

Friday, 21 July 2023

Te Hui o Te Kaunihera ā-Rohe o Heretaunga
Hastings District Council
Commissioner Hearing

Kaupapataka

Agenda – Pre-circulated Applicant evidence

Limited Notified Resource Consent Application to Construct and Operate a Church Hall
and Construct a Carpark at 32 Reynolds Road, Havelock North - Hastings Gospel Hall
Trust Inc (RMA20220170)

Te Rā Hui:
Meeting date: **Friday, 21 July 2023**

Te Wā:
Time: **9.00am**

Te Wāhi:
Venue: **Council Chamber
Ground Floor
Civic Administration Building
Lyndon Road East
Hastings**

Te Hoapā:
Contact: **Democracy and Governance Services
P: 06 871 5000 | E: democracy@hdc.govt.nz**

Te Āpiha Matua:
Responsible
Officer: **Group Manager: Planning & Regulatory Services - John
O'Shaughnessy**

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Friday, 21 July 2023

Te Hui o Te Kaunihara ā-Rohe o Heretaunga
Hastings District Council: Commissioner Hearing

Kaupapataka

Agenda

Te Komihana Whakahoahoa:
Hearing Commissioner:

Heamana
Chair: Commissioner Bill Wasley

Apiha Matua:
Officer Responsible:

Group Manager: Planning & Regulatory Services – John O’Shaughnessy

Mahere Maarama:
Reporting Planner:

Planning Consultant - Stella Morgan

Te Rōpū Manapori me te Kāwanatanga:
Democracy & Governance Services:

Christine Hilton (Extn 5633)

Te Rārangī Take

Order of Business

- 1.0 Apologies & Leave of Absence – Ngā Whakapāhatanga me te Wehenga ā-Hui**
At the close of the agenda no requests for leave of absence had been received.
-

- 2.0 Applicant's pre-circulated evidence for Limited Notified Resource Consent Application to Construct and Operate a Church Hall and Construct a Carpark at 32 Reynolds Road, Havelock North - Hastings Gospel Hall Trust Inc (RMA20220170)**

DOCUMENTS CIRCULATED FOR HEARING - COMPILED AS ONE DOCUMENT

Document 1 The covering administrative report **Pg 1**

Attachments:

- | | | | |
|---|--|------------------|-------|
| 1 | Attachment 1 - Applicant evidence from R Hegley (acoustic report) | RMA20220170#0051 | Pg 3 |
| 2 | Attachment 2 - Evidence of Philip McKay for Drainways (applicant evidence) | RMA20220170#0052 | Pg 23 |
-

The Application and Submissions can be viewed on the Council website as part of the hearing agenda documentation.

Friday, 21 July 2023

Item 2

Te Hui o Te Kaunihera ā-Rohe o Heretaunga
Hastings District Council: Commissioner Hearing

Te Rārangi Take

Report to Commissioner Hearing

Nā:
From: **Christine Hilton, Democracy and Governance Advisor**

Te Take:
Subject: **Applicant's pre-circulated evidence for Limited Notified Resource Consent Application to Construct and Operate a Church Hall and Construct a Carpark at 32 Reynolds Road, Havelock North - Hastings Gospel Hall Trust Inc (RMA20220170)**

1.0 Purpose and summary - Te Kaupapa Me Te Whakarāpopototanga

- 1.1 The purpose of this report is to have a means to attach the Applicant's pre-circulated evidence for the above hearing and to put it onto the website prior to the hearing.

2.0 Recommendations - Ngā Tūtohunga

That the Applicant's pre-circulated evidence for Limited Notified Resource Consent Application to Construct and Operate a Church Hall and Construct a Carpark at 32 Reynolds Road, Havelock North - Hastings Gospel Hall Trust Inc (RMA20220170)- be put onto the website prior to the hearing on 21 July 2023 so it can be viewed by the submitters and members of the public.

Attachments:

- | | | |
|-------------------|---|------------------|
| A | Applicant evidence from R Hegley (acoustic report) | RMA20220170#0051 |
| B | Evidence of Philip McKay for Drainways (applicant evidence) | RMA20220170#0052 |

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER Limited Notified Resource Consent Application to Construct and Operate a Church Hall and Construct a Carpark at 32 Reynolds Road, Havelock North - Hastings Gospel Trust Inc (RMA20220170)

**STATEMENT OF EVIDENCE OF RHYS LEONARD HEGLEY
ACOUSTICS**

Date: 6 July 2023

Introduction

1. My full name is Rhys Leonard Hegley. I am a partner with Hegley Acoustic Consultants.
2. I hold a Bachelor of Engineering from the University of Auckland (1993) and have attended specialist courses in acoustics in Australia and America. I am a member of the Institution of Professional Engineers New Zealand.
3. For the past 23 years I have provided acoustic advice on a wide range of activities such as apartment developments, service stations and workshops through to large scale industrial activities such as petrochemical plants, power stations, dairy factories and roading projects.
4. My technical skills and experience directly relevant to the current project include providing acoustic advice to places of worship and community centres including churches of various denominations, marae and mosques. I have worked for the Church of Jesus Christ of Latter-day Saints for approximately 20 years over which time I have completed projects ranging from temples, both in New Zealand and in the Pacific Islands, through to extensions to existing buildings and their car parks.
5. I have read the Code of Conduct for Expert Witnesses contained within the Environment Court of New Zealand Practice Note 2023. I confirm this evidence is prepared in accordance with the Code of Conduct, and is within my area of expertise, except where I explicitly state that I have relied upon information provided to me by another person. I confirm that I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed herein.

Scope of Evidence

6. This evidence provides an assessment of noise from the proposal. It does so by referencing the noise assessment that I undertook for the project rather than repeating the information in that assessment. This evidence also provides a response to submissions and the planner's report and comments on the suggested conditions.
7. In preparing my original noise assessment and this evidence, I have:
 - (a) Visited a Plymouth Brethren church that is understood to be similar to the proposal to inspect activities;
 - (b) Viewed the architectural plans of the proposal;
 - (c) Reviewed submissions; and
 - (d) Reviewed the planner's report.
8. I have not visited the site but have viewed it on Google Earth. Given that the site, and the surrounding area, is reasonably flat and that the proposal is of single storey construction, I do not consider it essential to visit the site to undertake my assessment.

Noise Assessment of June 2023

9. Subsequent to the application being lodged, Council requested a specific noise assessment be undertaken. The Hastings Gospel Hall Trust Inc approached me for the required assessment. My response was to prepare the report: "Proposed

Plymouth Brethren Church, 32 Reynolds Road, Havelock North, Assessment of Noise Effects", Reference 23040, dated June 2023 (Noise Assessment). The report forms Appendix A of my evidence and, I believe, provides a full assessment of the noise expected from the proposal.

10. My Noise Assessment addressed both construction noise and operational noise, which included noise from the activities within the church building and the associated car park. The assessment used measurements I have undertaken of similar activities as the basis for calculations of noise from the proposal. These calculations included the project specific information such as the distance between source and receiver, the effects of boundary noise screens and the actual construction of the proposed church building.
11. The conclusion of my Noise Assessment with respect to operational noise was that, with the following mitigation, the proposal would comply with the relevant noise rules of the Hastings District Plan (DP) and that, as such, the effects would be less than minor:
 - (a) Noise fences along the full length of the eastern and western boundaries to control noise from the car park activities;
 - (b) Construction of the church building itself, noting that the construction techniques identified in the Noise Assessment represent one suitable construction method and that there will be others;
 - (c) Windows to the church must remain closed during services.
12. The conclusion of my noise assessment with respect to construction activities was that, given the construction methods of the proposed church will be the

same as a conventional house, it will be practicable for the project to comply with the construction noise limits of the DP.

Submissions

13. I have read the submissions and note that I had the benefit of doing so prior to writing my Noise Assessment. As such, my assessment specifically addresses the submitter issues of early morning car park noise, including closing car doors, and the operation of the gate across the accessway. As such, I consider that my Noise Assessment fully addresses the submitters' concerns.

Planner's Report

14. I have read the planner's report and generally agree with the findings.

Conditions

15. I generally agree with the proposed conditions relating to noise, subject to the following comments.

CONDITION 2

16. Condition 2 limits activities to the hours of the services themselves, and specifically no earlier than 6.00am on Sundays and no later than 8.00pm on Mondays.
17. My issue is that the proposal is for vehicles to typically arrive over the 15 minute period before 6.00am on Sundays and leave over the 15 minute period after

8.00pm on Mondays. The second bullet point of the condition also appears to contain a typographical error.

18. My view is that condition 2 is not needed as my Noise Assessment demonstrates full compliance with the noise rules. I therefore see no benefit in limiting the duration of the activity. If condition 2 is to be retained, I suggest it is modified as follows:

2. *The hours of operation shall be limited to ~~durations of services of~~ approximately one hour on each of the following days and include the period immediately before and after the service to allow for the arrival and departure of vehicles:*

- *Sunday morning service commencing no earlier than 6.00am for a communion service; and*
- *Monday evening service finishing no later than 8.00pm for prayer meetings. ~~Both assemblies are for ...~~*

CONDITION 3

19. Condition 3 includes a minor typographical error in the last sentence, which I suggest could be corrected as follows:

3. *An acoustic fence a minimum of 1.8m high shall be constructed along the east and west boundaries of the property. There must be no openings in the construction of the acoustic fences, which must fix to the ground without gaps. The fences must be built from a material with a surface density of at least 10kg/m². 20mm plywood or 20mm timber palings are examples of*

suitable materials. Such fences are to be constructed ~~proper~~ prior to operations taking place within the place of assembly.

CONDITION 5

20. Condition 5 requires the construction of the church building to be as I describe in the Noise Assessment and that the construction be certified by a suitable qualified acoustic expert.
21. My first concern with this condition is that it provides for a doubling up of the design work. If the church building is constructed in accordance with the condition 5 (which includes both the requirement to comply with the Noise Assessment and a design specification), there should be no need to have it verified by a suitably qualified acoustic expert. The building consent plans will specify the construction materials to be used, from which compliance with condition 5 can be determined.
22. Secondly, the point of providing the design in the Noise Assessment was to demonstrate that it would be practicable for the proposal to meet the DP noise limits using standard forms of construction. The Noise Assessment notes that there will be other forms of construction that would be equally effective. My view is that condition 5 should be more effects based and permit other forms of construction, provided a suitably qualified acoustic expert confirms it would provide compliance with the noise limits of condition 7. I suggest condition 5 be modified as follows:

5. *Within 1 month of the consent commencing the consent holder shall submit a design to Council's Environmental Consents Manager (or nominee), for the*

completion of the building design that meets as a minimum, one of the following design specifications:

- a. The design shall be in accordance with the mitigation as set out in Section 4.3 of the Assessment of Noise effects Report prepared by Hegley Acoustic Consultants (June 2023), [HDC Ref: 72055#0016], which is detailed below:

Roof

- Profiled metal cladding or concrete roof tiles.
- Fiberglass or polyester blanket in the ceiling cavity, at least 75mm thick; and
- A ceiling of at least 13mm plasterboard ($\geq 8.4\text{kg/m}^2$).

Walls

- Timber weatherboards or 6mm fibre cement sheet cladding;
- Fiberglass or polyester blanket in the wall cavity, at least 75mm thick; and
- A wall lining of at least 10mm plasterboard ($\geq 6.4\text{kg/m}^2$).

Glazing

- 6mm float glass or double glazing consisting of at least 6/ 12/ 4; and
- Aluminium frames with rubber compression seals.

External Doors

- Solid core doors with rubber compression seals.

Or

- b. An alternative building design that has been certified by a suitably qualified acoustic expert as providing compliance with the noise limits of condition 7.


Rhys Leonard Hegley
6 July 2023

Appendix A - Noise Assessment



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**PROPOSED PLYMOUTH BRETHREN
CHURCH**

**32 REYNOLDS ROAD,
HAVELOCK NORTH**

ASSESSMENT OF NOISE EFFECTS

Report No 23040

Prepared for:

Hastings Gospel Hall Trust Inc

June 2023

Prepared by:

Rhys Hegley

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1. INTRODUCTION

The Hastings Gospel Hall Trust proposes to construct a satellite church for the Plymouth Brethren at 32 Reynolds Road in Havelock North. This report describes how noise from the proposal was calculated and provides an assessment of the resulting noise effects.

2. THE PROPOSAL

The proposal is to remove the existing dwelling on site and then construct a purpose built church. The new building will be approximately 80m² to cater for 30 – 40 attendees with on-site car parking for 12 vehicles.

Two activities are proposed per week. The first is a service starting 6.00am on Sunday mornings with the second being a prayer meeting that starts 7.00pm on Monday evenings. Each event lasts approximately 30 – 40 minutes with attendees arriving typically 10-15 minutes prior to each.

The proposed building consists of a small hall with an associated entrance foyer and toilets. The internal activities will be led by elders who will use an amplified sound system to ensure that speech is clear and at conversational tones throughout the hall. Hymns are included but are not amplified and are unaccompanied by instruments or music of any kind.

3. OPERATIONAL NOISE LIMITS

The site of the proposal, and all surrounding sites, are within the Havelock North Character Residential zone. The following rules of the Hastings District Plan (DP) are relevant:

25.1.6A MEASUREMENT

Unless stated by a Rule or Standard elsewhere in this Plan, noise shall be measured in accordance with New Zealand Standard 6801:2008 Acoustics -

Measurement of Environmental Sound and assessed in accordance with New Zealand Standard 6802:2008 Acoustics - Environmental Noise.

25.1.6C RESIDENTIAL ZONES

The following noise conditions shall apply to all land uses within all Residential Zones (including noise from fixed plants such as air conditioning units and other similar devices but excluding noise from emergency service facilities), other than those exempted in Rule 25.1.6B:

(a) *The following noise limits shall not be exceeded at any point beyond the site boundary:*

<u>Control Hours</u>	<u>Noise Level</u>
0700 to 1900 hours	50 dB L_{Aeq} (15 min)
1900 to 2200 hours	45 dB L_{Aeq} (15 min)
2200 to 0700 hours the following day	40 dB L_{Aeq} (15 min)
2200 to 0700 hours the following day	70 dB L_{AFmax}

4. OPERATIONAL NOISE ASSESSMENT

4.1. Prediction Method

Noise from the proposed activities was calculated for the neighbours using the Predictor computer prediction program. Predictor is noise modelling software in which a full scale, three-dimensional model of the proposal and surrounding area can be developed from plans of the proposal and photographs of the surrounding area. Calculations of noise are in accordance with ISO 9613 parts 1 and 2 and include all variables that affect the propagation of noise.

4.2. Base Data

The base data used for the noise modelling is as follows:

<i>Site Layout</i>	The proposal has been modelled using the architectural plans of the proposal.
<i>Surrounding dwellings</i>	The locations of the surrounding dwellings have been taken from aerial photographs of the area. They are described in

	Table 1 and shown in Figure 2. The houses considered in the assessment are of one storey construction and have been modelled as such. Where floors are elevated from the ground, this has been included in modelling.
<i>Ground absorption</i>	Ground has been modelled as hard earth to approximate summer conditions.
<i>Weather</i>	In accordance with NZS 6801 ¹ , predictions were undertaken with slightly positive meteorological conditions.
<i>Base noise data</i>	<p>Analysis has been based on measurements of similar activities at other sites. This includes vehicles manoeuvring within a church car park and singing within a church.</p> <p>The L_{AFmax} noise levels will be controlled by car doors closing with the car park.</p>

¹ NZS 6801:2008 Acoustics - Measurement of environmental sound



Figure 1. Site Plan and Surrounding Area

4.3. Mitigation

NOISE FENCES

Noise fences are proposed full length down the eastern and western site boundaries to control noise from vehicles in the car park. Figure 1 shows the extent of these fences.

To be effective, the noise fences must be a minimum of 1.8m high. There must be no openings in the construction of the acoustic fences, which must fix to the ground without gaps. The fences must be built from a material with a surface density of at least 10kg/m². 20mm plywood or 20mm timber palings are examples of suitable materials. If a timber paling fence is used, Figure 2 provides a suitable example showing how battens can be placed over the paling joints to address any gaps that open as the palings dry and shrink.

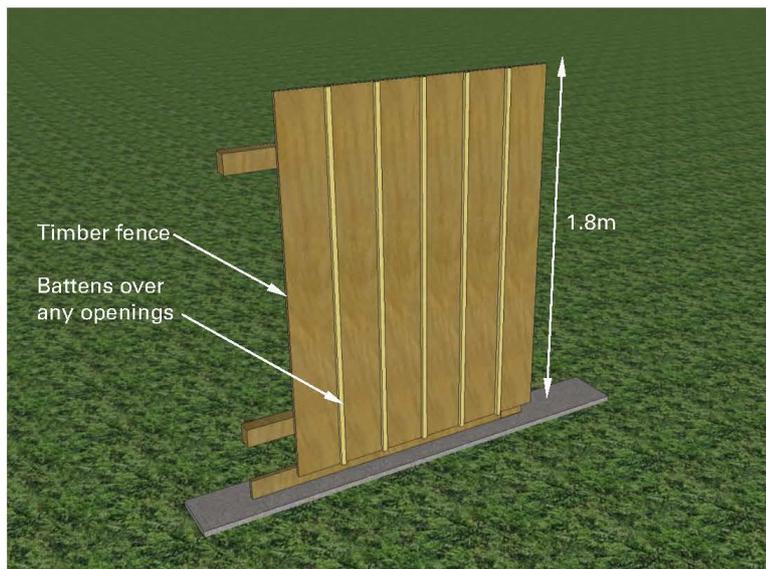


Figure 2. Suitable Wall Detail

BUILDING ENVELOPE

The envelope of the proposed church building will be used to control noise from internal activities. At this early stage of the proposal, construction materials are yet to be confirmed. A preliminary analysis was undertaken based on lightweight construction with the intent being to demonstrate that it would be practicable to construct a building that would allow the church to operate as intended and in compliance with the DP noise limits. The design was based on:

- | | |
|----------------|---|
| Roof: | <ul style="list-style-type: none">• Profiled metal cladding or concrete roof tiles;• Fiberglass or polyester blanket in the ceiling cavity, at least 75mm thick; and• A ceiling of at least 13mm plasterboard ($\geq 8.4\text{kg/m}^2$). |
| Walls: | <ul style="list-style-type: none">• Timber weatherboards or 6mm fibre cement sheet cladding;• Fiberglass or polyester blanket in the wall cavity, at least 75mm thick; and• A wall lining of at least 10mm plasterboard ($\geq 6.4\text{kg/m}^2$). |
| Glazing | <ul style="list-style-type: none">• 6mm float glass or double glazing consisting of at least 6/ 12/ 4; and• Aluminium frames with rubber compression seals. |
| External Doors | <ul style="list-style-type: none">• Solid core doors with rubber compression seals. |

The following section demonstrates that the above construction will achieve the reductions necessary for compliance with the noise limits of the DP. There will be numerous other construction techniques that would also achieve the required

reductions and the final construction methods will be determined during detailed design.

The one item of mitigation that will remain regardless of construction type is the requirement to close windows and external doors while the church is in use.

4.4. Rating Levels

Rather than using the predicted level of noise, it is the rating level that is compared to the provisions of the DP. The rating level is the predicted noise from the proposal (calculated as described above) that is then adjusted for its duration over the day and for any special audible characteristics, each of which is discussed below.

Noise that is present for a portion of the day has less effect than noise that is present for the entire day. To account for this, NZS 6802² allows noise to be averaged over the day time. No averaging is permitted at night.

Given the limited use of the church, day time levels could be average to the full extent permitted by NZS 6802, that is by 5dB. However, given that the lower night time provisions of the DP will control the design, the day time rating levels are not reported on further, other than to note they will be 5dB lower than the levels reported in Table 1 below.

The special audible characteristic (SAC) of NZS 6802 allows for the assessment of noise that is considered particularly annoying. While some music can be considered to contain a SAC, the relatively low level of noise from the proposal and the fact that it is not accompanied by instruments means that, in this instance, the proposal is not considered to contain a SAC.

The resulting rating levels from the proposal are set out in the following Table.

² NZS 6802:2008 Acoustics – Environmental noise

Table 1. Rating Noise Levels

Site, Fig 1	Address	Noise Level		
		L _{Aeq}		L _{AFmax}
		Car Park	Singing	
1	38 Reynolds Road	34	31	49
2	34 Reynolds Road	35	32	51
3	30 Reynolds Road	36	31	53
4	43 Reynolds Road	36	<20	50
5	45 Reynolds Road	37	<20	51
6	51 Reynolds Road	35	<20	50

The above table reports noise from the car park and the singing separately. Given that attendees could be either in the car park or singing, but not both, the noise from each activity is not cumulative and can be considered separately.

Given the closed window requirement discussed in section 4.3, it is anticipated that alternative ventilation will be necessary. While mechanical plant is yet to be selected, ventilation fans and air conditioning units are commonplace in the residential environment. There are multiple methods of controlling noise from their operation, such as the suitable selection and location of plant, screens, enclosures and silencers. This being the case, confidence can be taken that, during detailed design, it will be practicable to design plant such that noise from the overall site remains compliant with the provisions of the DP.

It is understood that a gate may be placed across the driveway and which would require opening and closing either side of services. Noise from this activity has not been predicted. However, provided the gate is well maintained and operated appropriately, its operation will remain compliant with the provisions of the DP. Such gates are commonplace at Plymouth Brethren churches around New Zealand where experience has shown this to be the case.

4.5. Noise Assessment

Table 1 reports that, with appropriate mitigation, the activities of the proposal will be able to comply with the noise limits of the DP. This point alone allows the conclusion that noise levels will be reasonable and that effects will be less than minor. In addition, it is relevant that the activity will occur for no more than two hours per week which is significantly shorter than the duration permitted by the DP.

5. CONSTRUCTION NOISE ASSESSMENT

Rule 25.1.6l of the DP requires that construction noise complies with the limits of NZS 6803: 1999 Acoustics – Construction Noise (NZS 6803). On the assumption that construction of the proposal will fall into the long term category of NZS 6803 (>20 weeks), the day time construction noise limit to the neighbours is 70dB L_{Aeq} .

The construction of the church is expected to be similar to that of a residential dwelling meaning that any noise, and vibration, would be the same as experienced from throughout Hastings, and New Zealand, on a daily basis. Experience has shown that the resulting levels can comply with the requirements of NZS 6803 and, generally, do not result in a noise nuisance to neighbours.

6. CONCLUSIONS

It is proposed to construct a small church at 32 Reynolds Road in Havelock North. The proposal is for two, 30 – 40 minute church events per week, one beginning at 6.00am on Sundays with the other beginning at 7.00pm on Monday evenings.

With appropriate mitigation, such as suitable construction of the church building, closed windows and doors during use, and noise fence along the eastern and western boundaries, analysis shows that the resulting noise levels will be fully

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compliant with the provisions of the DP. From this, it is concluded that the effects will be less than minor.

BEFORE THE HASTINGS DISTRICT COUNCIL
INDEPENDENT HEARINGS COMMISSIONER

UNDER The Resource Management Act 1991

AND

IN THE MATTER OF A LIMITED NOTIFIED RESOURCE CONSENT APPLICATION TO
CONSTRUCT AND OPERATE A CHURCH HALL AND
ASSOCIATED CAR PARK AT 32 REYNOLDS ROAD, HAVELOCK
NORTH (RMA20220170)

BETWEEN **Hastings Gospel Hall Trust Incorporated**
Applicant

AND **A Janes & CJH Thomas, MA & DM August, B & D**
Robertson, P & E Morrison
Submitters

AND **Hastings District Council**
Consent Authority

BRIEF OF EVIDENCE BY PHILIP ANTHONY MCKAY

INTRODUCTION AND QUALIFICATIONS

- 1 My full name is Philip Anthony McKay and I reside in Hastings.
- 2 I hold a Bachelor of Regional Planning with Honours from Massey University. I am a Member of the New Zealand Planning Institute, currently holding the position of Secretary of the Central North Island Branch of the Institute. In total I have some 30 years' experience as a practicing planner and have a Making Good Decisions Chair's certification.
- 3 I am currently employed as an Associate at Mitchell Daysh Limited planning consultants, having held this role since April 2018, and have also been a Senior Consultant Planner at Environmental Management Services Limited from September 2015 to April 2018. Prior to this, I held the position of Environmental Policy Manager with the Hastings District Council from January 2009 to September 2015.
- 4 I held various consents and policy planning roles with Hastings District Council from February 1996 to January 2009 and prior to that was employed as a planner by Wairoa District Council.

EXPERT WITNESS CODE OF CONDUCT

- 5 I confirm I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023. My evidence has been prepared in compliance with that Code and I agree to follow it when presenting evidence to the Hearing.
- 6 I confirm that my evidence is within my area of expertise except where I state that I am relying upon the specified evidence of another person, and I have not omitted to consider material facts known to me that might alter or detract from my expressed opinions.
- 7 I understand and accept that it is my overriding duty to assist the Commissioner in matters that are within my expertise as a planner. I understand that I have an overriding duty to assist impartially on the relevant

matters within my area of expertise and that I am not an advocate for the party that has engaged me.

SCOPE OF EVIDENCE

- 8 This evidence relates to resource consent application RMA20220170 ("Application") by Hastings Gospel Hall Trust Incorporated ("Applicant") to Hastings District Council ("Council") for land use consent to establish and operate a church hall and associated car park at 32 Reynolds Road, Havelock North.
- 9 That Application was received by Council on 27 April 2022 and limited notified on 17 March 2023. Four submissions in opposition were subsequently received. This evidence is provided in support of the Application.
- 10 The Application and subsequent further information responses were prepared by my colleague Ellen Robotham and peer reviewed by myself, on behalf of the Applicant. I have read and reviewed all the documents appended to the Application Assessment of Effects on the Environment ("AEE") and documents subsequently provided to Council as further or additional information. These include the following technical documents:
 - Proposed Hall – 32 Reynolds Road, Havelock North – Building Design Plan Set, Prostructure Ltd, 12 April 2022
 - Report for Prostructure Ltd, 32 Reynolds Road, Havelock North – Stormwater Design, LHT Design Ltd, dated 22 March 2022
 - 32 Reynolds Road Havelock North Hall Plant Species Specifications, Greenleaf Nurseries, 10 May 2022
 - Report for Prostructure Ltd, 32 Reynolds Road, Havelock North – Stormwater Design, LHT Design Ltd, dated 10 May 2022
 - Proposed Hall – 32 Reynolds Road, Havelock North – Building Design Plan Set, Prostructure Ltd, 28 June 2022

- Proposed Plymouth Brethren Church, 32 Reynolds Road, Havelock North, Hegley Acoustic Consultants, June 2023
- 11 I conducted a site visit on 7 March 2022.
- 12 In preparing this evidence I have reviewed the following documents:
- The submissions received on the application from: Philip & Elizabeth Morrison, Melanie & Davey August, Amy Janes & Craig Thomas, and Bruce Robertson.
 - The Section 95A and 95B Notification Report on behalf of the Council by David Bishop, Team Leader Environmental Consents / Subdivision.
 - The signed Hearing Report – s42A on behalf of the Council by Stella Morgan, Consultant Planner (“the s42A Report”).
 - The brief of evidence on behalf of the Applicant from Rhys Hegley.
- 13 The purpose of my evidence is to provide an assessment of the planning related matters to this resource consent hearing, while drawing on and seeking not to repeat the assessment provided within the s42A Report, which I am largely in agreement with.
- 14 My evidence is structured as follows:
- Description of the Subject Site and Application
 - Identification of Matters of Agreement and Disagreement with the Council Officers Report
 - Statutory Considerations
 - Submissions
 - Actual and Potential Effects on the Environment
 - Relevant Statutory Documents

- Other Matters
- Part 2 of the Resource Management Act
- Summary and Conclusion
- Suggested Conditions

Accordingly, the remainder of my evidence is set out under the topic headings listed above.

DESCRIPTION OF THE SUBJECT SITE AND APPLICATION

- 15 The 759m² rectangular shaped subject site (“the site”) is fully described in the AEE and that description has been adopted and reproduced in the s42A Report, along with an additional description of the wider Reynolds Road area, which I agree with. To avoid duplication, I will not repeat those descriptions.
- 16 In brief, the Application is seeking the redevelopment of the site to provide a church hall with a 45-person capacity and a floor area of approximately 88m² (including the entrance porch) and an associated car park with 12 spaces. The hall is proposed to be used weekly for a Sunday morning communion service, no earlier than 6am, and for a Monday evening prayer meeting, no later than 8.00pm.
- 17 Again, the proposal is fully described in the AEE, and that description has been adopted and reproduced in the s42A Report, including a description of changes arising through the further information process. There is no need for me to repeat these descriptions as the s42A Report is accurate in this regard.
- 18 I do note that the Application as modified by further information, including the amended Prostructure June 2022 building plans and the LHT Design Ltd May 2022 stormwater report, complies with both District Plan standards 8.2.5C (Height in Relation to Boundary) and 8.2.5G (Peak Stormwater Runoff)¹. The AEE on page 9 as originally lodged identified that the application would not comply with these standards but that is no longer the case.

¹ As confirmed in the e-mail from Derek Newton, Council Development Engineer, to Brian Rickard, Council Senior Environmental Planner – Consents, dated 9 January 2023.

IDENTIFICATION OF MATTERS OF AGREEMENT AND DISAGREEMENT WITH THE COUNCIL OFFICER'S REPORT

Reasons for Consent and Activity Status

- 19 The site is zoned Havelock North Character Residential Zone in the Hastings District Plan² ("District Plan").
- 20 I agree with the assessment in the s42A Report that resource consent is required under the following District Plan rules:
- Earthworks District Wide Activity, rule EM6 Restricted Discretionary Activity for earthworks exceeding 50m³ per site per year.³
 - Havelock North Character Residential Zone, rule HNCR21 Discretionary Activity for a Place of Assembly.
- 21 For completeness I note that the proposed activity would not comply with District Plan standard 8.2.5I requiring a minimum of 25% of the site to be landscaped, which may include areas planted in trees, grass, or shrubs. The proposed side yard rain gardens and the 2.485m front boundary landscape strip result in approximately 20.5% of the site being landscaped. This does not affect the activity status of the application as rule 8.2.4(b) states:
- All Permitted, Controlled, Restricted Discretionary (Non-notified) Activities shall comply with the General Performance Standards and Terms in Section 8.2.5 and any relevant Specific Performance Standards and Terms in Section 8.2.6.*
- 22 As a Place of Assembly is a Discretionary Activity in the Havelock North Character Residential Zone it is not subject to the performance standards in sections 8.2.5 and 8.2.6. The landscaping of the site is however still a relevant matter in the assessment of District Plan objectives, policies and assessment criteria as is addressed below.

² Partially operative on 11 March 2020. All planning matters relevant to this application are covered by the fully operative sections of this District Plan.

³ 325m³ of earthworks are proposed for building platform and car park development.

- 23 I agree with the s42A Report that it is appropriate to bundle the activities to assess the application as a Discretionary Activity.⁴
- 24 In my opinion the s42A Report provides an appropriate and comprehensive planning assessment of the matters required to be addressed for a discretionary activity under sections 104 and 104B of the RMA, and I agree with the conclusions reached and the recommendation that consent be granted subject to conditions. In relying on Mr Hegley's evidence however, while agreeing with the intent of the recommended conditions, I consider that amendment is required to conditions 2, 3 and 5.
- 25 In the remainder of my evidence, I will seek to avoid repetition of Ms Morgan's assessment and will focus on matters where I can provide further explanation or assessment.

STATUTORY CONSIDERATIONS

- 26 I agree that the s42A Report sets out the appropriate statutory considerations, being sections 104, and 104B of the RMA.⁵
- 27 Section 104(2) allows a consent authority to disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect. In my opinion this is relevant to the assessment of both the traffic generation and noise effects of the proposed church hall as general performance standards 8.2.5L Traffic Generation and 8.2.5N Noise apply to activities within the Havelock North Character Residential Zone. As I will explain further under the 'Actual and Potential Effects on the Environment' heading below, the proposed church hall complies with these standards.

SUBMISSIONS

- 28 Section 6.2 of the s42A Report sets out the submissions received and provides a summary of the issues raised by the submissions. Having read each of the submissions in full, I agree that Ms Morgan provides an accurate summary of the different issues raised.

⁴ S42A Report, Section 7.0, pages 13 – 14.

⁵ Ibid, page 19.

- 29 The s42A Report generally addresses the matters raised in the submissions under its assessment of effects on the environment, which again I agree is appropriate.
- 30 Some of the matters raised in submissions, however, in my opinion do not relate to effects on the environment or other matters that can be considered under the RMA in the assessment of this application. These include:
- a) Loss of an established residential property in a time of housing shortage.
 - b) Proposal is for a non-residential purpose / private assembly hall, for people who live outside of the neighbourhood.
 - c) Applicant has misrepresented their intentions.
 - d) The application was not notified to all residents of Reynolds Road.
 - e) Concern that the proposal has the potential for encouraging other non-community participating households belonging to the same denomination to also locate on the street.
 - f) Request that the Applicant seek an alternative site in a non-residential area.
- 31 My comment on matters a) and f) above is that the District Plan rules for the Havelock North Character Residential Zone provide for various non-residential activities without the need for resource consent and for other non-residential activities, such as places of assembly via the resource consent process. Neither the RMA, nor the District Plan, places any obligation on a privately owned property in a residential zone to be used for residential purposes, regardless of any housing shortage. Just as an absentee owner of a residential property can choose to rent their house (which could be to a family, an individual, or a group of unrelated flat mates), make it available for hire as visitor accommodation via an on-line booking system, or leave the house vacant, an owner is also entitled to undertake a non-residential activity.

- 32 Table 1 below provides a summary of the types of non-residential activities provided for by the District Plan in the Havelock North Character Residential Zone, noting that restricted discretionary and discretionary activities are subject to resource consent.

Table 1 – Non-Residential Activities Provided for by the Havelock North Character Residential Zone of the District Plan

Rule & Activity	Activity Status
HNCR5 Non-Residential Care Facilities ⁶	Permitted
HNRC6 Visitor accommodation for up to 5 people	Permitted
HNCR16 Homes for the Aged	Restricted Discretionary
HNRC17 Emergency Service Facilities	Restricted Discretionary
HNRC20 Early Childhood Centres	Discretionary
HNCR21 Places of Assembly	Discretionary
HNCR22 Educational Facilities	Discretionary
HNCR23 Health Care Services	Discretionary

- 33 As Ms Morgan sets out in the s42 Report, the District Plan anticipates places of assembly locating in the Havelock North Character Residential Zone, subject to the effects being compatible with those of residential activities.⁷ The same applies to the other non-residential activities listed in Table 1 above

⁶ means any land or buildings where: (a) Elderly persons are cared for during the day; and/or (b) Persons with disabilities are educated and cared for during the day; (c) Children aged 6 years or older (in addition to the children of the centre manager) are cared for out of school hours and is not a home based education and care service;

⁷ S42A Report, Section 8.2.1, page 15.

as restricted discretionary or discretionary activities. The activities listed in Table 1 are options anticipated by the District Plan for the use of land zoned Havelock North Character Residential, in addition to residential activities. In my opinion the market will generally dictate that most residential zoned properties are used for residential activities, however it is the prerogative of individual property owners to apply for resource consent for a non-residential activity provided for by the District Plan.

- 34 In terms of the Applicant seeking an alternative site in a non-residential area (matter f) above), resource consent applications are only required to consider alternative locations or methods for undertaking the activity where it is likely that the activity will result in significant adverse effects on the environment.⁸ This is not the case for this Application, where all potential adverse effects on the environment are assessed in the s42A Report as being less than minor. I agree with that assessment, which is also consistent with the assessment in the original application's AEE and accordingly no assessment of alternatives was provided and nor is such an assessment required. The District Plan enables places of assembly to be located in residential zones and therefore it is the Applicant's prerogative to apply to use 32 Reynolds Road for such a purpose.
- 35 Regarding the matter in paragraph 30 b) above, a Place of Assembly is an activity anticipated by the District Plan in the Havelock North Character Residential Zone and there is no requirement that it has to serve residents living in the same street. As Mr Smith will explain on behalf of the Applicants at the hearing, the site was chosen in a central location to church members living in the Havelock North community.
- 36 Several of the submissions mention that the Applicant's misrepresented their intentions to people on the street that the property was purchased for the residential use of a family member (paragraph 35 c)). Again, Mr Smith will explain this misunderstanding at the hearing. Regardless of this, any private property owner is entitled to choose how they use their property within the bounds of the law.

⁸ RMA, Schedule 4, Clause 6(1)(a).

- 37 The reason that the application was not notified to all residents of Reynolds Road (paragraph 35 d)) is that section 95B of the RMA only enables limited notification of a resource consent application to those who are assessed as being affected persons under section 95E of the RMA. That is, a person is an affected person under section 95E if the consent authority decides that the activity's adverse effects on the person are minor or more than minor (but are not less than minor).⁹ The specific assessment made in Council's Section 95A and 95B Notification Report concluded that the potential adverse effects on all residents in Reynolds Road, aside from those living directly adjacent or opposite the site, would be less than minor. This assessment was made having regard to relevant RMA matters and in my opinion was correct not to assess additional residents on Reynolds Road as affected persons given the minor scale and intensity of the activity proposed.
- 38 In my opinion it is not appropriate for any resident on a street to have expectations on what religious denomination new residents may, or may not, belong to (paragraph 35 e)), and this is certainly not a relevant matter to consider in the assessment of this Application under the RMA.

ACTUAL AND POTENTIAL EFFECTS ON THE ENVIRONMENT (S104(1)(a))

Neighbourhood Character

- 39 The 42A Report considers many of the concerns raised in the submission under the heading 'Effects on Neighbourhood Character'. I agree with Ms Morgan that any consideration of neighborhood character effects should be undertaken in the context of the relevant district plan provisions.
- 40 The s42A Report provides a table setting out the different zones in which places of assembly are provided for. I would add that places of assembly are also provided for as a restricted discretionary activity in the Havelock North General Residential Zone and Flaxmere Residential Zone, and as a discretionary activity in the Hastings City Living Zone and the Hastings Character Residential Zone. The key point in mentioning this is that places of

⁹ RMA Section 95E(1).

assembly are anticipated by the District Plan to be located in the District's various residential zones.

- 41 Conversely, places of assembly are a non-complying activity in the rural zones of the District (including the Plains Production Zone), which is an implementation of the direction from the Heretaunga Plains Urban Development Strategy 2010 ("HPUDS"). HPUDS identified that productive rural land resources were being lost to urban activities including places of assembly, due to the permissive district plan provisions applying at that time and recommended a change in those provisions.
- 42 I agree with the s42A Report that the discretionary activity status indicates that places of assembly may be appropriate in the Havelock North Character Residential Zone subject to the effects being compatible with those of residential activities. I also agree with Ms Morgan's assessment that the proposed activity will have a less than minor adverse effect on neighbourhood character. In the context of section 104(1)(a) of the RMA I consider that any adverse effects on community character will be appropriately avoided, remedied or mitigated, due to the small scale and low intensity of use of the proposed church hall and the additional mitigation measures proposed.

Effects on Local Amenity Values

- 43 Regarding visual effects Ms Morgan appropriately concludes in my opinion, that the proposed building, fencing and landscaping is not dissimilar in scale and appearance to that of a single storey dwelling with construction materials also being in keeping with the locality.¹⁰ Ms Morgan also considers that the softening of the proposed car park by landscaping and fencing results in any adverse effects being less than minor.¹¹ I agree that any adverse visual effects arising from the car park will be appropriately mitigated by the proposed landscaping and fencing.
- 44 In terms of noise, the Application was lodged without an accompanying acoustic assessment. This was a judgement, which I was involved in making, that based on the small scale and nature of what was being proposed, it would

¹⁰ S42A Report, Section 8.2.2.1, page 17.

¹¹ S42A Report, Section 8.2.2.1, page 18.

be self-evident that the District Plan noise standards would be met. On that basis, it was considered unnecessary to put the Applicant to the additional expense of commissioning an expert noise report. With the Application being limited notified for submissions it became necessary to verify compliance with the District Plan noise standards by the input of an acoustic expert. Such verification has now been provided by Mr Hegley's noise report¹², and his subsequent evidence to this hearing.

45 As I mentioned above, under the RMA¹³ an adverse effect may be disregarded if the district plan permits an activity with that effect. This is known as 'the permitted baseline'. In this case the church may sometimes operate with people arriving prior to a 6am service or leaving after 8pm from a 7pm service. Both times are outside of the least restrictive daytime noise limits which apply from 7am to 7pm. The applicable District Plan noise limits are set out in full in Mr Hegley's report, appended to his evidence at page 13 with the noise limits applying from 10pm to 7am the following day being 40 dB L_{Aeq} (15 min) and 70 dB LA_{Fmax}. Table 1 in Mr Hegley's report shows the loudest noise levels received in neighbouring properties will be from the car park with ratings of up to 37 dB L_{Aeq} (15 min) and 53 dB LA_{Fmax}. These predicted noise levels are well within the District Plan night time noise limits and noise effects may therefore be disregarded in accordance with the permitted baseline. In my opinion, if noise effects are not disregarded, they should be assessed under section 104(1)(a) as being appropriately mitigated, by the noise reducing fencing and building materials proposed, and avoided, by the small scale and nature of the gatherings to be undertaken in the church hall. I note that both Ms Morgan¹⁴ and Mr Hegley¹⁵ assess the potential noise effects as being 'less than minor', which I also agree with.

46 Similarly, there is a permitted baseline for traffic generation effects with District Plan general performance standard 8.2.5L for the Havelock North residential zones, restricting traffic movements¹⁶ to a maximum of 30 per day

¹² Proposed Plymouth Brethren Church, 32 Reynolds Road, Havelock North, Hegley Acoustic Consultants, June 2023.

¹³ RMA, section 104(1)(2).

¹⁴ S42A Report, Section 8.2.2.2, page 20.

¹⁵ Statement of Evidence of Rhys Hegley, paragraph 11.

¹⁶ Meaning the arrival and departure of a vehicle from an activity on the site.

averaged over a 7-day period. With an anticipated 12 vehicle movements occurring twice a week, that would equate to a 7 day, daily average of 3.43 vehicle movements.¹⁷

- 47 By comparison the Waka Kotahi / NZTA Planning Policy Manual¹⁸ in its 'Typical New Zealand trip generation rates' table¹⁹ assesses dwelling houses with a 'daily trip generation rate of 10.4 vehicle trips²⁰. This would convert to 5.2 vehicle movements per day on average. The proposed church hall will therefore generate less vehicle movements, averaged over a 7 day period, than the average residential dwelling.
- 48 Concerns were raised in the submissions about the potential for up to 6 vehicles parking on the roadside. While it is expected that car parking will generally be accommodated within the onsite carpark, it is possible that if a particular service generated more than 12 vehicles, overflow parking of several vehicles could occur on the road verge. If this were to occur, for an hour-long period on a Sunday morning or Monday evening, in my opinion it would not constitute an adverse effect.
- 49 The s42A Report confirms that Council's Development Engineer has reviewed the proposal and has not identified any concerns in relation to traffic generation and is satisfied that the design of the proposed car park and access will safely accommodate the vehicles generated. Ms Morgan goes on to conclude that traffic effects from the proposed activities will be less than minor. I agree with this conclusion and in the context of section 104(1)(a) of the RMA consider that it is appropriate to disregard traffic generation effects under the permitted baseline. If such effects are not disregarded, in my opinion the proposed small scale of the activity appropriately avoids traffic generation effects and the design of the on-site carpark and vehicle access mitigates any adverse traffic safety effects from the operation of the carpark.

¹⁷ Being 24 vehicle movements per week divided by 7.

¹⁸ Transit Planning Policy Manual version 1, Manual No: SP/M/001 – Appendix 5B – Accessway standards and guidelines.

¹⁹ Table App5B/5

²⁰ Where a vehicle departing and then returning would constitute 2 vehicle trips.

50 Finally on the matter of traffic and car parking there is a typographical error in the Applicant's s92 further information response of 18 May 2022 quoted on page 21 of the s42A Report, which requires correction to avoid confusion. The last sentence of the 2nd paragraph of the quoted text should read: *The 2003 Hastings District Plan included a 'Tracking Curve for a 90 Percentile Car' in Appendix 14-1-1(A)*. The quoted sentence incorrectly referred to that Appendix relating to 'traffic sightlines', which are not at issue in the consideration of this Application.

51 In my opinion the primary potential adverse effects of a place of assembly in a residential zone relate to visual amenity, noise and traffic generation and associated car parking. As set out above, all these potential adverse effects are either avoided by the small scale and low intensity of use of the proposed church hall or are appropriately mitigated by building and car park design, fencing and landscaping.

Other Potential Effects

52 The s42A Report goes on to consider various other potential effects relating to construction, infrastructure and engineering services (including stormwater runoff), recreational and other values, and natural hazards, and in all cases concludes that either there will be no such adverse effects, or that those adverse effects will be less than minor.²¹ I agree with that assessment and consider that in the context of section 104(1)(a) all such effects are appropriately avoided, remedied or mitigated.

53 The s42A Report then specifically assesses the potential adverse effects on the adjacent and opposite property owners and occupiers who were served limited notification of the Application. For visual, noise and construction effects, Ms Morgan concludes that such effects will be negligible, less than minor, and within an acceptable range anticipated within a residential area, respectively. I agree with that assessment.

54 The s42 Report then goes on to comment on the submission that raised a concern about the potential negative effects of the church hall on property

²¹ S42A Report, Section 8.2.2.4 – 8.2.5, pages 21 – 23.

values.²² I agree with Ms Morgan that it is best practice for a resource consent assessment to consider the direct effects on amenity, rather than perceived property value effects, and that such effects have been assessed as less than minor so property sales and values should not be noticeably affected.

RELEVANT STATUTORY DOCUMENTS (S104(1)(b))

Regional Policy Statement

55 I agree with Ms Morgan's conclusion that the proposal is consistent with the relevant provisions of the Regional Policy Statement ("RPS").²³ My only other comment on the RPS (which is contained within the Hawke's Bay Regional Resource Management Plan), is that it predates (operative 2006), and has been given effect to by, the current version of the Hastings District Plan (notified 2013, partially operative March 2020). On that basis I consider the provisions of the Hastings District Plan to form the most relevant part of the section 104(1)(b) assessment.

56 I do not consider there to be any relevant national environmental standards or national policy statements to assess in regard to this Application.

Hastings District Plan

57 In her s42A Report²⁴, Ms Morgan has adopted the Applicant's AEE for its assessment of the Urban Strategy (Section 2.4), Havelock North Residential Environment (Section 2.8) and Earthworks, Mineral, Aggregate and Hydrocarbon Extraction (Section 27.1) sections of the District Plan. Having been responsible for the peer review of that AEE I support Ms Morgan's approach and the assessment provided of those District Plan provisions in the AEE.

58 In my opinion the most important District Plan objective and policy to this application are Objective HNRO2 and Policy HNRP4, which provide for non-residential activities in the Havelock North residential environment (covering both the Character Residential and General Residential zones). This

²² Ibid, Section 8.2.7, page 26.

²³ S42A Report, Section 10.3, pages 27 – 28.

²⁴ Ibid, Section 10.4, page 28.

objective and policy provide for places of assembly (amongst other activities) where their effects in terms of building design, traffic generation, noise, and scale do not compromise the character of the residential environment. As concluded in the Application AEE, the s42A Report, and my evidence above, the effects of the proposed church hall in terms of those and other matters are less than minor due to the small scale of the activity and the mitigation measures proposed. Therefore, in my opinion the proposed church hall will not compromise the character of the residential environment and achieves consistency with Objective HNRO2 and Policy HNRP4.

- 59 The District Plan provision assessment quoted in the s42A Report includes assessment of the Outcomes applying to standards 8.2.5C 'Height in Relation to Boundary', and 8.2.5G 'Stormwater'²⁵, both of which are now complied with, making those assessments irrelevant. The same comment applies to the assessment criteria relating to Height in Relation to Boundary²⁶ and Stormwater.²⁷
- 60 I stand by the assessment in the Application AEE that the proposal is consistent with the relevant objectives, policies and assessment criteria of the above-mentioned sections of the District Plan and note that Ms Morgan states her agreement with this.²⁸
- 61 Ms Morgan states that there are additional relevant objectives and policies to consider in the Havelock North Strategic Management Area (Section 8.1), Noise (Section 25.1), and Transport and Parking (Section 26.1)²⁹ sections of the District Plan. While I agree that noise and traffic are important, these matters have been comprehensively covered in the assessment of effects on the environment and in the assessment of the District Plan provisions relating to the Havelock North Residential Character Zone. Further to this the objectives and policies of those sections of the District Plan are specifically focused on the avoidance or mitigation of traffic and noise effects respectively, which has already been thoroughly assessed. Nevertheless, Ms Morgan undertakes the

²⁵ S42A Report, Section 10.4, page 33.

²⁶ Ibid, Section 10.4, page 37.

²⁷ Ibid, Section 10.4, page 38.

²⁸ Ibid, Section 10.4, pages 40 & 41.

²⁹ Ibid, Section 10.4, page 41.

additional assessment of those District Plan objectives and policies in the s42A Report and concludes that the proposal is consistent with the relevant District Plan objectives and policies of both the Noise and Traffic and Parking sections.³⁰ I agree with that conclusion.

62 I agree with Ms Morgan that it is also appropriate to assess the objectives and policies of the Havelock North Strategic Management Area, and I agree with her conclusion that the proposal is consistent with those District Plan provisions as the church hall will be sympathetic to the character of the local area.³¹

63 Ms Morgan's overall conclusion is that the proposal is consistent with the relevant objectives and policies of the District Plan. Ms Morgan identifies that those objectives and policies seek to provide for non-residential activities within residential neighbourhoods where compatible with the surrounding residential environment and where amenity effects do not compromise the character of the residential environment.³² I agree that the proposal achieves this direction and that it is consistent with the relevant objectives, policies and assessment criteria of the District Plan.

OTHER MATTERS (S104(1)(c))

64 I agree with the s42 Report that there are no other matters that are reasonably necessary to determine the application.³³

PART 2 OF THE RESOURCE MANAGEMENT ACT

65 Again, I agree with the s42A Report that given the case law from the Davidson Family Trust Court of Appeal decision, that there is no need to refer to Part 2 because doing so would not add to the evaluative exercise.³⁴

SUMMARY AND CONCLUSION

66 The Application is seeking to establish and operate an 88m² church hall, including the development of a carpark for 12 vehicles, at 32 Reynolds Road,

³⁰ S42A Report, Section 10.4, page 43.

³¹ Ibid.

³² Ibid, Section 10.4, page 44.

³³ Ibid, Section 11, page 44.

³⁴ Ibid, Section 12, page 44.

Havelock North. It is anticipated that there will be two one-hour gatherings at the church hall every week, on a Sunday morning and Monday evening.

- 67 The subject site is zoned Havelock North Character Residential and Discretionary Activity resource consent is required for the proposed activities. The Application was limited notified and four submissions in opposition have been received.
- 68 Having considered the matters raised in the submissions the Council s42A Report concludes that the proposal will not result in any adverse effects on the environment that cannot be appropriately avoided, remedied or mitigated in terms of section 104 (1)(a) of the RMA and I agree with that conclusion. I also agree with the s42A Report conclusion that the proposal is consistent with the relevant objectives and policies of the District Plan (the most relevant consideration under section 104(1)(b) of the RMA).
- 69 Accordingly, I consider that the above assessment demonstrates that consent is able to be granted under section 104B of the RMA to this Application.

SUGGESTED CONDITIONS

- 70 I agree with the intent and general appropriateness of the conditions recommended by Ms Morgan in Attachment 20 to the s42A Report. In terms of the details of those conditions however, I agree with the amendments recommended by Mr Hegley to make the conditions practicable and effects based.
- 71 The suggested amendment to Condition 2 will ensure that the condition is not contravened by people arriving prior to a 6.00am service or leaving after the completion of a service at 8.00pm. As Mr Hegley has demonstrated that the most restrictive nighttime noise limits will be complied with by the levels of noise likely to arise from the car park, there is no effects basis on which to justify the condition as drafted in Attachment 20. Accordingly, I consider the amendments suggested in My Hegley's statement of evidence to be appropriate.

- 72 Mr Hegley's suggested amendment to Condition 3 corrects a typographical error. I agree with the amendment proposed by Mr Hegley.
- 73 Finally, Mr Hegley recommends amendments to Condition 5 and I agree that the amendments are appropriate in avoiding duplication if the design is in accordance with Mr Hegley's building material recommendations. I also agree that it is appropriate to provide an option for an alternative construction method if certified by an acoustic consultant, as per Mr Hegley's recommended rewording.
- 74 I am happy to answer any questions at the hearing.



P A McKay

6 July 2023