on Hill Street.

In summary, the applicant has volunteered noise attenuation measures through the building design and 2 metre high fencing. With noise attenuation fencing (from the front of the property to the middle of the garages for both adjoining Hill Street properties) and with the sites access and car parking area being finished in asphaltic concrete (hot mix) or concrete, and access control when the property is unoccupied, potential noise nuisance should be mitigated.

Overall with the recommended noise mitigation measures the proposal is expected to meet the Rural Residential zone permitted activity standards for noise and is considered to generate noise effects that will be no more than minor.

5.3.3 Traffic Effects

Traffic effects were identified by submitters as an area of concern relating to this application. Traffic safety concerns arising from the church include increased vehicle movements, road and pedestrian user safety and increasing numbers of parked cars on Hill Street. These concerns have been discussed with Council's Development Engineer, Mr Ley, who has reviewed the application and compiled the attached report (see Appendix 4). His report has determined that consent to the proposal will not adversely effect the safe and efficient operation of Hill Street and that the number of on site car parks are adequate.

One submitter requested that consideration be given to repositioning the proposed access. While the applicant would be agreeable to this the submitter at 63 Hill Street was approached and is opposed to the access being repositioned to the southern side (their side) of the property. Having the building set well back with all car parking in front was not acceptable to either of the adjoining neighbours.

In this situation Council must assess the suitability of the location of the proposed access. From a traffic engineering perspective using the existing access is considered to be safe and appropriate.

The noise effects associated with traffic using an access alongside the residence at 59 Hill Street were addressed by Councils Coordinator Regulatory Services, Mr Lewis. Conditions have been recommended to help mitigate the noise effects from vehicles using the access.

5.3.4 Cumulative Effects

The cumulative effects have two aspects, the first being the sum of the individual effects and the second being the precedent effect.

In relation to the accumulation of individual effects having particular regard to amenity, traffic and noise effects I am of the opinion that when they are taken as a whole that they will not adversely effect the amenity of the neighbourhood.

In relation to precedent effect, while Richmond is a growing urban centre and more churches may be needed each case must be assessed on its own merit. I do not believe that granting consent to this application would lead to a rush of small scale church or community activity applications.

5.3.5 Property Valuation Effects

A concern has been raised that property valuation/ investment values will be affected by the proposal. However the Environment Court has determined that “ Effects on property values are not a relevant consideration in determining whether a resource consent should be granted. “ Foot v Wellington CC EnvC W73/98.

5.3.6 Summary of Effects

The potential adverse effects from a community activity involving up to 100 people on a 1012 m² Rural Residentially zoned property have been discussed and mitigating measures assessed. Overall the activity will create a change in amenity, noise and traffic from that normally generated by a single household on the site. However it is considered that the building design, site layout and fencing, and the restricted number of times when the activity is to occur will mitigate the effects so that they should be no more than minor.

6. RELEVANT STATUTORY PROVISIONS

6.1 Relevant National Policies

There are no relevant national policy issues and the New Zealand Coastal Policy is not relevant to this application.

6.2 Relevant Regional Policy Statements

The Tasman Regional Policy Statement has been designed to be incorporated in the Plan so an assessment of the Plan suffices as an assessment of both documents.

6.3 Proposed Tasman Resource Management Plan – Policies and Objectives

Objectives in the Proposed Plan which are relevant to this matter are numerous and cover areas such as site amenity, urban and rural land issues and land transport effects.

The following Policies and Objectives have been considered relevant for this proposal:

Chapter 5: Site Amenity Effects
Chapter 6: Urban Environment Effects
Chapter 11: Land Transport Effects

6.3.1 Chapter 5: Site Amenity Effects

Relevant Issues:

- a) Provision for appropriate protection, use and development of the District's resources so that activities at one site do not adversely affect the use and enjoyment of another site, or resource.
- c) Amenity can be compromised in site development and site use.

e) Safety of people, property, and resources.

Objectives	Policies
<p>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.</p>	<p>5.1.1 To ensure that any adverse effects of subdivision and development on site amenity, natural and built heritage and landscape values, and contamination and natural hazard risks are avoided, remedied, or mitigated.</p>
	<p>5.1.4 To avoid, remedy, or mitigate effects of: (a) noise and vibration; (b) dust and other particulate emissions; (c) contaminant discharges; (d) odour and fumes; (e) glare; (f) electrical interference; (g) vehicles; (h) buildings and structures; (i) temporary activities; beyond the boundaries of the site generating the effect.</p>
<p>5.2.0 Maintenance and enhancement of amenity values on-site and within communities, throughout the District</p>	<p>5.2.1 To maintain privacy in residential properties 5.2.8 To avoid, remedy or mitigate the adverse effects of traffic on the amenity of residential, commercial and rural areas. 5.2.10 To allow signs in residential, rural residential, recreation and rural areas that are necessary for information, direction or safety.</p>
<p>5.3.0 Maintenance and enhancement of the special visual and aesthetic character of localities</p>	<p>5.3.3 To avoid, remedy or mitigate the adverse effects of the location, design and appearance of buildings, signs and incompatible land uses in areas of significant natural or scenic, cultural, historic or other special amenity value.</p>

Comment

The main thrust of the above objectives and policies applicable to this development are to protect amenity values and whilst Chapter 5 policies and objectives cover all zones, it is clear that Rural Residential amenity values should be safeguarded from adverse environmental effects.

The main environmental effects in relation to amenity have been discussed in part 5.3 of this report.

The writer's opinion is that site's visual amenity will change but not change significantly as viewed from Hill Street. The building has been designed to have the appearance of a dwelling with frontage landscaping so the view from Hill Street into the property will either look exactly like, or be very similar to, the adjoining residential properties.

From the immediately adjoining neighbouring properties at 59 and 63 Hill Street the property will also appear like a residence if solid fences are built to a height of 2 metres along all internal property boundaries. At 2 metres the fences will be slightly higher than the 1.8 metres high fence that is most common in a residential setting. Increasing the fence height to 2 metres has been sought by the applicant to help mitigate any privacy effects and noise and light spill effects from the car parking area.

The traffic noise effects will occur for a short period and are only likely to cause some annoyance for the immediate neighbours when the congregation assembles and departs over a ten minute period shortly before and after the Sunday morning service (the morning service is 6.00 am until 7.00 am).

At this time before and after the Sunday morning service the main adverse noise effects for 63 Hill Street will arise from vehicles manoeuvring, doors shutting, people walking and talking. The dwelling at 63 Hill Street has two bedrooms on its northern end so there will be some effect on it. The question is really whether this noise is considered to be excessive or unreasonable. In my opinion it is not likely to exceed the Councils noise standard or be unreasonable because the early Sunday service is limited to up to 50 people. In all probability vehicles are likely to be driven slowly, doors are unlikely to be slammed and most importantly there are several similar church halls in residential areas in Richmond and Council has not received any official complaints about noise from their early morning or other services. As some of the Brethren church halls have operated for 30 years one would have expected there would have been noise complaints to Council by now if noise was in fact an issue.

For 59 Hill Street the above applies although as the access from Hill Street into the car park behind the church hall building runs alongside that dwelling effects from vehicles on the access also need to be taken into account. Noise from vehicles on this access is expected to impact on the three bedrooms along the southern side of the dwelling at 59 Hill Street. The access impacts could be mitigated to some degree by having 2 metre high noise attenuation fence along the boundary between the two properties for the length from Hill Street to about half way along the side of the garage at number 59 Hill Street. The noise attenuation fence would need to step down near the site access toward the front of the property so that vehicles exiting both properties still obtained a clear line of visibility along the Hill Street footpath. Providing a similar noise attenuation fence along the common boundary of 63 Hill Street would also help with noise attenuation for the two bedrooms at the northern end of the dwelling. This is shown in attachment three of this report. At the time of writing this report I understand that the applicant is considering whether to simply construct a solid wall with an attractive finish around the three internal boundaries of the property.

6.3.2 Chapter 6: Urban Environment Effects

Relevant Issues:

To ensure that growth and development of towns and urban areas have socially and economically liveable and environmentally sustainable design features. It is important to sustainably manage these centres as physical resources that are convenient, attractive and safe.

Objectives	Policies
<p>6.1A.0</p> <p>Urban buildings, places, spaces and networks that together, by design sustain towns as successful places to live, work and play.</p>	<p>6.1A.1</p> <p>To encourage development to incorporate sustain urban design principles by:</p> <ul style="list-style-type: none"> (a) encouraging a sense of place and identity; (d) providing a high level of connectivity within road networks; (e) provide for safe walking and cycling (g) creating a streetscape which enhances perceptions of safety; (h) managing stormwater runoff where possible... (i) locating and designing development to address cross-boundary effects between land uses.

Comment

Small scale churches and community activities within residential areas urban areas such as Richmond are part of the basic urban fabric of life in New Zealand. As populations grow so the need for additional community activities grows to help meet the populations' social needs and the liveability of urban places. The successful design and liveability of urban areas relies on the proposed location and management of community facilities so that potential adverse effects are mitigated as far as is practical. Establishing community activities in an urban environment must be done in such a manner so as to provide and maintain high standards of amenity and safety. This proposal provides a small scale religious community activity in an accessible convenient location in a developing residential area. It is understood that part of the Brethren church's reason for establishing small church halls within residential areas is so that they are easily accessible to the congregation and so that walking to church is also practical.

Council's Engineering staff have confirmed that Councils off site infrastructure assets have sufficient capacity to cater for the servicing needs of the church hall. Mr Ley has some reservations about the suitability of the existing on site infrastructure assets to cope with expected increased volumes of peak stormwater and sewage (refer part 4 of his report).

These matters of site infrastructure capability must be addressed at the Building consent stage and do not need to be included as conditions to this resource consent. However I note council encourages on site retention of stormwater wherever practical as it has benefits for everyone. In this instance some stormwater retention may be able to be designed into the sites landscaping.

The proposed landscaping and fencing toward the front of the property can be designed to be attractive and to maintain the safety of pedestrians and vehicles using Hill Street.

Overall the proposal is not contrary to the Plans urban environment objectives.

6.3.3 Chapter 11: Land Transport Effects

Relevant Issues:

The adverse effects on the safe and efficient provision and operation of the land transport system, from the location and form of development and carrying out of land use activities.

Increases in traffic volumes from adjacent land use activities that generate vehicle trips may put pressure on particular routes. Urban subdivision and development as well as rural development may increase the demand for upgrading routes, including attention to travel time and hazardous roading situations.

Policies in this section are not only about providing a safe driving environment, but also about ensuring safety for people in the environment through which vehicles are driven. Amenity in that environment is also a relevant issue.

Objectives	Policies
11.1.0 A safe and efficient transport system, where any adverse effects of the subdivision, use or development of land on the transport system are avoided, remedied or mitigated.	11.1.1 (a), (b) and (c) 11.1.2 (a) & (b) 11.1.2B 11.1.3 11.1.4 11.1.7

The above objectives and policies identify the need to avoid conflicts by having particular regard to issues of traffic safety and efficiency, including the effects on existing roading, provision of adequate parking and amenity values.

Having regard to:

- the Council’s Development Engineer’s advice in relation to parking;
- the fact that no roadside signs are proposed or needed;
- Hill Street having been recently up graded and the church hall operating outside of peak traffic times;
- enhancement of visibility at the sites access;

- the property being well linked into the surrounding residential neighbourhood by good walkways and footpaths,

it is my opinion that the proposal will not jeopardise the safety of pedestrian, vehicular and cycle traffic on Hill Street or the local road transport network.

Overall the proposed church hall will not jeopardise the plans objectives for the continued safe and efficient operation of the land transport network in the area.

7. SUMMARY

The application is a discretionary activity in the Rural Residential Zone. As a discretionary activity the Council must consider the application pursuant to Section 104(B) of the Resource Management Act 1991.

- **Part II matters** - The efficient use and development of a natural and physical resource depends on the extent of adverse effects arising from the proposal. In my opinion the potential adverse effects and particularly the traffic and noise effects can be managed so that the surrounding developed and developing residential environment is not thrown out of kilter. In my opinion developing a relatively small scale Brethren church hall is a sustainable urban development at the subject site.
- **Objectives and Policies of the Proposed Tasman Resource Management Plan** - The establishment of a relatively small scale community activity being a church in an urban environment with adjoining existing and developing residential properties is considered appropriate. The Tasman Resource Management Plan contains many objectives and policies that support the establishment of such activities in a residential zone where the adverse effects can be mitigated so they are no more than minor. It is considered that the proposal is not contrary to the thrust of with the Proposed Tasman Resource Management Plans objectives and policies.
- **Adverse Environmental Effects** – Traffic noise from vehicles using the site and particularly those associated with the early Sunday service are identified as having the most potential to generate adverse effects. Mitigation measures including limiting numbers attending that service to a maximum of 50 people, sealing the access and car park in asphaltic concrete or concrete, appropriately fencing the internal property boundaries, and undertaking noise mitigation in the building's design and not having any musical accompaniment at services will help to ensure the potential noise nuisance is mitigated so that it is no more than minor.

The proposed building is designed to have appearance of a residence and as viewed from Hill Street the site will have the general appearance of a residential property and should not detract from the visual amenity of the neighbourhood.

Council's existing roading, pedestrian and service infrastructure utility services have capacity to service the proposal.

Other Matters – There are a number of relatively small church halls within Richmonds residential neighbourhoods which have operated for many years within the terms of their resource consents without detracting from the amenities of the neighbourhood. In essence they have a good track record and Council staff have no reason to believe that the proposed church hall would not continue down the same track. However if it did stray and create breaches of its consent then that would be investigated by Council’s compliance staff and appropriate action under the Resource Management Act can be taken. The proposed development is of a nature that does not preclude the property being returned to a residential use at some future time and in this regard the long-term options for this property remain uncompromised by the proposal and any consent Council may grant to the application.

Section 104B of the Resource Management Act 1991 (as amended) provides:

After considering an application for a resource consent for a discretionary activity or a non-complying activity,, a consent authority—

- (a) may grant or refuse the application; and*
- (c) if it grants the application, may impose conditions under section 108.*

8. RECOMMENDATION

Subject to conditions of consent the proposal to establish and operate a church hall at 91 Hill Street Richmond be **GRANTED**.

9. CONDITIONS

General

1. The establishment and operation of the church hall shall, unless otherwise provided for in the conditions of the consent, be undertaken in accordance with the documentation submitted with the application and with Plans A & B attached dated 20 February 2008. Notwithstanding the above, if there is any apparent conflict between the information submitted with the application and any conditions of this consent, the conditions shall prevail.
2. The maximum number of people on site at any one time shall be:
 - Up to 50 people on Sundays between 5.50 am and 7.10 am;
 - Up to 50 people on Mondays between 6.25 pm and 7.30 pm;
 - Up to 100 people on Sundays on no more than 24 occasions in any 12 month calendar period between 2.50 pm and 3.45 pm; and
 - Up to 100 people on Fridays on no more than 24 occasions in any 12 month calendar period between 7.20 pm to 8.45 pm

Noise

3. Noise generated by the activity, measured at or within the boundary of any site within the zone, other than the site form which the noise is generated, or at or with the notional boundary of a dwelling within any other zone, does not exceed:

	Day	Night
L ₁₀	55 dBA	40 dBA
L _{max}	70 dBA	

Note Day = 7.00 am to 9.00 pm Monday to Friday inclusive and 7.00 am to 6.00 pm Saturday (but excluding public holidays).

Where compliance monitoring is undertaken in respect of this condition, noise shall be measured and assessed in accordance with the provisions of NZS 6801: 1991, Measurement of Sound and NZS 6802:1991, Assessment of Environmental Sound.

4. Notwithstanding condition 3 above, the Consent Holder shall adopt the best practicable option approach to mitigate the effects of noise from the activity.

Fences

5. The consent holder shall construct a 2 metre high, close boarded solid fence on all internal property boundaries subject to the following two provisos:
- Any fence and any landscaping within 2 metres of the site access shall be no more than 1 metre high
 - the fences on the common boundary with 59 Hill Street(Lot 5 DP 3539) and 63 Hill Street(Lot 7 DP 3539) shall be an approved noise attenuation fence approved by Councils Coordinator Regulatory services, from 2 metres in from the Hill Street frontage of the property to the middle of the existing garages as generally shown in red on the aerial photograph in Attachment 3 dated 20 February 2008.

Note: the applicant is considering having a noise attenuation fence for the full length of the internal property boundaries. More detail on this is expected to be advised at the hearing.

Access

7. There shall be no fencing or landscaping shrubs over 1 metre in height within 2 metres of the site access. This will retain visibility.
8. The site access shall have a barrier that is kept closed to prevent vehicles entering the property except either when the premises are occupied or for access for property maintenance purposes.

Signage

9. No signage shall be erected that is visible from Hill Street or from any neighbour's property;

Car Parking

10. A minimum of 16 parking spaces shall be provided for the activity in general accordance with Plan A dated 28 August 2007. Each car park and all access and manoeuvring areas shall be formed to a permanent, all weather asphaltic concrete (hot mix) or concrete surface and clearly marked on the ground prior to the church hall activities commencing.

Landscaping

11. The present frontage landscaping shall be maintained to provide an effective visual screen along the Hill Street frontage of the property with the following exceptions:
 - a small gap maybe retained about the base of the Kowhai tree while that tree survives otherwise the shall be planted to complete the visual screen;
 - landscaping shall comply with condition 7 above.

Advice Note

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

12. That a landscaping strip up to 1 metre wide be established against the 2 metre high solid fence required by condition 6(ii) above and in compliance with condition 7.

Note: this condition may need amending if a solid gate is proposed. Details of the access barrier are expected to be provided at the hearing.

Review

13. That pursuant to Section 128(1)(a) and 128(1)(c) of the Resource Management Act 1991, the Consent Authority may review any conditions of the consent within twelve months from the date of issue and annually thereafter for any of the following purposes:
 - a) to deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
 - b) to deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and are such that it is necessary to apply more appropriate conditions; or

- c) to assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly;
- d) to review the noise limits specified in Condition 3.

ADVICE NOTES

Council Regulations

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

Proposed Tasman Resource Management Plan

2. Any activity not referred to in this resource consent must comply with either: 1) a relevant permitted activity rule in the Proposed Tasman Resource Management Plan (PTRMP); 2) the Resource Management Act 1991; or 3) the conditions of a separate resource consent which authorises that activity.

Consent Holder

3. This consent is granted to the abovementioned Consent Holder but Section 134 of the Act states that such land use consents “attach to the land” and accordingly may be enjoyed by any subsequent owners and occupiers of the land. Therefore, any reference to “Consent Holder” in the conditions shall mean the current owners and occupiers of the subject land. Any new owners or occupiers should therefore familiarise themselves with the conditions of this consent, as there may be conditions that are required to be complied with on an ongoing basis.

Development Contributions

4. The Consent Holder is liable to pay a development contribution in accordance with the Development Contributions Policy found in the Long Term Council Community Plan (LTCCP). The amount to be paid will be in accordance with the requirements that are current at the time the relevant development contribution is paid.

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

Monitoring

5. Monitoring of the consent is required under Section 35 of the Resource Management Act 1991 and a deposit fee is payable at this time. Should monitoring costs exceed this initial fee, Council will recover this additional amount from the resource consent holder. Costs are able to be minimised by consistently complying with conditions and thereby reducing the frequency of Council visits.

Interests Registered on Property Title

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

J R Andrew
Co-ordinator Land Use Consents

D R Lewis
Co-ordinator Regulatory Services

Attachment 1 and 2

Plans A and B dated 20 February 2008

Attachment 3

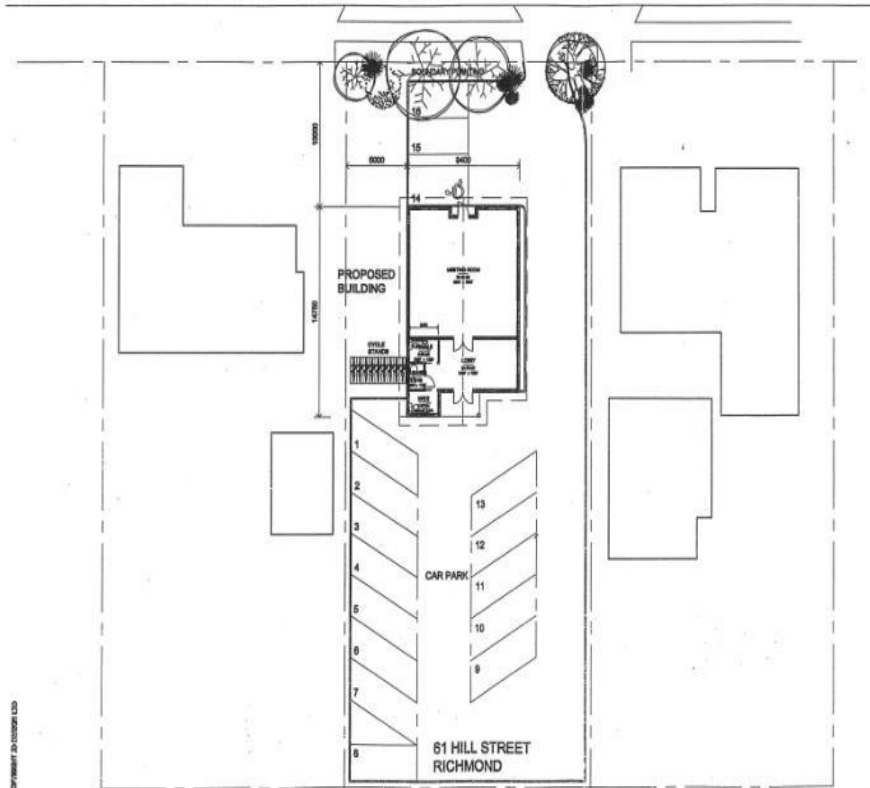
Aerial photograph showing concrete block fence between 63 and 61 Hill Street.

Appendices

1. Aerial showing the application site
2. Zone Map
3. Location Map of submitters and written approvals
4. Memo from Dugald Ley, Council Development Engineer regarding Engineering Issues dated 24 January 2008

Attachment 1
 Plan A
 20 February 2008
 Site Plan

HILL STREET



01 PROPOSED SITE PLAN
 SCALE 1:200

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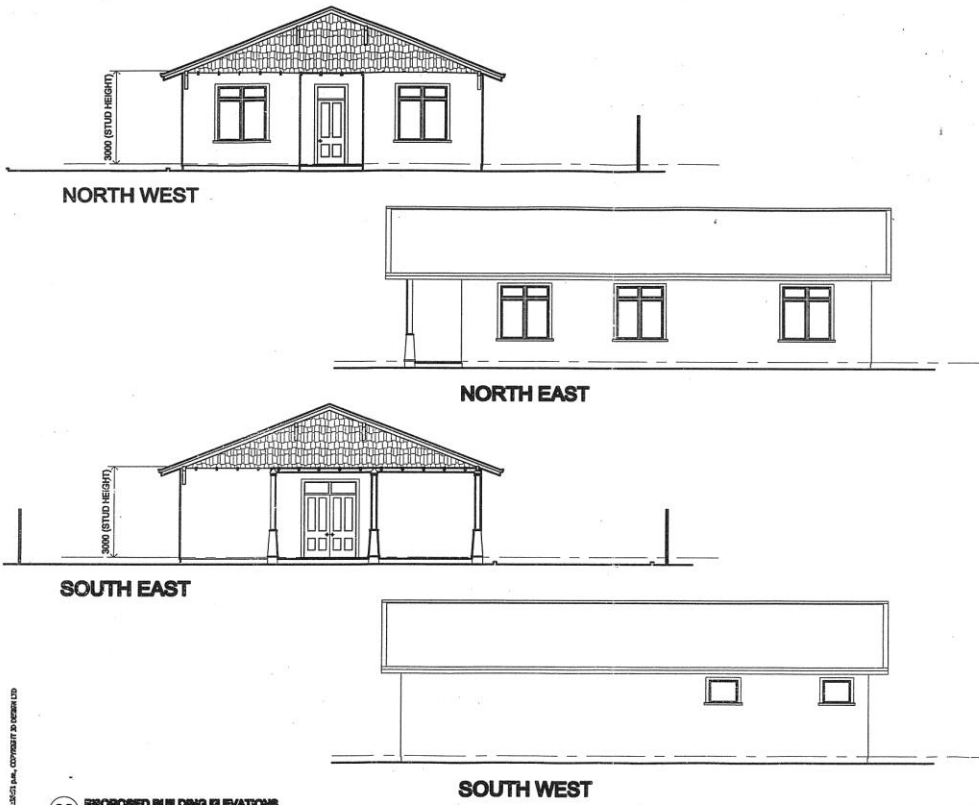
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61 HILL STREET
 PROPOSED STREET FRONTAGE
 TO NEW BUILDING AT 61 HILL ST.

CONCEPT PLAN

Reference: 01/00
 Date: MAY 2007
 Scale: AS SHOWN
 Sheet No: 01

Attachment 2
 Plan B
 20 February 2008
 Elevation Plan



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03 PROPOSED BUILDING ELEVATIONS

John Deakin, NZQA (qualified)
 P.D. #

Reference	Sheet No.
Date	
Scale	Ratio

Concrete block portion of fence on common boundary with 59 and 63 Hill Street shown in red



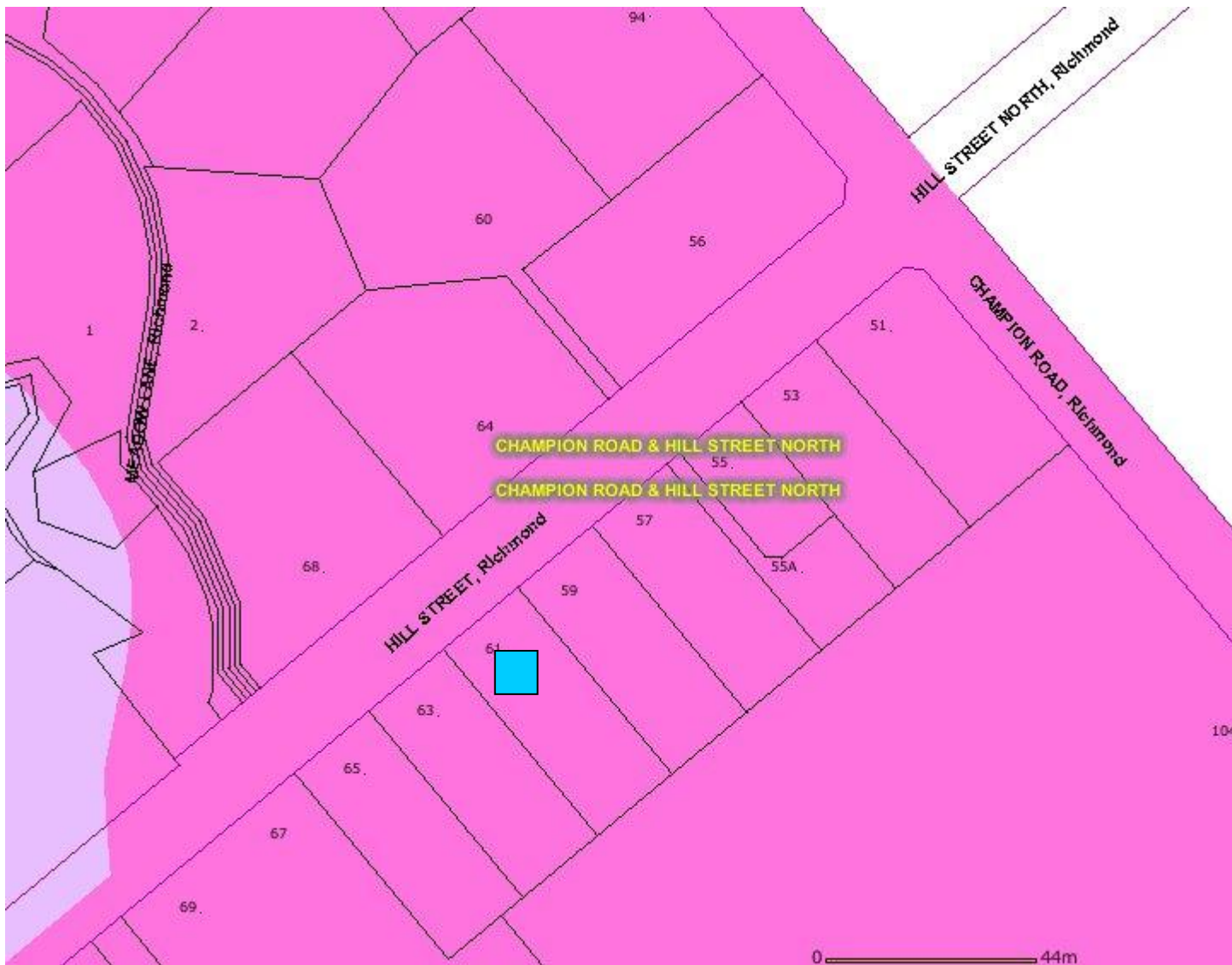
2 metre high noise attenuation fence to middle of garages on both adjoining properties.


APPENDIX 1
Application Site



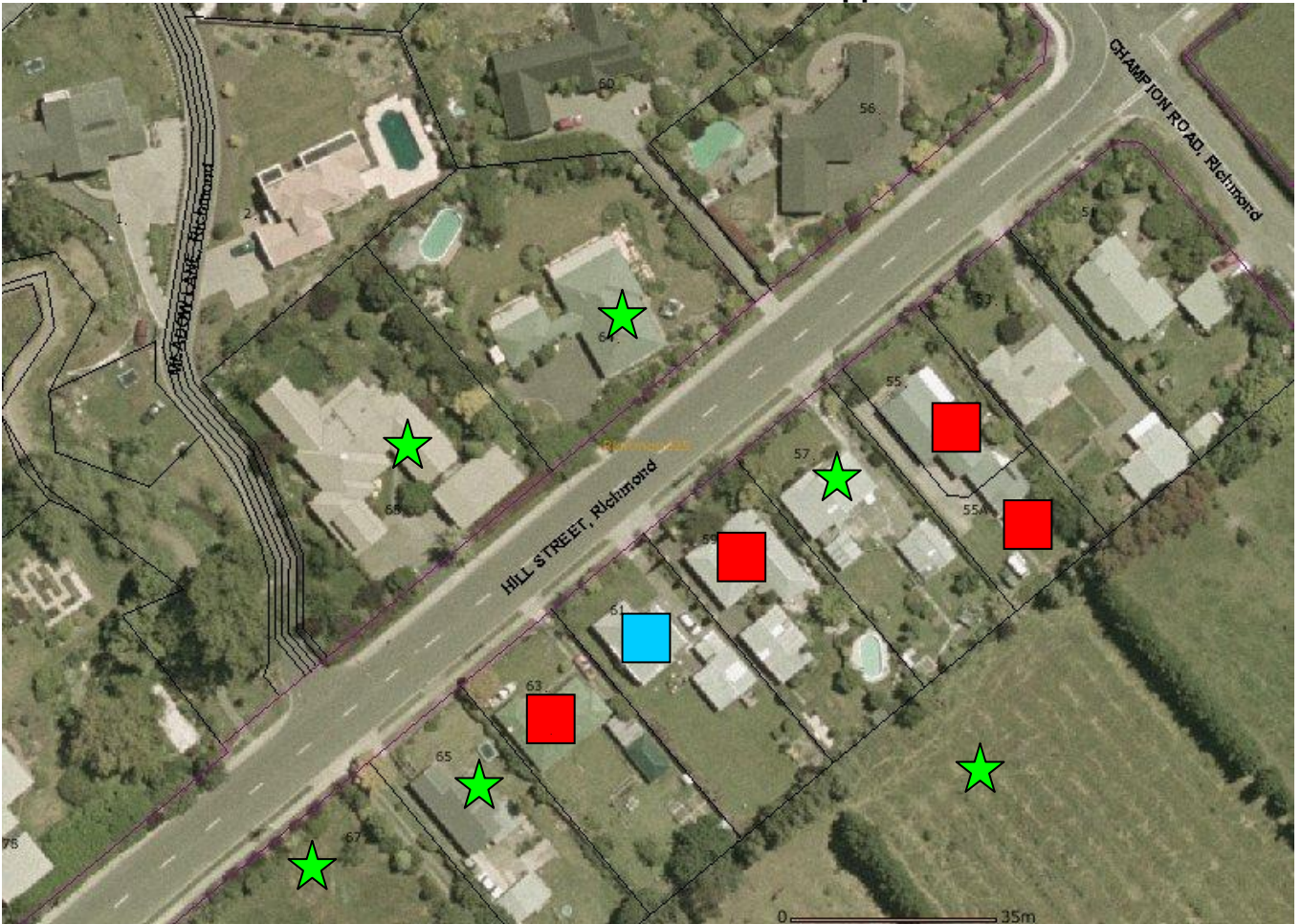
 Application Site

**APPENDIX 2
Zone Map**



 Application Site

APPENDIX 3
Written Approvals and Submissions



KEY

 **Written Approval Properties**

 **Submitters Properties**

 **Application Site**

MEMORANDUM

Engineering Services

TO: Jack Andrew, Consent Planner

FROM: Dugald Ley, Development Engineer

DATE: 24 January 2008

REFERENCE: RM070921

SUBJECT: **REMOVAL OF RESIDENTIAL DWELLING AND THE ERECTION OF A HALL FOR THE ASSEMBLE OF PEOPLE (UP TO 50 PEOPLE)**

1. INTRODUCTION

The above application involves the removal of a residential dwelling at 61 Hill Street and replacement with a small hall and associated car parks. The area is generally accepted by Engineering as residential.

2. BACKGROUND

The above 1012 m² site presently has an older style residential dwelling. The normal traffic generation from a typical site such as this in a residential area has been accepted by most practitioners as 10 vehicle movements per day (VPD). The applicant has advised that this application will on average generate approximately 20 VPD.

The applicant has advised the times of the meetings and these are set out in their letter dated 19 October 2007.

In essence meetings are held at times of the day which one would consider are generally outside the core 9.00 am-5.00pm Monday to Friday peak traffic movement times.

The applicant has also advised that for this particular hall the users live in reasonably close proximity.

Of the 50 usual members a number will walk to the hall and many will arrive in one car.

The applicant is proposing 13 constructed car parks with 3 more that could be constructed in the front yard, ie total of 16 car parks. Note the TRMP Figure 16.2D sets out for places of assemble the required carparks are one per four persons design capacity.

If each vehicle had at least three-four occupants then potentially 39-53 people could be accommodated with the 13 carparks and at six (as advised by the applicant) would arrive by walking to the site.

It is therefore my view that to accommodate the full 50 people with required car parks then the full 16 car parks should be formed up at this stage. Note the applicant has advised that the building can also accommodate at least 100 at times therefore the full 16 carparks will be in use.

The Proposal will also generate a Development Contributions amount and this is set out in the Councils LTCCP document. These amounts are separately assessed at the time of a building consent.

3. HILL STREET

Hill Street is a Distributor Road and carries over 2000 VPD in the locality. It is approximately 10 metres wide (two moving lanes and two parking lanes) and has kerb and channel and footpaths on both sides of the road.

Generally on inspection during a site visit on looking at Council's aerial photos there is either a very few or no vehicles parked on the road reserve in this location.

The applicant has advised that at two times during every two-week period, ie Sunday 2.50 pm to 3.45 pm and Friday 7.20 pm-8.45 pm numbers using the hall will double to 100 people.

With this number of people there is likely to be a spill over of vehicles on to Hill Street in the immediate vicinity, ie there could be up to 16 vehicles parked along the road.

In my opinion this is a minor effect owing to the time of day and the day of the week this situation will arise.

4. SERVICES

It is likely that the existing services that serve the site will logically be reused for the new hall. However it is important that the existing services are checked for compliance.

In this regard the sewer lateral to the Council's principal main should be checked for soundness and renewal if found to be sub-standard.

For the stormwater it is likely that an enlarged pipe (ie, greater than 100mm diameter) will be required to accept flows from the roof and paved areas.

The water lateral and water meter should be adequate and can continue to be used for the hall.

Any overhead lines to service the property should be relocated underground.

The existing access crossing is to be reused and not altered.

5. RECOMMENDATION

It is therefore Engineering's recommendation that the establishment of a hall at 61 Hill Street will have only minor effects on the functioning of traffic flows along Hill Street and that the construction of 16 outside car parks will cater for the "normal" traffic generated by this activity.

Servicing issues are addressed above.

Dugald Ley
Development Engineer