

Friday, 21 July 2023

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

Kaupapataka

Agenda

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)

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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HASTINGS DISTRICT COUNCIL
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TE KAUNIHERA Ā-ROHE O HERETAUNGA

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:

Consultant Planner – Stella Morgan

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

Christine Hilton (Extn 5633)

Te Rārangi Take

Order of Business

1.0 Apologies & Leave of Absence – *Ngā Whakapāhatanga me te Wehenga ā-Hui*

2.0 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)

DOCUMENTS CIRCULATED FOR HEARING - COMPILED AS THREE SEPARATE DOCUMENTS

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

Attachments:

- | | | | |
|----|---|------------------|-------|
| 1 | Attachment 1 - Signed Hearing report s42A | RMA20220170#0034 | Pg 3 |
| 20 | Attachment 20 - Recommended Conditions | RMA20220170#0035 | Pg 49 |
-

The Applicant documentation can be viewed on the Council website.

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: 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)

1.0 Purpose and summary - *Te Kaupapa Me Te Whakarāpopototanga*

- 1.1 This is a covering report relating to a Limited Notified Resource Consent Application 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 Trust Inc (RMA20220170).
- 1.2 The reporting consultant planner's report is attached to this covering report and contains the details regarding this resource consent application and the planner's recommendations.
- 1.3 The other attachments included as part of the agenda documentation for this hearing are contained in separate attachment documents and are listed below.

2.0 Recommendations - *Ngā Tūtohunga*

The recommended conditions relating to this hearing are contained in an attachment to the planner's agenda report.

Attachments:

[1](#) Signed Hearing report s42A

RMA20220170#0034

⇨ 2	Initial Development Plans (Updated Plans are included under Attachment 13, in Volume 2 document)	72055#0004	Volume 1 document
⇨ 3	Description of Proposal and Assessment of Environmental Effects	72055#0005	Volume 1
⇨ 4	Infrastructure Report LHT Design Ltd - Stormwater Report.pdf	72055#0006	Volume 1
⇨ 5	Supporting Documents - HB Hazard Report	72055#0007	Volume 1
⇨ 6	Performance Standards Assessment - 21 April 2022.pdf	72055#0008	Volume 1
⇨ 7	s92 Further information Required Letter - 5 May 2022	RMA20220170#0025	Volume 2 document
⇨ 8	s92 Response - 18 May 2022	RMA20220170#0027	Volume 2
⇨ 9	Further s92 response - dated 20 May 2022 - Covering email and attachments - Landscape Design document (Greenleaf Nurseries) and LHT letter with Updated Stormwater Assessment)	RMA20220170#0033	Volume 2
⇨ 10	Section 92 response dated 23 May 2022	RMA20220170#0028	Volume 2
⇨ 11	Update from neighbours regarding noise generation - 7 June 2022	RMA20220170#0029	Volume 2
⇨ 12	Further information provided on areas for landscaping and SW front bdy fence - 15 June 2022	RMA20220170#0030	Volume 2
⇨ 13	Further response received 30 June 2022 - revised building siting for HRB compliance and details of construction materials - (Includes Updated Development Plans)	RMA20220170#0031	Volume 2
⇨ 14	P and E Morrison submission - 51 Reynolds Road	RMA20220170#0011	Volume 2
⇨ 15	M and D August submission - 43 Reynolds Road	RMA20220170#0012	Volume 2
⇨ 16	A Janes C Thomas submission - 38 Reynolds Road	RMA20220170#0013	Volume 2
⇨ 17	B Robertson Submission - 45 Reynolds Road	RMA20220170#0015	Volume 2
⇨ 18	Acoustic Report - Hegley Acoustic Consultants	RMA20220170#0016	Volume 2
⇨ 19	Email from Applicant (agreeable to noise conditions) - 31 May 2023	RMA20220170#0032	Volume 2
⇩ 20	Recommended Conditions	RMA20220170#0035	

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REPORT ON LIMITED NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER THE RESOURCE MANAGEMENT ACT 1991 (RMA)

REPORT TO: INDEPENDENT HEARING COMMISSIONER

HEARING DATE : 21 July 2023

FROM: STELLA MORGAN
CONSULTANT PLANNER ON BEHALF OF HASTINGS DISTRICT COUNCIL AS
CONSENTING AUTHORITY

SUBJECT: A LIMITED NOTIFIED APPLICATION FOR LAND USE RESOURCE CONSENT TO ERECT
AND OPERATE A CHURCH HALL (ONE-HOUR SERVICES TWICE WEEKLY)
COMPRISING APPROXIMATELY 88M² GROSS FLOOR AREA IN THE HAVELOCK
NORTH CHARACTER RESIDENTIAL ZONE.

NOTE: This report is not the decision on the application. This report sets out the advice
and recommendation of the reporting planner. This report has yet to be
considered by the hearing commissioner delegated by Hastings District Council to
decide this resource consent application. The decision will be made by the
hearing commissioner only after they have considered the application and heard
from the applicant, submitters, and Council officers.

1.0 APPLICATION DESCRIPTION

1.1 Application and Property Details

Application Number: RMA20220170

Applicant's Name: Hastings Gospel Hall Trust

Site Address: 32 Reynolds Road, Havelock North

Legal Description: Lot 8 DP 10013, RT HB189/78

Total Site Area: 0.0759 hectares

Lodgement Date: 27 April 2022

Limited Notification Date: 17 March 2023

Submission Period Closed: 18 April 2023

Number of Submissions Received: Total of 4 submissions, all in opposition and seeking that the consent be declined.

1.2 Application Documents

The list of application documents and plans are as set out in the recommendation forming part of this report.

1.3 Adequacy of Information

The information submitted with the application is sufficiently comprehensive to enable the consideration of the following matters on an informed basis:

- The nature and scope of the proposed activity for which resource consent is sought;

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- The extent and scale of the actual and potential effects on the environment;
- Those persons and/or customary rights holders who may be adversely affected; and
- The requirements of the relevant legislation.

One formal request for further information under section 92 of the Resource Management Act 1991 (RMA) was made in relation to this application for resource consent on the following date:

Date s92 Request Made by Council	Date Response Received from Applicant
5 May 2022 (HDC Ref: 72055#0010)	<p>Initial response received 18 May 2022 (HDC Ref: 72055#0009, #0011and #0012)</p> <ul style="list-style-type: none"> - Appropriateness of landscape species - Stormwater - Neighbourhood Character - Traffic Movement and Parking <p>Further response received 23 May 2022 (HDC Ref: 72055#0013)</p> <ul style="list-style-type: none"> - Examples of other small hall sites in the Hastings area - Description of anticipated noise activities <p>Further response received 7 June 2022 (HDC Ref: 72055#0015)</p> <ul style="list-style-type: none"> - Further description of anticipated noise activities <p>Further information received 15 June 2022 (HDC Ref: 72055#0022)</p> <ul style="list-style-type: none"> - Fencing - Landscaping - Stormwater calculations <p>Further response received 30 June 2022 (HDC Ref: 72055#0025)</p> <ul style="list-style-type: none"> - Details related to height in relation to boundary, building materials and estimated earthworks <p>Acoustic Assessment received 31 May 2023 (HDC Ref: RMA20220170#0016)</p>

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This report is prepared by:

Stella Morgan
Consultant Planner



Signed:

Date:

23 June 2023

Reviewed and approved for release by:

Caleb Sutton
Environmental Consents Manager, Planning and
Regulatory Services



Signed:

Date:

23 June 2023

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2.0 REPORTING PLANNER

2.1 Qualifications and Experience

My full name is Stella Ann Luoni Morgan. I am a Principal Planner and Director of Sage Planning (HB) Limited, a planning consultancy comprising three Principal Planners/Directors established in 2015.

I hold a Master of Regional and Resource Planning from the University of Otago and I am a full member of the New Zealand Planning Institute /Te Kokiringa Taumata.

I have been a practicing planner for over 30 years. My work experience includes the role of Principal Planning Consultant with WSP (Opus) in Napier, Intermediate Planner with Christchurch City Council, and Planner with Queenstown Lakes District Council and Johnston Anderson Whitney Consultants in Dunedin.

My experience as an Environmental Planner includes resource consent preparation and resource consent processing. I also have experience in district plan preparation and general policy work. I have also prepared and presented evidence to Council, and for Councils and other clients.

2.2 Code of Conduct

I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023, and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

3.0 THE PROPOSAL

3.1 Proposal

Hastings Gospel Hall Trust Inc (the Applicant) are proposing to construct and operate a single storey place of assembly ('the Hall'), with associated carpark, landscaping, and stormwater infrastructure, on a site located at 32 Reynolds Road, Havelock North, within the Havelock North Character Residential Zone.

In summary, the proposed development includes:

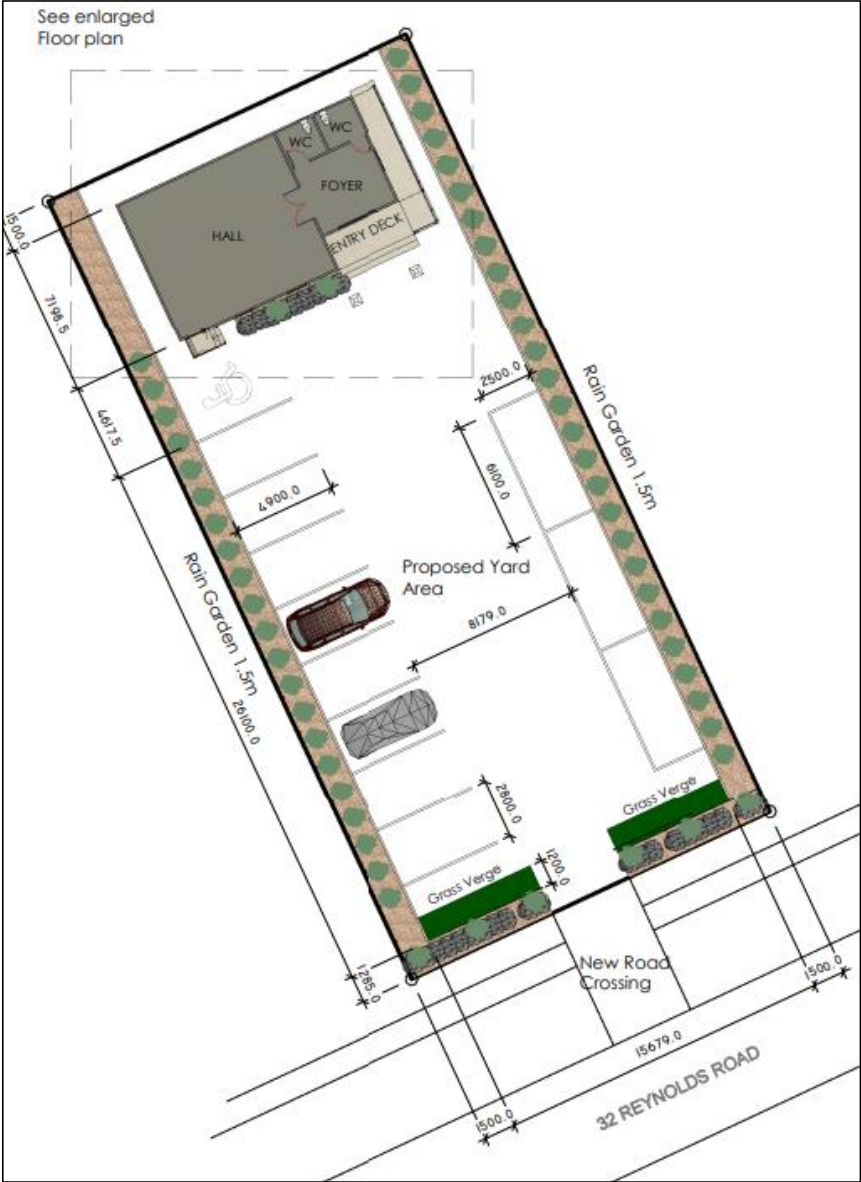
- Demolition of the existing dwelling and shed on the site.
- Approximately 325m³ of establishment earthworks.
- Construction of a single-storey building, comprising:
 - o 88m² gross floor area, with a maximum height of 5m;
 - o gable roof and weatherboard cladding; and
 - o a main hall area, two toilets, foyer, and entry areas.
- Associated carpark and stormwater infrastructure, comprising:
 - o formation of a hardstand area for 12 carparks, including one accessible carpark and associated manoeuvring space; and
 - o on-site soakage trench down either side of the carpark, with catch pits with Hynds Stormshield, for the detention and treatment of stormwater on-site.
- Boundary fencing and landscaping.

The Application includes an AEE by Mitchell Daysh Ltd (refer HDC Re: 72055#0005) – **ATTACHMENT 3** of this report.

Plans provided with the application include proposed site plans, artists impression showing landscaping, parking, and building, and elevations, and proposed stormwater layout and design – updated plans are contained in **ATTACHMENT 13** of this report.

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Figure 1 Proposed Site Plan¹



¹ Plan A2, amended 28 June 2022 (refer HDC Ref: 72055#0025)

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Figure 2 Proposed hall layout and elevations²



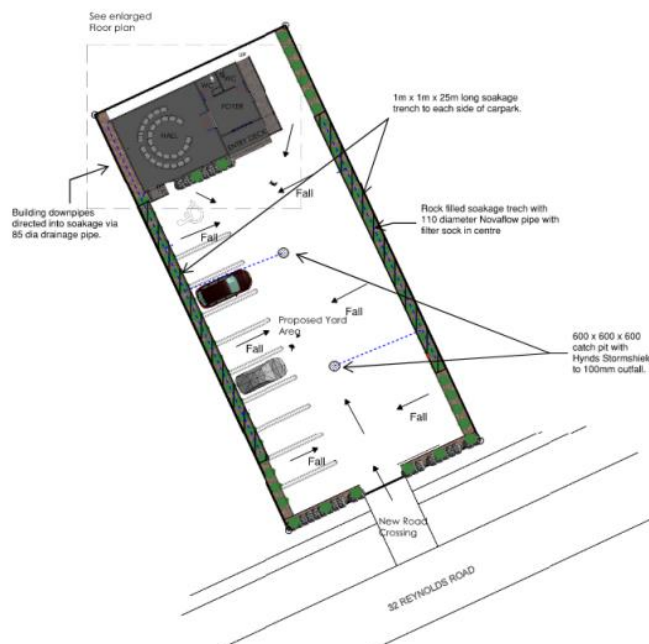
Figure 3 Artists impression of developed site³



² Plan A4, dated 12 April 2022 (HDC Ref: 72055#0004)
³ Plan A3, dated 12 April 2022 (HDC Ref: 72055#0004)

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Figure 4 Proposed Stormwater Layout & Design⁴



3.2 Hours of Operation and Site Activity

The nature of the activity including proposed hours of operation, numbers of people and associated traffic generation and parking are described in the AEE as follows:

'The proposed hall would be used on Sunday morning no earlier than 6.00am for a communion service and Monday evenings no later than 8.00pm for prayer meetings. Both assemblies are for durations of approximately one hour. There are no youth groups, loud music or other events proposed...

*Family groups comprising approximately 9-12 vehicles on average and a maximum of 45 people are estimated to use the hall for each meeting. On-site car parking is proposed for 12 vehicles which will provide sufficient car parking to avoid parking-related congestion on the street....'*⁵

3.3 Stormwater

A stormwater design report by LHT Design Consulting Engineers, submitted with the Application⁶, addresses stormwater management from the proposed building and impervious parking area (approximately 635m²). Components include:

- 'Gutters – 125mm box gutter
- Downpipes – 2 x 74mm diameter downpipes
- Catchpits – 600 x 600 x 600 catchpits with Hynds Stormshields to the outfall. Catch pits will be directed into 100mm drainage piping to the soakage trench and directed into the novaflo pipe.
- The down pipe will be directed into a 85mm site drain at a fall of 1:90 and directed into the soakage trench. Stormwater from the roof will be kept separated from carpark run off.'

⁴ pg 6-1, 'Report for Prostructure Ltd, 32 Reynolds Road, Havelock North Stormwater Design', LHT Design Limited Consulting Engineers (HDC Ref: 72055#0006)

⁵ pg 18, Applicant's AEE

⁶ pg 2-1, 'Report for Prostructure Ltd, 32 Reynolds Road, Havelock North Stormwater Design', LHT Design Limited Consulting Engineers (HDC Ref: 72055#0006).

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The LHT report states as follows:

'Due to the inability to get two rows of parking it is suggested the perimeter garden is increased to 1.5m each side. Above the soakage trench will be planted to minimize the stormwater generated and provide visual amenity.'

*At the time of this report a geotechnical investigation had not been undertaken. When comprehensive site testing is undertaken the Geotech engineer should comment on soakage capacity. As a result this report has conservatively estimated soakage at 5mm/hr. To provide overflow capacity for heavy rain events the design has considered both 1/10 year event, 1/50 year event and 1/100 year event.'*⁷

3.4 Site Access, Fencing, and Landscaping

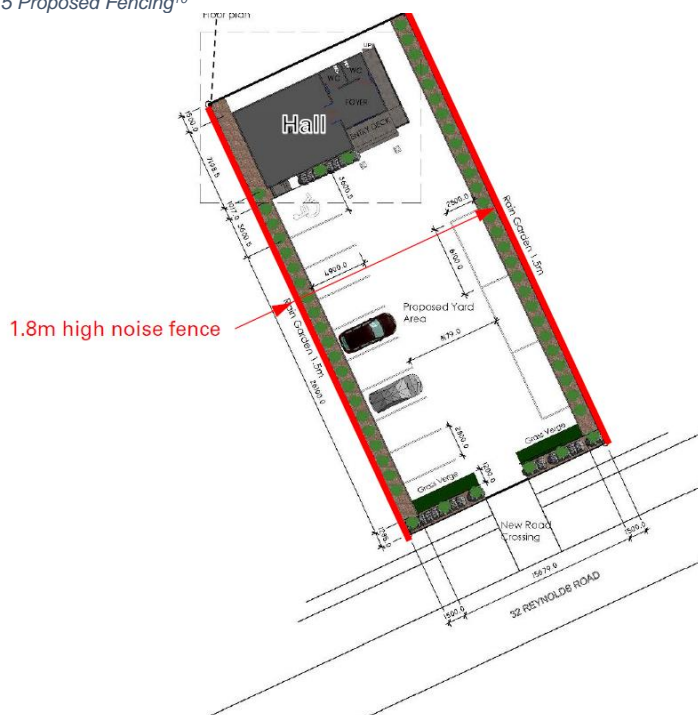
Site access is proposed via a new central crossing from Reynolds Road.

Fencing and landscaping proposed in the application as notified included:

- 1.8m high open pool-style steel frame fencing along the front boundary, and 1.8m high closed steel frame fencing along the rear boundary⁸.

As a result of the 'Assessment of Noise Report' by Hegley Acoustic Consultants⁹ commissioned by the applicant and completed after the application was limited notified, the applicant is now proposing 1.8m high noise fencing along the full length of the side boundaries – see image below:

Figure 5 Proposed Fencing¹⁰



⁷ Pg 2.1 LHT Design Ltd Stormwater Report dated 10 May 2022 (HDC Ref: 72055#0021)

⁸ Pg 6, Applicant's AEE.

⁹ Pg 7, 'Proposed Plymouth Brethren Church – 32 Reynolds Road, Havelock North – Assessment of Noise Effects', Hegley Acoustic Consultants (Report No 23040), June 2023 (HDC Ref: RMA20230170#0016).

¹⁰ Pg 6, 'Proposed Plymouth Brethren Church – 32 Reynolds Road, Havelock North – Assessment of Noise Effects', Hegley Acoustic Consultants (Report No 23040), June 2023 (HDC Ref: RMA20230170#0016).

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- Hedging is proposed along the side and front boundaries, consisting of a Cyprus conifer species, with 4 Liquidamber or similar deciduous trees along the front boundary with ground cover shrubs.

3.5 Additional Information Provided

Additional information was requested on 5 May 2022 and response provided as follows:

- Landscaping / Stormwater Neighbourhood Character / Traffic Movement and Vehicle Parking, dated 18 & 20 May 2022 (HDC Ref: 72055#0012 & #0009)
- Other Hall Sites, Number of Attendees and Potential Noise, dated 23 May 2022 (HDC Ref: 72055#0013)
- Noise Effects, dated 7 June 2022 (HDC ref 72055#0015)
- Fencing of Vehicle Parking, Landscaping and Stormwater, dated 15 June 2022 (HDC Ref: 72055#0022)
- Amended western boundary and Summary of Building Materials, dated 30 June 2022 (HDC Ref: 72055#0025)

After notification the following information was provided by the Applicant:

- 'Proposed Plymouth Brethren Church – 32 Reynolds Road, Havelock North – Assessment of Noise Effects' (Hegley Acoustic Consultants, Report No. 23040), received 31 May 2023 (HDC Ref: RMA2022170#0016)

4.0 THE SITE AND SURROUNDING ENVIRONMENT

A site visit was completed by the Reporting Officer on 19 June, 2023.

The Applicant's AEE describes the sites as follows:

'The site is rectangular in shape within an area of 0.0759ha. The site is relatively flat and currently contains one residential building and two (2) small garden or utility sheds.

The western side is bound by a transient space, being an accessway which serves two rear residential sites. The neighbouring residential building on the site to the rear of the property is largely shielded by an ancillary building on that site. An existing fence approximately 1.8m high and plantings on that site shield the residential building and outdoor living space on the neighbouring site to the east.

There is a low fence fronting the property and there are no mature trees or plantings along the front boundary. The existing berm tree appears to be in a poor state of health. The site has a smattering of various types of plants including a small number of mature trees, however, it is predominantly grassed...¹¹

Having visited the site, I agree with this description.

The wider Reynolds Road area comprises mixed-era low density residential housing with an appropriately 20m wide road corridor comprising 2 lanes and grass verges with deciduous trees planted at regular intervals along both sides of the road.

The northern side of Reynolds Road (where the site is located) is slightly lower than the southern side.

Residential sites are generally flat and rectangular in shape with low-height fencing or maintained low height hedges/shrubs along the street frontage.'

Figures 6 and 7 below show the layout of the existing site and the wider location.

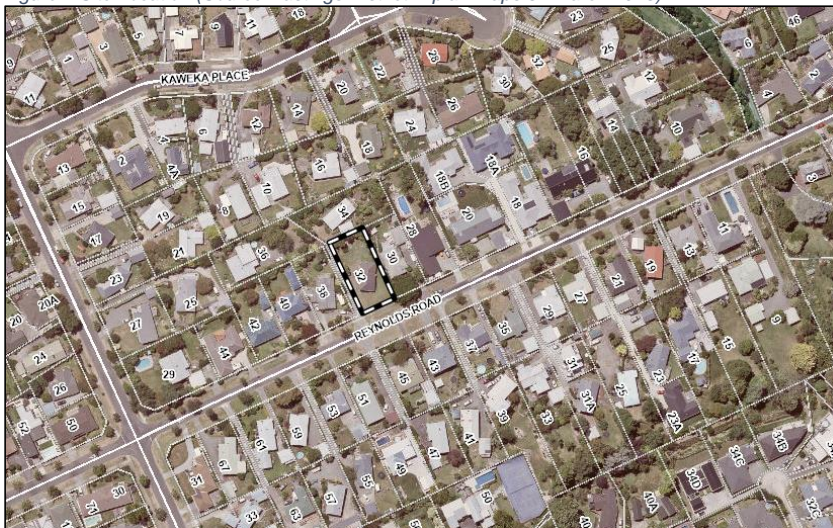
¹¹ pg 2 of Applicant's AEE (HDC Ref: 72055#0005)

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Figure 6 Existing Site (Source Hastings District E-plan maps dated 31 March 2023)



Figure 7 Site Location (Source Hastings District E-plan maps 31 March 2023)



5.0 REASONS FOR CONSENT AND ACTIVITY STATUS

5.1 National Environmental Standards

5.1.1 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NESCS)

There are no National Environmental Standards of relevance.

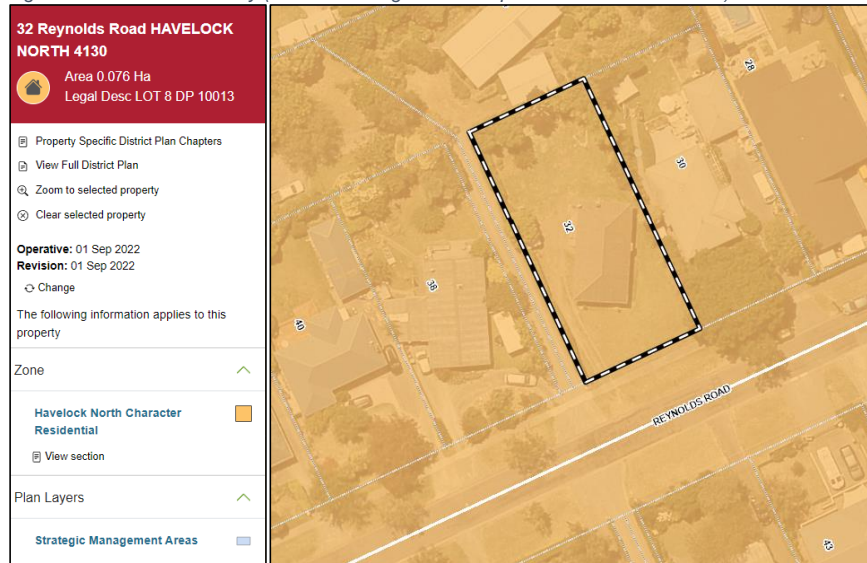
5.2 Operative Hastings District Plan (2020)

This resource consent application was lodged on 27 April 2022. All parts of the Hastings District Plan that are relevant to this application were declared operative on 15 March 2020, so the following assesses the proposal solely against the Hastings District Plan (partially operative).

The site is located within the Havelock North Character Residential Zone (see Figure 8 below).

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Figure 8 District Plan Overlay (Source Hastings District E-plan dated 31 March 2023)



5.2.1 Havelock North Character Residential Zone

The Havelock North Character Residential Zone provides for Places of Assembly as a 'discretionary activity' pursuant to Rule HNCR21.

5.2.2 District Wide Activity

The District Plan allows up to 50m³ of earthworks per residentially zoned site as a 'permitted activity' (Rule EM1). Earthworks exceeding this volume are to be assessed as a 'restricted discretionary activity' (Rule EM6).

The proposal involves 325m³ earthworks associated with developing the building platform and constructing the parking area therefore this aspect of the proposal must be assessed as a 'restricted discretionary activity'.

5.3 Overall Activity Status

Overall, the proposal will be considered as a **Discretionary Activity** being the most stringent status for all the activities being bundled above. This is consistent with the overall status assessed in the AEE accompanying the application.¹²

6.0 NOTIFICATION AND SUBMISSIONS

6.1 Notification

The application was limited notified 17 March 2023 following the determination on notification in accordance with section 95A to the owners/occupiers of the following properties:

- 30 Reynolds Rd
- 43 Reynolds Rd
- 45 Reynolds Rd
- 51 Reynolds Rd
- 38 Reynolds Rd
- 36 Reynolds Rd

¹² Section 3.1 (pgs 9 & 10), Applicant's AEE (HDC Ref: 72055#0005)

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- 34 Reynolds Rd

The submission period closed on 18 April 2023.

6.2 Submissions

6.2.1 Summary of Submissions

A total of 4 submissions were received on or before 18 April 2023. All the submissions received oppose the application and seek that the consent be declined.

The following table lists the submitters and the decisions they seek in relation to the application.

A copy of the submissions is provided in **ATTACHMENTS 14-17** of this report:

Submission Number	Name of Submitter(s)	Preferred Decision by HDC
1.	Amy Janes & Craig Joseph Henry Thomas (38 Reynolds Road)	Decline
2.	Melanie Anne August & David Michael August (43 Reynolds Road)	Decline
3.	Bruce & Dale Robertson (45 Reynolds Road)	Decline
4.	Philip & Elizabeth Morrison (owners of 51 Reynolds Road)	Decline

Several letters were also received by Council from Reynolds Road residents expressing concerns about the proposal from parties that were not limited notified. No statutory regard can be given to these letters, so I have not considered them in my assessment.

The following summarises key issues raised in the submissions. Please note that the matters listed below are only a summary of the key matters raised. Please refer to the full submissions as required.

- Loss of an established residential property in a time of housing shortage – no kitchen or domestic facilities so can never be used for housing or as a facility that welcomes the neighbourhood community of Reynolds Road.
- Proposal is for a non-residential purpose for people who live outside of the neighbourhood, and there are no other non-residential activities known on the street – not appropriate in a character residential zone.
- A private assembly hall of people who refuse to associate with the neighbours and do not welcome them at their premises does not reflect the existing tight knit community of Reynolds Road.
- Impact on the residential character of Reynolds Road from majority of the site as a sealed carpark, and the proposed building is considered unattractive.
- Increase in noise and traffic in Reynolds Road in early hours with vehicles arriving in short succession, opening the proposed sliding gate, and people opening and shutting car doors before 6am or after 8pm, in an otherwise quiet street.
- No noise assessment carried out, and the noise that would be generated has been understated.
- Potential of 6 vehicles parking on the road side is a concern as the carriageway width is designed for low volume of traffic, not regular meetings.
- No confidence that the use will be restricted to the two meetings per week applied for – what is to stop regular meetings making use of the hall as a drop off point – concern about a lack of safeguards against violations of the agreed limited use of the site.

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- Applicant has previously misrepresented their intentions – neighbours were told it was purchased to help family members get on the property ladder.
- Earthworks and earth moving vehicles traversing fragile water pipes in Reynolds Road.
- Concern that the application was not notified to all residents of Reynolds Road.
- Concern that proposal will deter potential purchasers of properties in Reynolds Road and may affect property values.
- Concern that proposal has the potential for encouraging other non-community participating households belonging to the same denomination to also locate on the street.
- Request that the Applicant seek an alternative site in a non-residential area.

6.3 Further Information received following close of submissions

Following close of submissions, the Council received an 'Assessment of Noise Effects' report prepared by Hegley Acoustic Consultants, commissioned by the Applicant and dated June 2023. A copy of that report is attached in **ATTACHMENT 18** of this report.

6.4 Written Approvals

No written approvals were provided with the application.

7.0 STATUTORY CONSIDERATIONS

Subject to Part 2 of the RMA, section 104(1) sets out those matters that the consent authority must have regard to sections 104(1), 104B and 108 of the RMA when considering any application for a Discretionary Activity.

Section 104 – Consideration of applications

- (1) *When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to-*
- (a) *any actual and potential effects on the environment of allowing the activity; and*
 - (ab) *any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
 - (b) *any relevant provisions of-*
 - (i) *a national environmental standard;*
 - (ii) *other regulations;*
 - (iii) *a national policy statement;*
 - (iv) *a New Zealand coastal policy statement;*
 - (v) *a regional policy statement or proposed regional policy statement;*
 - (vi) *a plan or proposed plan; and*
 - (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*
- [...]
- (2) *When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.*
- (3) *A consent authority must not,—*
- (a) *When considering an application, have regard to—*
 - (i) *trade competition or the effects if trade competition; or*
 - (ii) *any effect on a person who has given written approval to the application;*
 - (b) *[repealed]*
 - (c) *grant a resource consent contrary to—*
 - (i) *section 107, 107A, or 217;*

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- (ii) *an Order in Council in force under section 152:*
- (iii) *any regulations*
- (iv) *wahi tapu conditions included in a customary marine title order or agreement;*
- (v) *section 55(2) of the Marine and Coastal Area (Takutai Moana) Act 2011:*
- (d) *grant a resource consent if the application should have been notified and was not.*

As a Discretionary Activity, the Council may grant or refuse consent under section 104B and may impose conditions under section 108.

Section 104B – Determination of applications for discretionary or non-complying activities

- (1) *After considering an application for a resource consent for a discretionary or non-complying activity, a consent authority-*
 - (a) *may grant or refuse the application; and*
 - (b) *if it grants the application, may impose conditions under section 108.*

8.0 ACTUAL AND POTENTIAL EFFECTS ON THE ENVIRONMENT - s104(1)(a)

8.1 Effects that must be disregarded

Any effect on a person who has given written approval to the application must be disregarded under section 104(3)(a)(i).

No written approvals were provided with the Application.

8.2 Assessment of Effects

An AEE must address the following environmental effects (Clause 7 Schedule 4, RMA):

- (1) *An assessment of the activity's effects on the environment must address the following matters:*
 - (a) *any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects:*
 - (b) *any physical effect on the locality, including any landscape and visual effects:*
 - (c) *any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity:*
 - (d) *any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations:*
 - (e) *any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants:*
 - (f) *any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations.*
- (2) *The requirement to address a matter in the assessment of environmental effects is subject to the provisions of any policy statement or plan.*

While having regard to the above, the following assessment of environmental effects is prepared having:

- analysed the application (including any proposed mitigation measures and further information submitted by the Applicant in response to the Council's further information request under section 92 of the RMA);
- visited the site and surrounds – a site visit was conducted 19 June 2023; and
- reviewed the submissions received.

The following is an assessment of the adverse effects on the environment in relation to:

- effects on neighbourhood character;
- effects on amenity values:
 - visual effects;
 - noise effects;
 - traffic and parking effects; and

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- construction effects.
- effects on infrastructure (road access, water, wastewater, and stormwater);
- effects on aesthetic, recreational, scientific, historical, spiritual, or cultural values;
- effects of natural hazards; and
- other matters.

8.2.1 Effects on Neighbourhood Character

Submitters have raised concerns that the proposal is for a non-residential purpose in an established residential neighbourhood, that it will be out of character with the rest of the street, and that it represents a loss of a residential property in a time of housing shortage.

There is also concern evident in the submissions about the building being used as a private assembly hall for people who live outside of the neighbourhood rather than being a facility that is open and welcoming to the existing neighbouring community, and a belief that this exclusivity will be out of character with the existing tight-knit community of Reynolds Road. Submitters question why the application was not notified to all the residents of Reynolds Road.

One of the submitters suggests the Applicant seeks an alternative site in a non-residential area.

In terms of assessing the adverse effects of the proposal on neighbourhood character, the Resource Management Act requires an assessment of the activity's effects on the environment, including 'any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects' (clause 7, Schedule 4 RMA).

Any consideration of effects, however, is completed in the context of the provisions and policies in the District Plan. Taking that into account, I note the Hastings District Plan provides for 'Places of Assembly' across the District, as follows (highlighted text emphasises the zone that applies to this proposal):

Zone	Status
Hastings Commercial Zone / Flaxmere Community Residential Zone / Open Spaces Zones	Permitted
Havelock North Retail Zone / Flaxmere Residential Zone	Restricted Discretionary Non-Notified
Plains Settlement Zone / Hastings General Residential Zone / Clive Whakatu Residential Zone / Haumoana Te Awanga Residential Zone / Coastal Settlements Zone / Waimarama Settlement Zone	Restricted Discretionary
Rural Residential Zone / Tukituki Special Character Zone / Havelock North Character Residential Zone / Te Mata Special Character Zone	Discretionary
Rural Zone / Nature Preservation Zone / Plains Production Zone / Flaxmere Commercial and Commercial Service Zones / Industrial Zones	Non-complying activity

The 'Introduction' to the Havelock North Residential Character Zone chapter states:

'There is also recognition that some non-residential activities can be provided for in the Residential Zone. However, there is concern that such activities can be incompatible with the surrounding residential uses, and can therefore create negative effects such as noise, car parking congestion, and loss of visual amenity. The effects of non-residential activities must be made compatible with those of residential activities. Some non-residential activities, such as schools, day care centres and churches, have a convenience role in a residential setting and the positive effects, such as reduction in travel time, should be recognised. These activities should be provided for but at the same time require controls to limit the extent of effects on surrounding properties.'

In this sense, as a specified 'discretionary activity' in the Havelock North Residential Character Zone, the District Plan anticipates places of assembly being located in this zone, subject to the effects being compatible with those of residential activities.

With that in mind, I have assessed the compatibility of the proposed activity with those of residential activities.

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In my opinion, the proposed activity is small in nature and scale. From a visual perspective, the proposed building and associated fencing and landscaping is not dissimilar in size and appearance to that of a small single-storey, gable-roof residential dwelling.

The use of the site to the exclusion of the general public is the prerogative of the landowner, as is the case for any other private property, and is not something that can be addressed when considering a resource consent application. It is not known if the proposed hall is meeting a local need or not but, in my opinion, it is likely meeting a wider community need, albeit serving a specific congregation/community.

I consider the low level of activity (maximum of 45 people, confined to two 1-hr meetings per week) is potentially less intrusive in the neighbourhood than a residential activity occupying the site all day, every day. A residential activity may involve a home occupation or social events and activities with the potential to be considerably more dynamic and noisy, more often, and for longer periods of time. Under this proposal, the site would remain empty with no people or vehicles coming and going for the vast majority of the time.

I also consider that with the additional mitigation measures proposed by the Applicant (such as measures to reduce potential noise through closing windows and external doors while in use and installing noise fences; managing stormwater on-site through low impact stormwater design; provision of adequate on-site parking; and the landscape planting proposed), any actual or potential adverse effects on the character of the immediate neighbourhood will be further reduced.

For these reasons, I am of the opinion that the proposed activity will have a less than minor adverse effect on neighbourhood character.

Submitters voice a lack of confidence that the use will be restricted to the two meetings per week applied for, and question what measures would be in place to prevent the Applicant from exceeding the agreed limited use of the site.

In terms of any exceedance of the agreed limited use of the site, a resource consent is generally accompanied by a set of consent conditions that the consent holder must abide by, and these are subject to monitoring and, where there is found to be a breach, enforcement procedures. The first condition of any resource consent generally requires that the consent be carried out in accordance with the documents, drawings, and all supporting technical information submitted with the application. In that sense, the documentation supporting this application clearly states that the activity is limited to two 1-hr meetings per week for up to 45 people (along with other specifications).

If any of these limits as applied for are exceeded, the consent holder would not be complying with their consent conditions, and Council would be obligated to require them to comply. If they wish to amend their consent, the consent holder would have to formally apply for consent to vary their conditions, which would be the subject of a fresh assessment of the altered activity and its effects on the environment, and may or may not be granted. The potential for this to eventuate is not something that can be considered in assessing the current application, as it is speculative.

8.2.2 Effects on Local Amenity Values

Amenity values are defined in the RMA as:

“meaning those natural and physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes”

Potential effects on amenity values associated with the proposed activity relate primarily to visual, noise, and traffic effects, both during construction and afterwards with the ongoing presence and operation of the proposed Hall.

8.2.2.1 Visual Effects

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Submissions raise concern about the impact on the residential character of Reynolds Road from most of the site being sealed for a carpark, and one submitter considers the proposed building to be unattractive.

I concur with the following assessment provided in the Applicant's s92 response, as follows:

'The Havelock North Residential Environment is described in Section 4.3.4.2 of the Assessment of Environmental Effects (AEE). This description includes a description of the landscape character and the architectural character of the Havelock North Residential Character Zone, within which the site is located. Figure 5 of the AEE demonstrates that the character of Reynolds Road is as described in Section 4.3.4.2. In particular, Reynolds Road is characterised by:

- *Trees and landscaping are the dominant visual elements with plantings typically located at the front of properties;*
- *Buildings are broken up by and in some cases screened behind hedges, fences and mature exotic trees;*
- *Varied fence heights and landscaping means that the streetscape changes as the observer's viewpoint changes;*
- *The use of exotic specimens means that the streetscape changes with the seasons;*
- *Architecture is mixed without a high concentration of any one style representative of an era in building style;*
- *The majority of buildings are single story and are set towards the middle or back of the property; and*
- *The majority of sites have a primary residential building and some sites have smaller ancillary buildings such as garages and/or garden sheds.*

The proposal is consistent with this character by ensuring greenery, in the form of tree species, is planted towards the front of the property, screening the buildings and carparking in a manner consistent with neighbouring properties. It is considered that the proposed planting will actually improve the coherency of the site within this character zone as it will provide an increased level of screening and higher level of vegetation at the front of the property than is the case with the previous residential use of the property. The use of exotic and a mix of deciduous and evergreen varieties is similar to the landscaping of surrounding properties and maintains the interest and seasonal change of the streetscape.

The proposal is for a single, one-story building of approximately 88m², which equates to approximately 12% of the site and is well within permitted standards for the zone. The proposed building design has a gabled roof and weatherboard cladding. This design, scale and height is similar to the existing dwelling on the property, and with neighbouring buildings which have weatherboard cladding, gabled roofs and planting which obscures the visibility of buildings but does not necessarily completely hide them...'¹³

The Applicant also responded by attaching a letter from Dan Sankey of Greenleaf Nurseries specifying the plant selection criteria and a summary of the type of vegetation to be used at the site, as confirmation that the species proposed for the landscaping are appropriate for the intended function and that they do not have adverse effects on adjacent neighbours or the road¹⁴.

As stated above, from a visual perspective, I consider the proposed building and associated fencing and landscaping is not dissimilar in scale and appearance to that of a small single-storey, gable-roof residential dwelling. The construction materials are in keeping with the style of residential building in the locality.

¹³ 'Response to s92 request – RMA 20220170, Hastings Gospel Hall Trust, 32 Reynolds Road, Havelock North' letter from Mitchell Daysh Ltd (Applicant's agent) dated 18 May 2022 (HDC Ref: 72055#0012).

¹⁴ 'Response to s92 request – RMA 20220170, Hastings Gospel Hall Trust, 32 Reynolds Road, Havelock North' letter from Mitchell Daysh Ltd (Applicant's agent) dated 18 May 2022 (HDC Ref: 72055#0012).

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Whilst the site will have a significant area of sealed carpark, this is softened by the proposed fencing and the planting of hedges and trees along the front boundary, and would be largely screened from adjoining properties by the presence of standard 1.8m high solid fencing proposed for the full length of the side and rear boundaries. Additional hedging is proposed along the side boundaries.

Given the above, I am satisfied that the visual effects of the proposed development will be less than minor.

8.2.2.2 Noise Effects

The Applicant addresses noise effects as follows:

*'The proposal relates to gathering of family groups, twice a week for durations of approximately 1 hour each. No loud events or youth group meetings are proposed. As such, any noise effects of the proposed use are considered to be cohesive to the residential zone and no more than minor.'*¹⁵

However, an increase in noise and traffic in Reynolds Road in the early hours, with vehicles arriving in short succession, opening the proposed sliding gate, and people opening and shutting car doors before 6am or after 8pm, in an otherwise quiet street has been raised as a concern by submitters, and a belief that noise effects have been understated in the application. One submitter queried the lack of a noise assessment accompanying the application.

I note that there was no noise assessment submitted in support of the application at the time of lodgement. However, in response to Council's s92 further information request for 'comments from a qualified person that the noise generated by the activity is not adverse to the amenity values of neighbours...' ¹⁶, the Applicant responded in an email dated 23 May 2022¹⁷, that:

'...the main noise effect arising from the proposal is considered to be the sound of car doors closing when congregants arrive and leave from meetings. Families are encouraged to shut their doors carefully to minimise slamming. While meetings may begin at 6am, for the last 2 years Sunday morning meetings have typically been held at 9am. Anecdotal evidence provided by Andy is that at another similarly sized site, neighbours were unaware of 6am services occurring because noise effects were minimal.

The numbers of regular attendees is not expected to increase significantly as larger meetings are held at the Percival Road site. Meetings do not include drums or amplified music or signing. The hall is proposed to be built with double glazing and sound batts which will further mitigate any noise effects. There is no skateboarding or other recreational use of the hardstand and a gate is proposed to ensure the area is not used for those purposes by the general public.'

The Applicant has since commissioned and supplied an 'Assessment of Noise Effects' report by Rhys Hegley of Hegley Acoustic Consultants. This was received on 31 May 2023, after the close of submissions. The noise report is attached in **ATTACHMENT 18** of this report.

Mr Hegley has assessed the proposal with proposed mitigation in place, to determine compliance with the relevant standards and assess what the noise effects of the proposed development are likely to be. The analysis was based on a prediction method of assessment¹⁸, and measurements of similar activities at other sites, including vehicles manoeuvring within a church car park and singing within a church¹⁹.

¹⁵ pg 25 of Applicant's AEE (HDC Ref: 72055#0005)

¹⁶ HDC s92 further information request letter dated 5 May 2022 (HDC Ref: 72055#0010)

¹⁷ Email to HDC from Ellen Robotham (Mitchell Daysh Ltd) on behalf of the Applicant, dated 23 May 2022 (HDC Ref: 72055#0013)

¹⁸ pg 4, 'Proposed Plymouth Brethren Church – 32 Reynolds Road, Havelock North – Assessment of Noise Effects', Hegley Acoustic Consultants (Report No 23040), June 2023 (HDC Ref: RMA20230170#0016).

¹⁹ pg 5, 'Proposed Plymouth Brethren Church – 32 Reynolds Road, Havelock North – Assessment of Noise Effects', Hegley Acoustic Consultants (Report No 23040), June 2023 (HDC Ref: RMA20230170#0016).

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Mitigation proposed in the noise report (and formally offered by the Applicant²⁰) is as follows²¹:

'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.

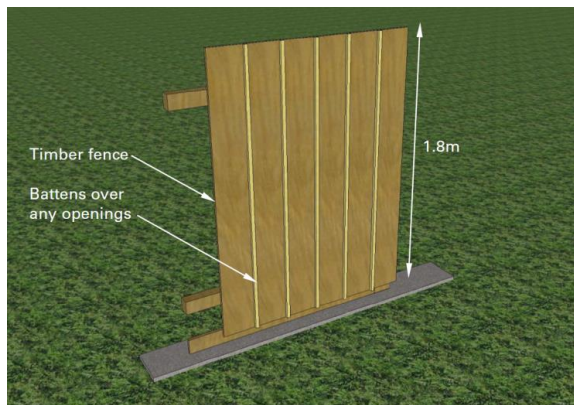


Figure 2. Suitable Wall Detail

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:

- 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 (≥8.4kg/m²).

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 (≥6.4kg/m²).

Glazing

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

²⁰ Email to Stella Morgan (Consultant Reporting Officer for HDC) from Philip McKay (Mitchell Daysh Ltd) on behalf of the Applicant, dated 31 May 2023. (HDC Ref: RMA20230170#0024).

²¹ pgs 7-9, 'Proposed Plymouth Brethren Church – 32 Reynolds Road, Havelock North – Assessment of Noise Effects', Hegley Acoustic Consultants (Report No 23040), June 2023 (HDC Ref: RMA20230170#0016).

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External Doors

- 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.'

The report tabulates the results of the assessment in terms of rating noise levels, as follows²²:

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.'

The noise report concludes as follows²³:

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

On the basis of the above assessment by a suitably qualified acoustic engineer, I am satisfied that with the mitigation proposed and secured through conditions of consent, noise effects from the proposed activities will be less than minor.

8.2.2.3 Roading and Traffic Effects

²² pg 10, 'Proposed Plymouth Brethren Church – 32 Reynolds Road, Havelock North – Assessment of Noise Effects', Hegley Acoustic Consultants (Report No 23040), June 2023 (HDC Ref: RMA20230170#0016).

²³ pgs 11/12, 'Proposed Plymouth Brethren Church – 32 Reynolds Road, Havelock North – Assessment of Noise Effects', Hegley Acoustic Consultants (Report No 23040), June 2023 (HDC Ref: RMA20230170#0016).

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In terms of traffic movements associated with the proposed activities, the application states that:

'Family groups comprising approximately 9 – 12 vehicles on average and a maximum of 45 people are estimated to use the hall for each meeting. On-site car parking is proposed for 12 vehicles which will provide sufficient car parking to avoid parking-related congestion on the street. Given the limited number of proposed meeting times and small number of attendees, the activity is not likely to generate significant traffic movements.'

Submitters are concerned about an increase in traffic in Reynolds Road in the early hours with vehicles arriving in short succession before 6am or after 8pm, and the potential for 6 vehicles parking on the road side as they consider the carriageway width is designed for a low volume of traffic, not regular meetings.

In response to Council's s92 further information request to quantify the traffic volume and pattern of movement generated by the proposal and provide tracking curves on the site plan to show manoeuvrability for all car parks, and to confirm there is a gate and how it functions, the Applicant has provided the following response²⁴:

'Up to 45 people comprising family groups are estimated to use the proposed building at any one time. Based on an anticipated 9 vehicle movements occurring twice a week (Sunday morning and Monday evening), this equates to an average of 2-3 traffic movements per day across a 7-day period.'

The operative Hastings District Plan (District Plan) includes design standards for parking spaces to ensure motorists are able to easily and safely manoeuvre in and out of parking spaces. That is minimum widths and lengths of parking stalls for various configurations including 900 and parallel as proposed, and minimum depths for the associated manoeuvring isle. These standards have been complied with as shown on the site plan. Additional space of approximately 11m by 7m is available in front of the building entrance which would allow for three-point turns if needed. The 2003 Hastings District Plan included traffic sightlines in Appendix 14.1-1(A).

These required a minimum turning radius of 6.3m and minimum overhang radius of 6.6m. The proposal includes a manoeuvring space of over 8m, well in excess of the 2003 requirements. Recommended percentile car tracking curves are not included in the District Plan so it is unclear what dimensions are anticipated to be applied in this case. Given the compliance with the District Plan car park dimensions and manoeuvring isle widths which are based on safely accommodating standard passenger vehicles for parking and manoeuvring, it is respectfully suggested that there is no need to follow this information up with separate vehicle tracking curve diagrams.

A sliding gate is proposed to be installed which would be manually operated.'

Council's Development Engineer has reviewed the proposal and not identified any concerns in relation to traffic generation as a result of this proposal. They are also satisfied that the anticipated traffic generated by the proposed activities and the associated pattern of movement can be safely accommodated within the existing Reynolds Road environment, and that the on-site carpark is of sufficient dimension to safely accommodate the proposed vehicle movements and manoeuvrability.

On the basis of the above, I am satisfied that with standard conditions of consent in place to ensure safe vehicle access, and on-site parking and manoeuvring, traffic effects from the proposed activities will be less than minor.

8.2.2.4 Construction Effects

Construction effects include dust and noise associated with earthworks and overall establishment of the carparking area and building site.

²⁴ 'Response to s92 request – RMA 20220170, Hastings Gospel Hall Trust, 32 Reynolds Road, Havelock North' letter from Mitchell Daysh Ltd (Applicant's agent) dated 18 May 2022 (HDC Ref: 72055#0012).

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The proposed development is relatively small scale, similar to that anticipated with construction of a residential dwelling and associated fencing and landscaping activities. Further, any construction activities will be short term in nature and therefore any effects will be temporary. Standard conditions of consent generally include conditions requiring Contractors undertaking development activities to adhere to NZS 6803:1999: Acoustics - Construction Noise and Hastings District Council's Engineering Code of Practice.

One submitter raises concerns about earthworks and earth moving vehicles traversing fragile water pipes in Reynolds Road. Council's Development Engineer has advised that they do not have any knowledge of fragile pipes in Reynolds Road and general engineering conditions of consent will address any potential for damage to occur.²⁵

Given construction activities associated with the proposed development will be of limited duration and relatively small scale, and with standard conditions of consent imposed, I consider that any adverse effects as a result of construction activities will, overall, be less than minor.

8.2.2.5 Summary of Effects on Amenity Values

Given the above, I am satisfied that, overall, any adverse effects of the proposal on amenity values in terms of visual effects, noise generated, traffic and parking effects, and construction effects, will be small in scale and less than minor.

8.2.3 Infrastructure Effects

8.2.3.1 Stormwater Runoff Effects

A Stormwater Report prepared by LHT Design Ltd, Consulting Engineers was provided with the Application. That report demonstrates how the use of rain gardens, soakage trenches and catch pits will be utilised to ensure negative environmental effects of stormwater runoff are avoided, remedied, or mitigated by the detention and treatment of that stormwater.

The stormwater report states²⁶:

The site as per the Prostructure proposal will be light use, similar to residential. The storm water design for the new development is all stormwater collected via the roof and hardstand area is directed into onsite soakage. To prevent carpark run off being transferred directly to soakage the catch pits with Hynds Stormsheilds installed to the outfall.

Due to the inability to get two rows of parking it is suggested the perimeter garden is increased to 1.5m each side. Above the soakage trench will be planted to minimize the stormwater generated and provide visual amenity.

At the time of this report a geotechnical investigation had not been undertaken. When comprehensive site testing is undertaken the Geotech engineer should comment on soakage capacity. As a result this report has conservatively estimated soakage at 5mm/hr. To provide overflow capacity for heavy rain events the design has considered both 1/10 year event, 1/50 year event and 1/100 year event.'

In response to a further information request to provide more commentary around the performance of the stormwater design, the Applicant provided the following response, along with an accompanying letter and updated stormwater assessment from LHT Design Ltd²⁷:

'LHT Design Ltd has provided a letter and updated stormwater assessment which are attached. The letter confirms that the soakage trench is to be set at a depth appropriate for the selected plant species described in the Greenleaf Nurseries letter.

²⁵ Refer email from Council Development Engineer to Council Planner dated 19 June 2023 (HDC ref: 7205#0017)

²⁶ pg 2-1, 'Report for Prostructure Ltd, 32 Reynolds Road, Havelock North Stormwater Design', LHT Design Limited Consulting Engineers (HDC Ref: 72055#0006).

²⁷ 'Response to s92 request – RMA 20220170, Hastings Gospel Hall Trust, 32 Reynolds Road, Havelock North' letter from Mitchell Daysh Ltd (applicant's agent) dated 18 May 2022 (HDC Ref: 72055#0012).

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The updated stormwater assessment includes consideration of a 1 in 100 year event. It confirms that the proposed system provides sufficient capacity for a 1 in 100 year event.

Regarding the function of the narrow yards to the north and west of the proposed building, the area shown in brown is unvegetated soakage trench as shown on page 9 of the updated stormwater assessment. The strip to the north is proposed impervious surface which has been incorporated into the stormwater assessment. These areas are not proposed to be vegetated given the difficulty in accessing these areas for landscaping maintenance and shading from the close proximity of the proposed building and fence. This is not considered to adversely affect the character of the Havelock North Residential Character Zone, or the amenity of neighbours because the fencing which is visible to neighbours is of a design appropriate for the zone and residential character of the neighbourhood, and because these areas are not visible to the public from any other location.'

Council's Development Engineer has reviewed the proposal and updated stormwater assessment and is satisfied that stormwater from this development can be appropriately accommodated on site²⁸.

On that basis, I am satisfied that the stormwater design will adequately address a 1 in 100 year event within the site, and that it is suitable for the development proposed, and therefore that any potential adverse effects from stormwater runoff can be adequately mitigated on-site to be less than minor.

8.2.3.2 Servicing Effects (water, waste and stormwater)

The proposed Hall will be connected to Council's reticulated water and wastewater networks and as outlined above, stormwater will be managed on site and there will be no effects beyond the site. Therefore, I conclude there are no adverse servicing effects.

8.2.4 Effects on Aesthetic, Recreational, Scientific, Historical, Spiritual, or Cultural Value

No particular matters have been raised with respect to any potential for adverse effects on resources containing aesthetic, recreational, scientific, historical, spiritual, or cultural values. No sites of value are identified within the location of the proposed activity.

I therefore am satisfied that there will be no adverse effects on aesthetic, recreational, scientific, historical, spiritual, or cultural values or resources as a result of this proposal.

8.2.5 Natural Hazards

I concur with the assessment contained in the Applicant's AEE in relation to risks from natural hazards, as follows²⁹:

'In terms of natural hazards, the Regional Natural Hazards Portal report on the site (attached in Appendix 3), confirms that flood risk is low, liquefaction damage is unlikely and that earthquake amplification is moderate-low. Appropriate management will be provided with the application for building consent and can therefore be considered to be satisfactorily addressed through that process. Accordingly, it is considered that any risks from natural hazards will be able to be appropriately mitigated.'

I am satisfied that any risks from natural hazards can be appropriately managed through the building consent process and will be less than minor.

8.2.6 Effects on Potentially Affected Landowners

²⁸ Refer email from Council Development Engineer to Council Planner dated 9 January 2023 (HDC ref: 7205#0002); and email to consultant planner dated 19 June 2023 ((HDC ref: 7205#00017);

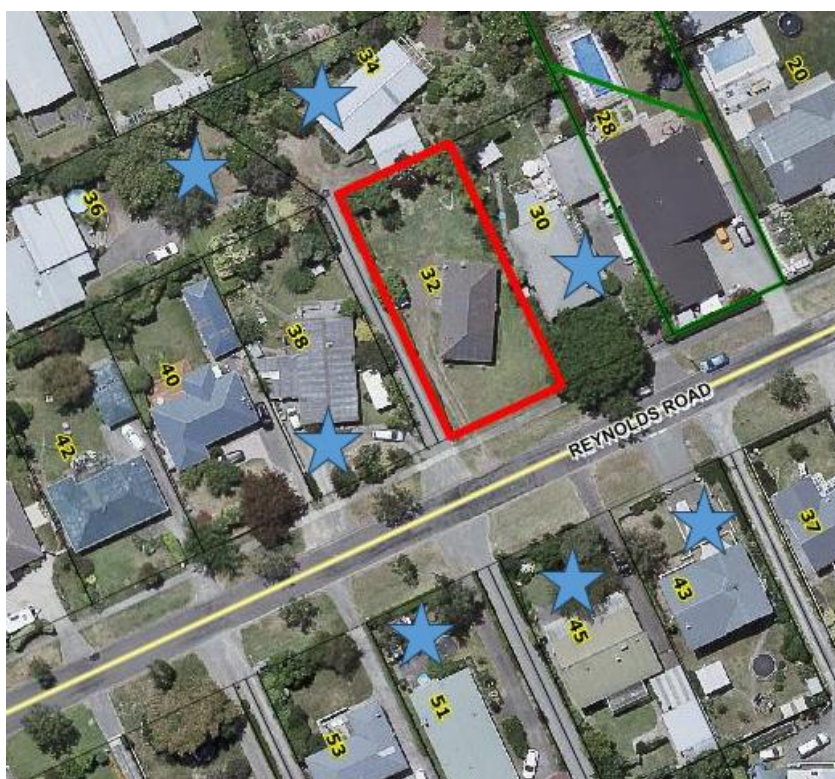
²⁹ pg 13, Applicant's AEE (HDC Ref: 72055#0005)

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Potential effects for notified adjacent landowners include visual, and noise amenity effects as well as construction effects. Landowners who were identified in the S95A & 95B Notification Report³⁰ as potentially affected include:

PID	SURNAME	ADDRESS
72054	E J Frost and G D Frost	30 Reynolds Rd
72056	C S Bedford and E o A Bedford	34 Reynolds Rd
72057	J D & KJ Davidson	36 Reynolds Rd
72058	A Janes & C J H Thomas	38 Reynolds Rd
72078	D M August and M A August	43 Reynolds Rd
72076	B G and D C Robertson	45 Reynolds Rd
72073	E N & J E & PS Morrison	51 Reynolds Rd

Figure 9: Location of Notified Sites



30, 34, 36 and 38 Reynolds Road

³⁰ Pg 14 of S95A & 95B Notification Report (HDC ref 7205#001#0014)

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30 and 38 Reynolds Road front on to Reynolds Road, are located to the east and west of the Applicant site. 34 and 36 Reynolds Road are located to the rear of the Applicant site, sharing an accessway that runs between 38 Reynolds Road and the Applicant site. These properties are located on a flat contour similar to the Applicant site.

Visual Effects

As set out above, the proposal involves a small-scale building with 1.8m high acoustic fencing and landscaping along the east and western boundaries and 1.8m high closed steel frame fencing along the rear boundary³¹. In that sense it is not dissimilar to a residential development.

In my opinion with the fencing and landscaping proposed and the small scale of development any visual effects on these properties will be negligible.

Noise Effects

As set out above, the Applicant has provided an acoustic report and is agreeable to the building and fencing specifications recommended in that report. With appropriate conditions in place to reflect these specifications, any noise effects on these properties from people arriving, leaving and being on site will be less than minor.

Construction Effects

As set out above any construction activities will be short term in nature and therefore any effects will be temporary. Standard conditions of consent generally include conditions requiring Contractors undertaking development activities to adhere to NZS 6803:1999: Acoustics - Construction Noise and Hastings District Council's Engineering Code of Practice.

In my opinion construction effects on these properties are within an acceptable range anticipated in a residential area.

43, 45 and 51 Reynolds Rd

43, 45 and 51 Reynolds Road are located directly opposite the Applicant's site. These properties are located on a slight rise above Reynolds Road. The Reynolds Road corridor in this location is approximately 18 m in width, comprising two lanes and a grass berm on either side. The dwellings on 43, 45 and 51 Reynolds Road are set some 11 metres back from the road boundary.

Visual Effects

The proposal includes open pool style fencing along the front yard boundary with four deciduous trees (*Acer rubrum* Autumn Blaze) proposed along the street frontage. This will break up views into the site and soften views from the road and properties directly across Reynolds Road. Given this, together with the separation of Reynolds Road corridor, front yard setbacks (43, 45 and 51 Reynolds Road), I am of the opinion any visual impacts on these properties is negligible.

Noise Effects

As set out above, the Applicant has provided an acoustic report and is agreeable to the building and fencing specifications recommended in that report. With appropriate conditions in place to reflect these specifications, any noise effects on these properties from people arriving, leaving and being on site will be less than minor.

Construction Effects

³¹ pg 6, Applicant's AEE.

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As set out above any construction activities will be short term in nature and therefore any effects will be temporary. Standard conditions of consent generally include conditions requiring Contractors undertaking development activities to adhere to NZS 6803:1999: Acoustics - Construction Noise and Hastings District Council's Engineering Code of Practice.

In my opinion construction effects on these properties are within an acceptable range anticipated in a residential area.

8.2.7 Other Matters

There is a concern raised by one of the submitters about the impact of the proposed hall on property sales in Reynolds Road – that it may deter potential purchasers from purchasing in Reynolds Road, affecting property values, as well as another submitter raising the potential that it may result in members of the congregation relocating to live on Reynolds Road.

In terms of consideration of effects on property sales or values, decreases in property sales or values reflect the effects of an activity on the environment and it is preferable (and best practice) to consider the effects directly, rather than the market's response to them which can be an imperfect measure of environmental effects. For instance, some potential purchasers may consider the presence of the proposed hall to be detrimental, whereas others may consider it a benign presence and, for some, it may be a positive drawcard.

I have assessed the adverse effect of the activity on the amenity values of the surrounding neighbourhood to be less than minor, and therefore I similarly do not anticipate property sales and values to be noticeably affected.

8.3 Summary

From the above assessment of environmental effects, I have assessed that:

- Given the low level of activity (maximum of 45 people, confined to two 1-hr meetings per week) and the proposed additional mitigation measures to reduce potential noise; manage stormwater on-site; provide adequate on-site parking; and the landscape planting proposed, any actual or potential adverse effects on neighbourhood character will be less than minor.
- Whilst the site will have a significant area of sealed carpark, this is softened by the proposed fencing and the planting of hedges and trees along the front boundary, and would be largely screened from adjoining properties by the presence of standard 1.8m high solid fencing proposed for the full length of the side and rear boundaries, and therefore, the visual effects of the proposed development will be less than minor.
- With the closure of windows and doors during use of the hall, and installation of noise fencing along the eastern and western boundaries, the resulting noise levels will comply with the noise provisions of the District Plan and therefore, adverse effects associated with the anticipated level of noise generated by the proposed activities will be less than minor.
- On-site car parking provision for 12 vehicles will provide sufficient car parking for the 9-12 vehicles anticipated and will avoid parking-related congestion on the street and therefore, given the limited number of proposed meeting times and number of attendees, any adverse traffic and parking effects associated with the proposed activities will be less than minor.
- Given construction activities associated with the proposed development will be of limited duration and relatively small scale, and with standard conditions of consent imposed, any adverse effects as a result of construction activities will, overall, be less than minor.
- There will be no adverse effects on aesthetic, recreational, scientific, historical, spiritual, or cultural values or resources as a result of this proposal.

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- The proposed stormwater design will adequately address a 1 in 100 year event within the site and is suitable for the development proposed and therefore, any potential adverse effects from stormwater runoff will be adequately mitigated on-site to be less than minor.
- Any risks from natural hazards can be appropriately managed through the building consent process and will be less than minor.
- The adverse effect of the activity on the amenity values of the surrounding neighbourhood will be less than minor, and therefore property sales and values are not anticipated to be noticeably affected.

9.0 MEASURES TO OFFSET OR COMPENSATE FOR ANY ADVERSE EFFECTS ON THE ENVIRONMENT – s104(1)(ab)

The Applicant has not proposed any measures to offset or compensate for any adverse effects on the environment.

10.0 RELEVANT STATUTORY DOCUMENTS - s104(1)(b)

An assessment of the proposal against the relevant objectives and policies of the relevant statutory documents is provided below.

10.1 National Environmental Standards

No National Environmental Standards raise any matters that are relevant to consideration of this application.

10.2 New Zealand Coastal Policy Statement (NZCPS) – s104(1)(b)(iv)

The site of the proposed activity is not located within the coastal environment, therefore the NZCPS is not relevant to this application.

10.3 Hawke's Bay Regional Resource Management Plan – s104(1)(b)(v) & (v)

The Hawke's Bay Regional Resource Management Plan 2006 (RMMP) includes the Regional Policy Statement for the Hawke's Bay Region (RPS).

I consider that the following objective in the RPS is relevant to the subject application:

OBJ UD1 *Establish compact, and strongly connected urban form throughout the Region, that:*

- a) achieves quality built environments that:*
 - i. provide for a range of housing choices and affordability,*
 - ii. have a sense of character and identity,*
 - iii. retain heritage values and values important to tangata whenua,*
 - iv. are healthy, environmentally sustainable, functionally efficient, and economically and socially resilient, and*
 - v. demonstrates consideration of the principles of urban design;*
- b) avoids, remedies or mitigates reverse sensitivity effects in accordance with objectives and policies in Chapter 3.5 of this plan;*
- c) avoids, remedies or mitigates reverse sensitivity effects on existing strategic and other physical infrastructure in accordance with objectives and policies in Chapter 3.5 and 3.13 of this plan;*
- d) avoids unnecessary encroachment of urban activities on the versatile land of the Heretaunga Plains; and*
- e) avoids or mitigates increasing the frequency or severity of risk to people and property from natural hazards.*

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The HBRRMP also defines the following terms:

‘urban activities Includes any one or combination of the following:

- a) residential activities at a density of more than one dwelling per 2500m² of site area;
- b) commercial and industrial business, retailing and other commercial activities;
- c) use of social infrastructure;
- d) papakainga or other marae-based housing;
- e) any other land use within urban limits.’

‘Social Infrastructure Assets that accommodate social services such as health (hospitals), education (schools and universities), state housing, justice (police stations), places of assembly and community recreation (for example, halls, sport stadiums and parks).’

Comment

Social infrastructure, such as places of assembly, are clearly anticipated as being located within the urban areas across the Region under the RPS. Locating such activities within urban areas will contribute to socially resilient communities while protecting the nationally significant versatile soils of the Heretaunga Plains.

With regards to reverse sensitivity the Applicant’s AEE states that³²:

‘...the surrounding land use is residential, with most lots within close proximity to the site comprising of one main residential dwelling and accessory buildings. The proposed development will be generally screened from view due to the location of the building on the site, the proposed fencing and the proposed landscaping. The proposed development is anticipated to be within the character of the surrounding development within the Havelock North Residential Character Zone and will not be sensitive to effects from this existing residential development and nor is the proposed activity likely to adversely affect residential activities. Given this context, the proposed activities and the surrounding environment, the proposal will be able to avoid, remedy and mitigate any effects of reverse sensitivity.’

Reverse sensitivity is commonly understood to be a situation where complaints against a lawfully established activity / or activities is likely for a newly established more sensitive activity. In my view the proposed activity is unlikely to be particularly sensitive to the surrounding residential area environment, nor is it locating adjacent to any existing strategic and other physical infrastructure and does not pose a reverse sensitivity threat.

As outlined in the consideration of adverse effects above, any risk from natural hazards can be appropriately addressed through the building consent process to be less than minor.

I therefore conclude that this proposal is consistent with the relevant provisions of the RPS.

10.4 Hastings District Plan – s104(1)(b)(vi)

Objectives and Policies

The Applicant’s AEE³³ has provided a detailed assessment of Plan objectives and policies in the following sections of the plan:

- Urban Strategy
- Havelock North Character Residential Environment
- Earthworks, Mineral, Aggregate and Hydrocarbon Extraction District Wide Activity

For the purposes of this report, I have adopted their assessment which reads as follows:

‘4.3.4.1 ‘Urban Strategy

³² Pg 13, Applicant’s AEE (HDC Ref: 72055#0005)

³³ Pgs 15 -31 of AEE

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It is considered that the following objectives and policies of the Urban Strategy are of relevance to this application.

OBJECTIVE UDO1 - To reduce the impact of urban development on the resources of the Heretaunga Plains in accordance with the recommendations of the adopted Heretaunga Plains Urban Development Strategy (HPUDS).

POLICY UDP1 - To achieve containment of urban activities and provide for residential greenfield growth in the areas identified as appropriate within the Hastings Urban Development Study document through to 2015 and in HPUDS for the period beyond 2015 and through to 2045.

Explanation

The provision for urban growth is provided for under both the Hastings Urban Development Study which outlines the growth areas for the City through to 2015 and thereafter by the Heretaunga Plains Urban Development Strategy. HPUDS recommends a policy of urban containment requiring greater levels of medium density housing within the existing urban boundaries. In order to ensure that containment occurs, HPUDS identifies growth areas and also areas where growth is not appropriate.

OBJECTIVE UDO2 - To ensure that new urban development is planned for and undertaken in a manner that is consistent with the matters outlined in the Hawke's Bay Regional Policy Statement.

POLICY UDP3 – Priority is to be placed on the retention of the versatile land of the Heretaunga Plains, the protection of the Heretaunga Plains Unconfined Aquifer from the adverse effects of urban development and the efficient utilisation of existing infrastructure.

Explanation

The Heretaunga Plains Urban Development Strategy (HPUDS) is embedded in the Hawke's Bay Regional Policy Statement. The retention of the versatile land of the Heretaunga Plains for primary production and the efficient use of the existing infrastructure are the main drivers in establishing the desired settlement pattern in HPUDS.

Objective UDO1 and Policy UDP1 seek to protect the versatile land of the Heretaunga Plains and give effect to HPUDS by containing urban activities with urban limits. Similarly, Place of Assembly development in Havelock North Residential Character Zone, Objective UDO2 and Policy UDP3 also seek to protect the versatile land of the Heretaunga Plains and give effect to the RPS. The proposal is appropriately located within a residential zone by the redevelopment of a residential site and therefore avoids unnecessary urban sprawl and retains the availability of versatile soils for primary production.

4.3.4.2 Havelock North Residential Environment

It is considered that the following objectives and policies of the Havelock North Residential Environment are of relevance to this application.

OBJECTIVE HNRO1 – New developments will be of a design, scale, layout and intensity that is consistent and compatible with the existing residential areas of Havelock North.

POLICY HNRP1 – Use zones to protect and recognise the different form of residential development as a result of changes in topography and landscape character.

Explanation

The use of zones will assist in maintaining and enhancing the special character and amenity of the two distinctive residential areas within Havelock North, namely the flatter land between the Karamu Stream and the foothills of Te Mata Peak, and the area of residential development in the Havelock Hills. The two zones are outlined below.

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Havelock North Character Residential Zone

The area covered by this Zone is largely the area of the foothills of Te Mata Peak. This Zone demonstrates a subdivision pattern which is less regular when compared with that of the General Residential Zone. This is largely reflective of the change in topography and is also evident in the narrower roads which in many cases are landscaped. The roading pattern emphasises a number of key roads (such as Duart Road) which lead upwards and act as a spine for development to reach into the hills.

In these areas, the landform tends to create a pattern of many properties backing onto gullies, vegetated areas or reserves.

Landscape Character: This Zone is also characterised by trees and landscaping which are the dominant elements in defining the overall visual impression of the area. In many places the buildings disappear behind planting at the street edge and within the front yard of properties. Plantings or sloping berms to the edge of the carriageway blur the boundaries between private and public property and reinforce the dominance of landscaping, as well as visually reducing the width of the road reserve. The varied nature of the landscaping means that the streetscape is constantly changing as the observer's viewpoint changes, while the large number of exotic specimen trees means that the streetscape changes with the seasons.

Architectural Character: The development of the foothills of Te Mata Peak exhibits a very different architectural character to that of the flatter parts of Havelock North. This development resulted from the breakup of larger land holdings over a period of time. There remain a number of substantial houses on these original sites that have been surrounded by newer development. The gradual subdivision of these sites into more urban sizes has meant that the architecture of these areas is mixed, with no large concentrations of one style representative of an era in building design.

Topography means a change from the predominance of single-storey houses found elsewhere in Havelock North and Hastings urban areas. The use of multi-level buildings means that designers are able to build to the constraints of sites.

POLICY HNRP2 - Avoid the adverse effects of developments created by excessive building scale, overshadowing, building bulk, excessive site coverage, or invasion of neighbourhood privacy, on the character of the local neighbourhood.

Explanation

Consultation has confirmed that people's perception of the residential amenity in their neighbourhood is largely dependent upon adequate access to daylight, sunlight, private open space and outlook. These amenity characteristics will be adversely affected by buildings which are out of character or scale with the residential environs.

Objective HNRO1 and Policies HNRP1 and HNRP2 seek to protect the landscape character and amenity values of the Havelock North Residential Environment. The rules and assessment criteria of the zone give effect to this objective and policies. The proposed place of assembly is anticipated within the zone subject to assessment as a Discretionary Activity. Landscaping and architectural character are important aspects of the proposed place of assembly in achieving consistency with the above objective and policies.

The proposed building is one-story and 80m² which is comparative and generally smaller than the existing dwelling and neighbouring dwellings in terms of building bulk and site coverage. The proposed building and landscaping will not cause overshadowing or increase effects regarding neighbourhood privacy.

A landscaping plan is incorporated with the site plan for this application. While the proposed carpark will provide more sealed coverage than is typical for the character area, the landscaping proposed in this application will provide screening and softening as the plants grow. The proposed fencing and hedging will cause the building and carpark to disappear into the landscaping when viewed from off

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the site. This is common with the zone and neighbouring properties and will help maintain privacy for neighbouring properties as well as for the congregation of the church hall. In that regard, the proposed building will be in keeping with the landscape character of the Zone and can therefore be considered to be consistent with Objective HNRO1 and Policies HNRP1 and HNRP2.

OBJECTIVE HNRO2 – New non-residential activities will be of a scale and design that is compatible with the surrounding residential environment.

POLICY HNRP4 – Early childhood centres, care facilities, homes for the aged, places of assembly and health care centres will be provided for in residential areas where their effects in terms of design, traffic generation, noise, and scale do not compromise the character of the residential environment.

Explanation – These activities provide a service to the community and are necessary in terms of social and community wellbeing. They are most appropriately located in a residential environment, rather than commercial or industrial zones. However, these activities have the potential to produce adverse effects for the surrounding neighbourhood if they are not developed with the character of the neighbourhood in mind. To protect identified character and residential amenity, these activities require assessment via the resource consent process with specific standards around scale, intensity and design.

Objective HNRO2 and Policy HNRP4 provide for non-residential activities, including places of assembly, to occur within the Havelock North Character Residential Zone given effects do not compromise the character of the residential environment.

As discussed above, the design of the building and landscaping is fitting for the character of the zone. The carpark will be largely obscured by fencing, hedging and specimen trees running along the front of the property.

The proposed hall would be used on Sunday morning no earlier than 6.00am for a communion service and Monday evenings no later than 8.00pm for prayer meetings. Both assemblies are for durations of approximately one hour. There are no youth groups, loud music or other events proposed. As a result, noise effects are considered to be minimal and occurring at hours appropriate to surrounding residential activities.

Family groups comprising approximately 9 – 12 vehicles on average and a maximum of 45 people are estimated to use the hall for each meeting. On-site car parking is proposed for 12 vehicles which will provide sufficient car parking to avoid parking-related congestion on the street. Given the limited number of proposed meeting times and small number of attendees, the activity is not likely to generate significant traffic movements.

The proposed activity is considered to be consistent with HNRO2 and HNRP4 in providing for a non-residential activity in a way that is compatible with the surrounding residential environment.

OBJECTIVE HNRO3 – To maintain and enhance residential amenity by ensuring adverse noise effects are avoided and mitigated.

POLICY HNRP5 – Ensure that residences are free from unreasonable and excessive noise.

Explanation – It is necessary to enforce performance standards in relation to 'nuisance' effects such as noise in the Residential Area. Residents expect a certain standard of peace and quiet and general pleasant amenity. The Resource Management Act provides specific obligations with regard to mitigation of nuisance effects and the most effective mechanism for the management of nuisance is through the enforcement of Performance Standards.

Objective HNRO3 and Policy HNRP5 ensure that noise does not adversely affect residential amenity.

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As discussed above, the proposed timing and types of activities the proposed building will be used for are unlikely to give rise to adverse noise effects. As such, the proposed activity will ensure neighbouring residences are free from unreasonable and excessive noise and is consistent with Objective HNRO3 and HNRP5.

OBJECTIVE HNRO5 – To protect people, property and infrastructure of the community from flooding and ponding effects associated with stormwater runoff.

POLICY HNRP7 – Ensure that stormwater runoff that has the potential to create flooding or ponding effects will be attenuated on site.

Explanation – New development increases the area of a site that is covered by impervious surfaces and decreases soakage and infiltration of rainwater. This increases the rate of stormwater runoff. The Council's stormwater system is only designed to accommodate a certain rate of stormwater runoff and if this is exceeded, flooding may occur in local streams or on downstream properties. On site attenuation slows the rate of discharge to the Council stormwater system and therefore reduces the potential for flooding or ponding.

POLICY HNRP8 – Avoid residential or non-residential development which is unable to adequately mitigate the adverse effects of stormwater runoff.

Explanation – Flooding and ponding are unacceptable effects of new development. If these effects cannot be adequately mitigated then development should not proceed.

Objective HNRO5 and Policies HNRP7 and HNRP8 seek that stormwater runoff is appropriately managed. A stormwater report has been provided and demonstrates that the applicant intends to manage stormwater runoff from the site such that adverse effects will be no more than minor.

OBJECTIVE HNRO7 – To ensure that the amenity and special character of the Havelock North Character Residential Zone is maintained and the landscape character of the Zone is retained.

POLICY HNRP11 – Encourage the design and appearance of buildings and fencing in the Havelock North Character Residential Zone to be in keeping with the character of the existing streetscape.

Explanation – The identification of the Character Residential Zone enables the management of different areas within the Zone through zone-specific amenity standards. This will enable the existing streetscape character to be retained, in particular the open space feel and the landscaped nature of this area of the Residential Environment. Street trees in combination with plantings on private

properties are fundamental to the character of this Zone. Development is generally low scale, with large front yards and low or no fencing in many cases. There is a need to ensure that the design of any new development is consistent with the surrounding area in terms of building and fencing appearance and compatibility when viewed individually and cumulatively within the urban landscape.

POLICY HNRP12 – Maintain and enhance an attractive landscape character for the Havelock North Character Residential Zone by ensuring that development is compatible in scale to surrounding activities and structures and has generous onsite landscaping, screening and tree planting.

Explanation – The Havelock North Residential Environment is characterised by the balance between natural and built character. This is of importance to the Havelock North community. Throughout the Residential Area, the treed landscape, both in streets and private gardens, contribute to a predominance of vegetation over built form. Houses frequently nestle within this treed environment and are either glimpsed in part or screened from view completely. Where houses are more in view, gardens still play a part in defining the landscape setting. This unique character needs to be retained, whilst

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allowing for additional development where appropriate. This issue is of particular concern in the Havelock North Character Residential Zone, and as such standards for landscaping and building balance are higher in this Zone. This unique character is threatened by the felling of existing vegetation to make way for new development.

Objective HNRO7 and Policies HNRP11 and HNRP12 seek to ensure that building and landscaping design and scale is compatible with the Havelock North Residential Character. The proposed building and landscaping (Appendix 1) show that the building is intended to be set back from the road and have a hedged front in keeping with neighbouring residential properties and the existing landscaping. The effect of the proposed front hedging and planting of deciduous trees will ensure that the proposed building will be largely screened from view in a way whereby from the road, the proposed building appears nestled amongst a vegetated environment as are the neighbouring residential dwellings (see Figure 5). The proposed design, appearance and scale of the proposal is compatible with the Havelock North Residential Character Zone and is therefore consistent with Objective HNRO7 and Policies HNRP11 and HNRP12.

The proposed development is therefore consistent with the relevant objectives and policies of the Havelock North Residential Character Zone.

4.3.4.3 Havelock North Residential Character Zone Assessment Criteria – Places of Assembly

The matters to which discretion is restricted for a restricted discretionary activity application-in Assessment Criteria 8.2.8E are set out below.

1) Outcomes of the Standards & Terms

The ability of the activity to achieve the particular stated outcome of the General or Specific Performance Standard(s) and terms which the activity fails to meet.

The proposal fails to meet Standard 8.2.5C regarding Height in Relation to Boundary, 8.2.5G regarding stormwater, and 8.2.5I regarding landscaping.

The outcome for each of these standards and the proposals ability to meet it is set out below.

8.2.5C Height in Relation to Boundary Outcome

The AMENITY of Residential Activities in all zones will be protected by preventing overly tall and obtrusive Structures or Buildings close to Boundaries. This will provide a minimum level of access to daylight within the living ENVIRONMENT.

The gable of the proposed building exceeds the height in relation to boundary requirements along the western boundary. It is noted that the land use bordering this part of the proposal is a transient space, being an accessway serving two rear sites, and therefore unlikely to be adversely affected by any potential shading. Furthermore, the proposed building is single story with a proposed height of 4.37 metres +/- 500mm for pile foundations which is similar to the surrounding residential buildings and well below the 8m building height requirement of the zone (standard 8.2.5B).

8.2.5G Stormwater Outcome

The potential for negative environmental Effects from stormwater runoff associated with the land USE will be avoided, remedied or mitigated.

A stormwater management plan has been provided and is attached as Appendix 2. It demonstrates how the use of rain gardens, soakage trenches and catch pits would be utilised to ensure negative environmental effects of stormwater runoff would be avoided, remedied and mitigated by the detention and treatment of that stormwater.

8.2.5I Landscaping Outcome

Streetscape AMENITY will be retained by ensuring Buildings do not dominate the street frontage and plantings shall complement other trees and greenery in the neighbourhood.

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The established Landscaped Character of the Zone will be maintained to a level to sufficiently screen Buildings and Structures consistent with the surrounding residential neighbourhood.

A proposed landscaping plan is incorporated into the plans attached as Appendix 1. It demonstrates how hedging, grass areas, deciduous trees and shrubbery would be planted to screen the carpark and building in a manner that compliments the landscaping of neighbouring sites and maintains the Havelock North Residential Character.

It is considered that the proposal would provide a higher level of screening and consistency with the landscaped character of the zone than the existing land use. An increased number of trees and shrubs would be planted towards the front of the property which is more cohesive with neighbouring landscaping as observed in Figure 5.

2) Design and Appearance

(a) Whether the development will integrate with the surrounding area.

Particular regard is given to the following:

- the density of buildings in the vicinity*
- how well the proposed building(s) relate to existing buildings, including building width, height, mass and position on the site*
- whether the activity will occur within existing buildings*

(b) Height, bulk, form and scale

The extent to which the design of proposed building(s) will manage the height, bulk, form and mass of the building(s) to integrate with the character of the surrounding area.

(c) Connection to the street

Whether buildings 'front' onto the street, including main pedestrian entrances to buildings to promote safer and active street frontage.

It is considered that the proposal fits well within the surrounding area. The single story building is of a scale, form and height comparable to neighbouring sites. It has a architectural detail in the form of the entrance, gables and window design that distinguish the building as a church hall, without being imposing in the residential environment. It is also set towards the back of the site as is cohesive with the Havelock North Residential Character Zone and proposed planting and fencing are cohesive with surrounding residential activities and landscaping, and will retain the amenity of neighbours and the streetscape.

3) Amenity

Whether the amenity of the residential environment will be adversely affected by the scale and / or intensity of the activity. The following matters will be considered:

- (a) The number of patrons and / or staff on the site at any one time*
- (b) Whether the hours of operation are appropriate to maintain the residential amenity of the area. In particular, when and activity will operate outside usual office hours (8am-5pm).*
- (c) The proximity of the activity to adjacent residential activities and anticipated number of transportation movements (including pedestrians and vehicle traffic)*
- (d) Whether the proposed activity is located in an area where there is already one or more non-residential activities in close proximity and the effect on residential amenity.*

The proposed use is for 1-hour meetings on a Sunday morning (no earlier than 6.00am) and Monday evening (no later than 8.00pm) comprising of family groups totalling approximately 45 people. There are no loud events or youth group meetings proposed. As such, the proposed hours and twice weekly level of usage is not considered to adversely affect the amenity of the residential environment.

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Onsite parking is provided to ensure amenity of the streetscape and pedestrian access is maintained by reducing pressure for on street parking. Given the limited frequency and duration of use, it is considered that the traffic movements would not be of a scale causing adverse amenity effects.

No other non-residential activities are known on the street. It is not considered that the proposal will contribute to any cumulative adverse effect on residential amenity.

4) Landscaping

Whether a landscaping plan is provided with the application demonstrating how:

(a) Landscaping enhances the visual appearance of the development, including around parking areas, utility areas and site boundaries.

(b) Landscaping 'softens' the appearance of larger buildings and /or particular elevations of buildings;

(c) Existing trees and mature landscaping will be retained where practicable.

A landscaping plan is provided as part of the site and building plans which demonstrates how the Havelock North Residential Character Zone will be retained. The few existing mature trees on the site are not located where they are practicable to retain, however, it is considered that proposed landscaping would enhance the visual appearance of the site by introducing Cyprus trees along both side boundaries and a 2m landscaping strip to the front of the property, which includes specimen deciduous trees – Liquidamber or similar.

This would soften the appearance of buildings, fences and hardstand areas in a manner which is complementary to neighbouring sites and will contribute positively to the landscaped character of the neighbourhood.

5) Traffic Generation and Access

The extent to which the development provides safe and adequate access to both vehicles and pedestrians in the vicinity of the activity. Particular regard is given to the following:

(a) Whether the location and design of vehicle access to and from the site is safe for all road users.

(b) Whether the number of vehicle movements generated by the activity will adversely affect the functioning of the road network and/or the safety of pedestrians, cyclists and vehicles using the network.

(c) The extent to which car parking is provided on site and whether any shortfall will have to be accommodated on the street.

The proposal would move the existing access to the centre of the road frontage and enable safe access to the proposed on-site carparking area, which includes a combination of 90° and parallel parking on either side of the site.

Approximately 9 vehicles on average, and a maximum of 12 vehicles, are estimated to travel to the site to transport attendees for each of the two proposed meetings each week.

As such, the proposed usage is estimated to generate an average of 2-3 vehicle development in Havelock North Residential Character Zone, movements per day over any 7-day period. Sufficient onsite parking is proposed to ensure amenity of the streetscape and pedestrian and vehicular safety is maintained and that the road is not congested with vehicles parked off the site during times of use.

As such, it is considered that the proposal will maintain the safety of pedestrians and road users and the functioning of the road network.

6) Car Parking and hardstanding

(a) Whether any on-site car parking provided will enable a safe area for the setting down or picking up of persons using the facility.

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(b) Whether hardstanding areas are kept to a minimum to allow for better amenity to be created from landscaping and/or incorporate low impact urban design stormwater solutions.

Proposed carparking and hardstand areas provide sufficient space for the proposed building usage as mentioned above. The proposed stormwater plan is cohesive with the proposed landscaping plan including 1.5m wide stormwater swales down either side of the carpark as a low impact approach and is considered to appropriately manage actual and potential stormwater effects while retaining landscaping amenity. While the hard standing car park area will be larger than for typical sites in this zone, it is considered that an appropriate balance is achieved by minimising the need for on-street parking and ensuring the carpark is softened by the landscaping of its edges.

7) Infrastructural Servicing

Whether the site is subject to infrastructural constraints relating to water supply, disposal of wastewater or stormwater. The following matters will be considered:

(a) Whether the resource consent application demonstrates how many infrastructural constraints can be remedied or mitigated so that the activity can be adequately serviced.

*(b) Integrates the use of *low impact stormwater design methods (or alternate stormwater management methods where necessary).*

(Refer to the HDC Subdivision and Infrastructure Development in Hastings District - Best Practice Design Guide 2011).*

A stormwater plan is provided which demonstrates how potential negative environmental effects from stormwater runoff will be avoided, remedied and mitigated so that Havelock North Residential Character Zone outcomes will be provided for.

The proposed stormwater management is considered to adequately control on site stormwater based on a low impact approach, and to ensure that the reticulated network would not be overloaded.

8) Noise

Whether noise arising from the activity, including the congregation of people and movement and parking of vehicles, will have adverse effects on the amenity of the surrounding residential area and whether solutions to mitigate noise are proposed.

The proposal relates to gathering of family groups, twice a week for durations of approximately 1 hour each. No loud events or youth group meetings are proposed. As such, any noise effects of the proposed use are considered to be cohesive to the residential zone and no more than minor.

9) Utility areas

Whether the layout of utilities associated with the activity are considerate of adjoining residential activities. The following matters will be considered:

- Location of units/buildings/parking areas

- On-site communal facilities

- Clothes drying areas

- Play areas

- Screening of rubbish collection areas from the street and / or adjoining properties.

The building is proposed to be set towards the back of the section, as is fitting for the Havelock North Residential Character. Communal facilities are provided for within the proposed building. The proposed landscaping provides a visual buffer and privacy from the street as well as neighbouring sites to retain amenity.

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Clothes drying areas, play areas and rubbish collection areas are not proposed nor required by the proposed activity.

10) Natural Hazards

(a) Whether the activity is or will be located within an identified natural hazard area as defined in Section 15.1 of the District Plan (Natural Hazards) or shown on District Plan Maps and Appendices 57-58.

(b) Where the activity is located within an identified natural hazard area the activity shall be assessed against the Restricted Discretionary Assessment Criteria listed under Section 15.1.6.1 of the District Plan.

A Hawke's Bay Hazard Portal Report is attached as Appendix 3. The site is not located in a flood, coastal, fire, land instability or tsunami hazard area. It is considered that any earthquake (liquefaction damage or earthquake amplification) hazard is low and will be appropriately mitigated or minimised by the building consent process.

4.3.4.4 Havelock North Residential Character Zone Assessment Criteria – Restricted Discretionary and Discretionary Activities

The matters to which discretion is restricted for a restricted discretionary activity application for an activity not complying with the general standards and terms in Section 8.2.5 are set out below for those matters relevant to the standards not complied with.

(a) General Assessment Criteria

An assessment of the effects of the activity shall be made considering the ability of the activity to achieve the particular stated outcome of the general or specific performance standard(s) and terms which it fails to meet.

See discussion above under Section 4.3.4.3 of this report.

(b) Height in relation to boundary

(i) The extent to which neighbouring properties retain adequate daylight and sunlight access.

(ii) The extent to which the proposed building will obtain reasonable access to daylight and sunlight.

(iii) Whether the height and location of the building is adequately screened so as not to compromise privacy.

(iv) The extent to which existing greenery and trees are retained along boundaries where the infringement occurs.

(v) The degree to which the building height, location and scale harmonises with and/or enhances the amenity values of the neighbourhood and its character.

The proposed building exceeds the height in relation to boundary requirements along the western boundary with the top of the roof gable protruding through the recession plane. It is noted that the land use bordering this part of the proposal is a transient space, being an accessway to two rear sites. It is considered that the proposed location and height and the narrow bulk of the protruding feature of the building would not affect daylight and sunlight access or impinge upon the privacy and amenity of building and outdoor living spaces of neighbouring activities.

Furthermore, the proposed building is single story with a proposed height of 4.87 metres, which harmonises with the surrounding residential buildings and is well below the 8m maximum building height requirement of the zone (standard 8.2.5B).

(c) Landscaping

(i) The extent to which existing vegetation is retained.

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(ii) The extent to which new tree plantings are proposed, and whether this adequately softens the effect of built form. This may include an assessment of the species selection and whether replacement plantings adequately replace the loss of existing trees.

(iii) The configuration of the site and whether enforcement of the Standard would place an unreasonable burden on neighbouring properties due to shading or leaf drop.

(iv) A landscaping plan is submitted with the application, showing how the character and amenity of the neighbourhood will continue to be maintained.

A landscaping plan is provided which demonstrates how plantings will soften the effect of the proposed building, carpark and fencing.

The existing planting is largely comprised of shrubs and a small number of mature trees set towards the rear of the property, where the new building is proposed and where therefore unable to be retained.

Proposed plants are to consist of a Cyprus conifer species, Liquidamber or similar deciduous trees, and ground cover shrubs. The proposed planting would improve the site's cohesiveness with neighbouring sites and improve the amenity of the street scape by including specimen trees, being the Liquidambers, at the front of the property.

(d) Stormwater Management

The following matters shall be considered in assessing proposals that do not meet the stormwater attenuation standard 8.2.5H

(i) Proposals that do not meet the terms of 8.2.5H shall demonstrate how stormwater can be adequately controlled on site to ensure the reticulated network is not overloaded.

(ii) The extent to which the development proposal exceeds the stormwater runoff limits of the Standard 8.2.5H and the impacts of this increase in runoff on the existing stormwater network in the particular catchment area.

(iii) Where the existing stormwater discharges from a site were lawfully in excess of the limits set out in standard 8.2.5H as at the date the plan was amended by decisions on submissions, the impacts on the existing stormwater network, in the particular catchment area, of any increase to the current existing discharge level shall be considered against whether there is a practicable opportunity to reduce the level of discharges from the site below existing levels.

(iv) Where an activity cannot practicably meet the stormwater runoff limits of the standard, consideration shall be given to any proposals for an alternative stormwater solution to upgrade the existing network.

A stormwater report and plan prepared by LHT Design Ltd is provided which demonstrates how potential negative environmental effects from stormwater runoff will be avoided, remedied and mitigated so that Havelock North Residential Character Zone outcomes will be provided for.

The stormwater design is based on building and car park run off being directed to 1m wide x 1m deep rock filled soakage swales extending for 25m down either side of the car park.

This is to be supplemented by 600 x 600 x 600mm catch pits with Hynds Stormshield to 100mm outfall for overflow capacity from heavy rain events.

The proposed stormwater management is considered to adequately control on site stormwater and ensure that the reticulated network would not be overloaded.

**4.3.4.5 Earthworks, Mineral Aggregate and Hydrocarbon Extraction Assessment Criteria –
Restricted Discretionary and Discretionary Activities**

The relevant matters to which discretion is restricted for a restricted discretionary activity application for a permitted activity not complying with the general standards and terms in

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Section 27.1.6 are set out below.

27.1.7A LAND DISTURBANCE AND VEGETATION CLEARANCE

(a) The effects of land disturbance and vegetation clearance will be assessed in terms of their effects on:

- (i) The life-supporting capacity of soils.*
- (ii) Soil erosion and stability.*
- (iii) Soil Runoff and Sedimentation.*
- (iv) Natural landforms and contours.*
- (v) Flora and fauna.*
- (vi) Significant cultural, ecological and historic heritage sites (including archaeological sites).*
- (vii) Composition and characteristics of any fill used.*
- (b) In making an assessment, regard will be had to the following:*
 - (i) The extent of removal of vegetation, topsoil and subsoils at any one time.*
 - (ii) Methods to separate soil horizons during stripping.*
 - (iii) Measures to safeguard the life supporting capacity of stockpiled soils.*
 - (iv) The potential or increased risk of hazards from the activity, including potential risk to people or the community.*
 - (v) Sediment control measures, including measures to prevent sediment run-off into Council's reticulated network.*
 - (vi) Rehabilitation of site (including backfilling, re-spreading of subsoil and topsoil, contouring, repasturing and revegetation).*
 - (vii) Land capability and potential end uses of the site.*
 - (viii) Information on any relocation of fill on or offsite.*
 - (ix) Siting, construction and maintenance of internal access roads.*
 - (x) Effect on flow paths and floodways.*
 - (xi) Measures to avoid the disturbance of archaeological sites (noting that any disturbance of an archaeological site will require separate approval under the Heritage New Zealand Pouhere Taonga Act 2014.*

The proposal relates to a generally flat section in the residential zone which has been previously used for residential purposes. The proposed earthworks are likely to exceed permitted volumes due to the levelling of the hardstand area, however, they are not anticipated to be deep or extend beyond the boundaries of the site.

Life-supporting capacity of the soils within the site are considered to be low given the nature of existing land use and context of the existing site within a residential zone. There are no significant cultural, ecological or historic heritage sites on the site, and large quantities of fill are not anticipated. The site is not within a flood zone so earthworks are not considered likely to affect flow paths or floodways. Furthermore, any effects would be temporary in nature and only for the duration of construction. Rehabilitation and landscaping of the site is as proposed by the site plan attached as Appendix 1 and sediment and stormwater control measures will be addressed by the earthworks contractor.

Therefore, effects on the matters listed above are considered to be no more than minor.

27.1.7B VISUAL IMPACT

(a) The visual effects of the activity will be assessed in terms of its potential effect on:

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- (i) The residential or recreational (including tourism) use of land in the vicinity of the activity.*
- (ii) The existing character of the locality and amenity values.*
- (iii) Whether the land is covered by Outstanding or Significant Landscape Areas will be assessed under the Assessment Criteria 27.1.7F.*
- (b) In making that assessment regard shall be had to:*
 - (i) Planting, screening and other amenity treatment to minimise visual impact.*
 - (ii) Site location including locality, topography, geographical features, adjoining land uses.*
 - (iii) Height of soil stockpiles and cuttings.*
 - (iv) Rehabilitation of the site, including contouring, landscaping and revegetation.*
 - (v) Duration, rate and extent of extraction.*
 - (vi) Lighting - intensity, direction and positioning of lighting in relation to the effects of glare on the surrounding environment and adjacent land uses.*

The earthworks would be temporary in nature, and earthworks during construction in a residential area is not uncommon. As above, rehabilitation and landscaping of the site is as proposed by the site plan attached as Appendix 1.

As mentioned in the site description at Section 1.2, there are existing buildings, fences and plantings on neighbouring sites which would provide screening. As such, it is not considered that earthworks would adversely affect the neighbouring residential activities.

The site is not located in an Outstanding Natural Landscape and there are no recreational activities known in the vicinity. The proposal is considered to have no more than minor visual effects.

27.1.7C EFFECTS ON OTHER LAND USES AND ADJOINING PROPERTIES

The extent to which the activity will interfere with, or adversely affect, the current use of the land on which the activity is sited, or adjoining land uses. Consideration will be given to any potential effects of the proposed activity on adjoining properties and land uses, such as effects on surface drainage patterns, dust nuisance, or adverse effects on adjoining buildings. Permanent effects will be given more weight than temporary effects. Consideration will also be given to methods to avoid adverse effects on land use activities which are allowed in the Zone where the activity is located, such as the distance of activities from boundaries, and methods to avoid disturbance to adjoining properties, including livestock, particularly during birthing, and dust on fruit, particularly during harvesting season.

As mentioned above, any potential adverse effects would be temporary in nature and only for the duration of construction. Sediment and dust control would be managed by earthworks contractors, such that potential adverse effects on neighbouring residential sites would be avoided, remedied or mitigated.

27.1.7D NOISE

In assessing the impact of noise, regard shall be had to the noise sensitivity of the receiving environment, including adjacent land uses, where it is proposed to undertake the activity. Consideration will also be given to hours of operation of the activity.

Earthworks are associated with construction activities and as are proposed to occur in accordance with the District Plan requirements under Standard 25.1.6I – Construction Noise.'

In my opinion the Applicant has provided a thorough assessment against the policies and objectives that I overall generally agree demonstrate the proposal is consistent with the with the relevant Plan objectives and policies.

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I note that clarifications and amendments to the proposal occurred subsequent to the above assessment including:

- Relocation of the building to meet the height in relation to boundary standards
- Clarifications relating to stormwater
- Landscaping
- Expert acoustic assessment (proposed mitigation accepted by the applicant)

In my opinion these minor changes and additional information further support the proposal as being consistent with the direction of the objective and policies of the Plan that overall seek to allow for places of assembly in the Havelock North Residential Character Zone where their development is consistent with the surrounding area.

I also consider there are additional objectives and policies that are relevant in the following sections of the Plan:

- Havelock North Strategic Management Area (SMA)
- Noise
- Transport and Parking

Havelock North Strategic Management Area (SMA)

‘OBJECTIVE HNSMAO1 *To ensure that the characteristics which make the Havelock North environment distinctive and memorable are identified, retained and enhanced.*

HSMAP1 *Promote the development of a diverse range of land uses activities within defined areas.*

POLICY HNSMAP1 *Identify the qualities of the Havelock North environment that contribute to its special landscape character and ensure that they are protected through the Objectives, Policies and Rules for the Havelock North Zones.*

Explanation

There are a number of qualities which contribute to the character and amenity of the Havelock North environment. With the compact and lively Village Centre at the heart of the community; the dramatic backdrop of Te Mata Peak; the undulating, hilly landscape and elevated ridges and sheltered valleys, to the lower, flatter areas on the perimeter of the Heretaunga Plains; and an abundance of trees and vegetation.

These attributes provide for a wide variety of residential and rural environments and combine to give the area a strong sense of place and memorable character. The community has an appreciation of these qualities and what gives Havelock North its distinctive sense of place.

The Havelock North SMA intends to ensure that the special character of the Havelock North area including both urban and rural environments is recognised and that new development is sympathetic to these distinctive characteristics. Achieving this aim will maintain the much valued characteristics of the Havelock North environment.

OBJECTIVE HNSMAO2 *To have an environment that provides for a variety of activities, promotes good quality urban design and promotes sustainable development practices.*

POLICY HNSMAP2 *Ensure that buildings and land use activities in the Havelock North environment be of a purpose and scale that is compatible with good urban design and sustainability principles.*

Explanation

Due to the desirability of the Havelock North environment to work and live in, competing land uses and land uses establishing in areas where they are incompatible with the predominant activities in the area can occur. There is a need to sustainably manage the diversity of land uses and associated buildings to ensure that the

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landscape character and amenity of the areas are maintained and that adverse effects associated with activities are avoided.

POLICY HNSMAP4

Control access and egress to ensure the safe and efficient movement of traffic to and from the District Rooding Network.

Explanation

Traffic entering or leaving the rooding network, which is associated with activities in the Te Mata area, may cause traffic safety conflicts. Appropriate Standards for access and egress are included in the District Plan to ensure that the safety and efficiency of the rooding network is maintained.

Land uses establishing in areas where they are incompatible with the predominant activities in the area can occur. There is a need to sustainably manage the diversity of land uses and associated buildings to ensure that the landscape character and amenity of the areas are maintained and that adverse effects associated with activities are avoided.

Noise

OBJECTIVE NSO1

To manage the emission and mitigate the adverse effects of noise so as to maintain or enhance the acoustic environment

OBJECTIVE NSO2

To ensure the adverse effects of noise do not unreasonably affect people's health.

POLICY NSP1

Control the emission levels of noise throughout the District, based on existing ambient noise and accepted standards for noise generation and receipt.

Explanation -Different parts of the District have differing background noise levels which reflects the range of activities carried out in them. The District Plan will identify current accepted noise levels and include Rules that establish appropriate noise levels for each Zone, and activities at Zone interfaces

POLICY NSP6

Provide for noisy activities of limited duration and frequency which are of importance to the community, subject to appropriate controls.

Explanation

Some activities such as construction, outdoor concerts, emergency service facility sirens and certain agricultural, viticultural and horticultural operations are inherently noisy but are of a temporary nature and therefore more tolerable than activities which generate noise continuously.

Transport and Parking

OBJECTIVE TPO1

Ensure that land uses and new subdivision are connected to the transportation network in a manner that provides for the efficient and sustainable movement of people and goods in a safe manner.

POLICY TPP5

Require turning areas on sites where road safety may be compromised by vehicles reversing onto or off the site.

Explanation

Vehicles reversing onto or off sites can compromise the safety of the road, particularly where traffic flows are high, where the land use has the potential to generate a lot of traffic and pedestrians, or where heavy vehicles use the area. The requirement to provide on-site turning and manoeuvring areas can assist to maintain and improve safety standards and minimise delays to traffic caused by manoeuvring vehicles.

POLICY TPP6

Control the width and position of access points to each property to minimise the adverse effects of manoeuvring and queuing vehicles, the potential effects on pedestrian safety and the effects on streetscape amenity.

Explanation

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Controlling the position of access points to properties is required to minimise adverse effects resulting from the queuing and manoeuvring of vehicles entering or exiting the properties. Accesses are required to be positioned a minimum distance away from road intersections to avoid unnecessary distractions for drivers in areas where a visually confusing environment complicates decision making and could be hazardous. The width of access is important to allow ease of vehicle access and there are also minimum sight distance standards to ensure that there is sufficient visibility to allow vehicles to safely leave the site. The position of access points is an important safety consideration for pedestrians as there needs to be a refuge between access points.

POLICY TPP10

Establish appropriate design standards for car parking spaces, and parking and loading areas.

Explanation

Design standards for parking spaces are included in the District Plan to ensure that motorists are able to easily and safely manoeuvre in and out of parking spaces. Standards are also included which require the surfacing of parking areas to avoid dust nuisance and to avoid gravel, mud or other such materials being spread onto adjoining roads, and to provide reservoir spaces to avoid cars queuing on roads while waiting to enter car parks. There is an additional Standard for public car parking areas which require access driveways and pedestrian areas within these areas to be illuminated to ensure the safety and security of people using them at night. Commercial and Industrial Activities also need to provide an off-street area for the loading and unloading of vehicles. This protects the function and safety of the road from manoeuvring vehicles, double parked vehicles, or vehicles loading or unloading across pedestrian areas. Loading areas are required to be designed to take into consideration the type of vehicles being catered for.

Comment

The proposed activity provides for community activity within a residential area that is small in scale, includes provision for landscaping that will improve existing amenity, and the roading network will not be adversely impacted. In my opinion it is therefore in keeping with, and sympathetic to, the character of the local area and is consistent with the above objectives and policies for the Havelock North Strategic Management Area.

In terms of noise, the Applicant has proposed noise mitigation including acoustic fencing along side boundaries, appropriate building design and management practices to ensure noise and has provided a Noise Assessment for an acoustic engineer that confirms noise associated with the activity will comply with anticipated noise levels for this area. In my view it is therefore also consistent with the District Plan objectives and policies for Noise.

With regard to traffic, the proposal provides for a new site crossing centrally located to the property, and onsite sealed parking area for 12 vehicles. Vehicle generation is anticipated to be 9 vehicle movements twice a week. Reynolds Road is categorised as a 'low volume' road in Councils roading hierarchy, described as *'These roads provide access and connectivity. Roads whose primary function is a street for people, public space, meeting, gathering as well as accessing property. These also provide access to the wider network.'*³⁴

Traffic generated by this proposal is low volume and intermittent and vehicle parking will be provided on site. Council's engineers have reviewed the proposal and have not identified any concerns with respect to traffic matters. I therefore consider that the proposal achieves and is consistent with the above objective and policies for transport and parking.

10.5 Summary and Conclusion

The proposal is for a 'place of assembly' located within a residential location at 34 Reynolds Road in the Havelock North Character Residential Zone.

³⁴ Hastings District Plan Appendix 69, Hastings District Roading Hierarchy

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As outlined above the proposal comprises a small-scale building and associated car parking for two events per week. The site will be fenced with 1.8 m high acoustic fencing along either side of the site, 1.8m iron fencing to the rear, and open style pool fencing along the front yard with landscaping on the street side. A stormwater design assessment provided with the proposal demonstrates how stormwater can be managed on site. Construction effects including site earthworks will be managed through adherence to New Zealand construction noise standard NZS 6803:1999 and Hastings District Council Engineering Code of Practice 2011

For these reasons I am satisfied that the proposal is consistent with the relevant objectives and policies of the Hastings District Plan that seek to provide for non-residential development within residential neighbourhoods where they are of a scale and design that is compatible with the surrounding residential environment and where amenity effects including design, traffic generation, noise, and scale do not compromise the character of the residential environment.

11.0 OTHER MATTERS – s104(1)(c)

Section 104(1)(c) makes provision for regard to be had to ‘any other matters the consent authority considers relevant and reasonably necessary to determine the application’. I consider that there are no other matters that are reasonably necessary to determine the application.

12.0 PART 2 OF THE RESOURCE MANAGEMENT ACT – s104(1)

It is noted that recent case law in the Court of Appeal decision in RJ Davidson Family Trust v Marlborough District Council CA97/2017 (2018) NZCA 316 determined that:

‘If a plan that has been competently prepared under the Act it may be that in many cases the consent authority will feel assured in taking the view that there is no need to refer to pt 2 because doing so would not add anything to the evaluative exercise. Absent such assurance, or if in doubt, it will be appropriate and necessary to do so. That is the implication of the words “subject to Part 2” in s 104(1), the statement of the Act’s purpose in s 5, and the mandatory, albeit general, language of ss 6, 7 and 8.’

This decision confirms that Part 2 can be considered when assessing a resource consent, but that it will only add value in some cases. In this instance, the Hastings District Plan has been recently prepared so it can be taken that Part 2 was considered in determining the provisions of the District Plan and that consistency with the relevant objectives and policies will also achieve consistency with Part 2. The Environment Court has confirmed in recent decisions that the District Plan *“has a coherent set of policies designed to achieve clear environmental outcomes. Further, the PDP has only recently been made operative and we understand there to be no challenge to the competency of the plan”* (Stone v Hastings District Council [2019] NZEnvC 101 at [127]).

Nevertheless, for completeness, a brief assessment of the application against Part 2 is provided as follows.

12.1 Section 5

Sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while:

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

The proposal is consistent with the sustainable management purpose of section 5, insofar as it will provide for the social and economic wellbeing of the Applicant and its community.

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The assessment of environmental effects has concluded that any adverse effects will be avoided, remedied or mitigated (sections 5(b) and (c)) to the extent that they will be less than minor.

For these reasons, I consider that the proposal will achieve section 5(a), (b), and (c).

12.2 Section 6

Section 6 sets out the matters of national importance that must be recognised and provided for. The proposal is not considered to impact on any of these matters.

12.3 Section 7

Section 7 of the RMA identifies a number of “other matters” to be given particular regard by the Council in the consideration of any assessment for resource consent. Of relevance to the proposal are:

- (c) The maintenance and enhancement of amenity values;*
- (f) Maintenance and enhancement of the quality of the environment;*

The assessment of environmental effects has concluded that any adverse effects on amenity values and the quality of the environment will be avoided, remedied, or mitigated to the extent that they will be less than minor, such that amenity values and the quality of the environment will be maintained.

For these reasons, I consider that the proposal will achieve section 7(c) and (f).

12.4 Section 8

Section 8 of the RMA states that Council must take into account the Principles of the Treaty of Waitangi in relation to managing the use, development and protection of natural and physical resources. There are no known Treaty of Waitangi issues associated with the proposal.

12.5 Part 2 Conclusion

Considering the points raised above and assessment throughout my report, I am of the view that this application will achieve the purpose of the RMA, being ‘the sustainable management of natural and physical resources’. This is because, in my opinion, the proposal:

- will avoid, remedy, or mitigate all adverse effects of the proposed activity on the environment (section 5(c)); and
- will maintain and enhance amenity values and the quality of the environment (sections 7(c) and (f)).

13.0 CONCLUSION

I have assessed that any adverse effects of the proposed activity on the environment can be appropriately avoided, remedied or mitigated and that the proposal is consistent with the relevant objectives and policies of the District Plan.

I am also satisfied that with appropriate conditions in place, submitters concerns regarding hours of operation, construction effects and effects of the proposal on the Reynolds Road residential neighbourhood including residential character, noise and traffic effects can be appropriately avoided remedied or mitigated.

It is therefore recommended that consent to this application be granted, subject to conditions.

I have provided recommended conditions in **ATTACHMENT 20** of this report. I also reserve the right to make changes to the wording of those conditions if necessary to respond to any evidence provided by the Applicant or submitters for the hearing.

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Recommended by:



Stella Morgan
Consultant Planner
23 June 2023

Approved by:



Caleb Sutton
Environmental Consents Manager
23 June 2023

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Recommended Decision

Pursuant to Rule HNCR21 of the Operative Hastings District Plan (2020) and Section 104, 104B and 108 of the Resource Management Act 1991, Discretionary activity consent is GRANTED to Hastings Gospel Hall Trust to establish a Place of Assembly, on a site located at 32 Reynolds Road, Havelock North, being Lot 8 DP 10013, RT: HB189/78.

Subject to the Following Conditions:

GENERAL

1. That unless altered by the conditions of this consent, the development of the site and the operations of the activity shall proceed in accordance with the information submitted in the application, being:
 - a) Resource Consent Application RMA20220170, received 27 April 2022 [HDC Ref: 72055#0004, 0005, & 0021, 0007 and 0008].
 - b) Further information received in emails from Ellen Robotham, Mitchell Daysh as follows:
 - Initial response received 18 May 2022 [HDC Ref: 72055#0009 & # 0012]
 - Further response received 23 May 2022 [HDC Ref: 72055#0013]
 - Further response received 7 June 2022 [HDC Ref: 72055#0015]
 - Further information received 15 June 2022 [HDC Ref: 72055#0022]
 - Further response received 30 June 2022 [HDC Ref: 72055#0025]
 - c) Assessment of Noise Effects – Rhys Hegley (Hegley Acoustic Consultants) received 31 May 2023 [HDC Ref: 72055#0016]

unless otherwise amended by the following conditions on consent.

HOURS OF OPERATION

2. The hours of operation shall be limited to durations of approximately one hour on each of the following days:
 - Sunday morning no earlier than 6.00am for a communion service; and
 - Monday evening no later than 8.00pm for prayer meetings. Both assemblies are for

ADVICE NOTE:

Any activities beyond that stated in condition 2 will require further consideration by way of an application to Council to vary this consent. Notification to neighbours will depend on the nature of the effects of any variation being sought.

NOISE

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 fence to be constructed proper to operations taking place within the place of assembly.

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4. That the consent holder shall maintain all acoustic fences fence as acoustically effective (refer condition 3 above) for the duration that this consent is given effect to.
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, the following design specifications:

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.

The design shall be certified by a suitably qualified acoustic expert as being 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].

6. All doors and windows shall remain closed during meeting times.
7. The site shall be designed and managed to ensure the following noise levels shall not be exceeded at any point beyond the site boundary:

<u>Control Hours</u>	<u>Noise Level</u>
0700 – 1900 hours	50dB LAeq(15min)
1900 – 2200 hours	45dB LAeq(15min)
2200 – 0700 hours the following day	40dB LAeq (15min)
2200 – 0700 hours the following day	75dB LAFmax

The noise shall be measured in accordance with the requirements of NZS6801:2008 Acoustics – Measurement of Environmental Sound and assessed in accordance with the requirements of NZS6802:2008 Acoustics -Environmental Noise.

LANDSCAPING

8. Landscaping shall be completed in accordance with the plans as set out in the Application and the plant species specifications provided in the letter from Greenleaf Nurseries dated 10 May 2022 [HDC ref 72055#0009: including:

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Front boundary

- a) Acer rubum autumn blaze (45 litre minimum)
- b) Lomandra lime tuff (PB3 minimum)

Side boundary planting

- a) Thuja occidentalis pyramidalis (18 litre minimum)

Planting in front of hall building

- b) Lomandra Little Con (PB 3 min)

TRANSPORT

- 9. Prior to the opening of the facility the consent holder shall submit for approval, an engineering design for the construction of the vehicle crossing in accordance with drawing C19 (commercial) of the Engineering Code of Practice 2011.
- 10. Prior to the use of the facility the vehicle crossing shall be constructed in accordance with the approved engineering design by a contractor being pre-approved by Hastings District Council to work within the public legal road. The vehicle crossing shall be a maximum of 6.0 metres wide at the road boundary and will be constructed in a position to be agreed with the transportation engineers.
- 11. That an application for the vehicle crossing to serve the activity shall be submitted to the Hastings District Council for approval prior to commencement of works on site.
- 12. Prior to the use of the facility any redundant vehicle crossing(s) shall be fully reinstated as full height kerb, footpath and berm to the satisfaction of the Transportation Compliance Engineer.
- 13. The preparation works for the vehicle crossing shall be approved by an Officer of the Hastings District Council prior to final surfacing.
- 14. That all works within the public legal road shall be undertaken by a contractor who is pre-approved to do so by Hastings District Council and the work shall be inspected by the Council Transport Engineer (or nominee) prior to permanent surfacing.
- 15. That prior to commencement of works on site engineering design drawings shall be submitted for approval for the car parking areas which shall be formed and provided with a permanent surface, and appropriate storm water control mechanisms with all parking bays clearly marked.
- 16. All costs associated with design, approval, construction and Council inspection shall be met by the applicant.

STORMWATER

- 17. 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 on-site stormwater design to provide sufficient capacity for a 1-in-100 year event. The design shall be certified by a suitably qualified stormwater expert as being in accordance with the mitigation as set out in Section 6 of the Stormwater Design Report prepared by LHT Design Ltd (Version B dated 10/05/2022), [HDC Ref: 70255#0009]

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CONSTRUCTION ACTIVITIES

18. Construction noise from the site shall be assessed and managed in accordance with the New Zealand construction noise standard NZS 6803:1999. Noise from construction activities, and maintenance shall not exceed the noise limits of table 2 in this standard.
19. That earthworks shall be limited to the hours of 7.00 am – 5.00 pm Monday – Friday, and 8.00 am – 5.00 pm Saturday.
20. That there shall be no off-site deposit of sediment or detritus from the area of the works and no deposit of sediment or detritus into any watercourse or storm water drain.
21. That while the earthworks are being undertaken and prior to re-vegetation or sealing, areas of exposed earth shall be regularly dampened with water to ensure that no wind born dust is deposited outside the site boundaries.

MONITORING

22. That a monitoring deposit of \$210 (including GST) shall be payable to cover the reasonable costs of monitoring compliance with the above conditions in accordance with Council's schedule of charges.

In the event of non-compliance being detected by monitoring or justified complaint and/ or the costs of monitoring consent exceeding the deposit, the costs to Council of any additional monitoring shall be paid by the consent holder in accordance with Council's revised schedule of fees.

Advice Notes:

1. *Vehicle Crossing Applications should be made to the Transportation Compliance Engineer: Simon Robson, Ph. 871 5000. Application Forms can be downloaded from the Council website at:
<http://www.hastingsdc.govt.nz/files/all/documents/forms/roading/vehicle-crossing-request-form.pdf>*
2. *All infrastructure services for this site are also subject to Building Consent Requirements.*
3. *To avoid doubt; except as otherwise allowed by this resource consent, all land use must comply with all remaining standards and terms of the relevant Hastings District Plan. The proposal must also comply with the Building Act 2004, Engineering Code of Practice and Hawke's Bay Regional Plans. **All necessary consents and permits shall be obtained prior to development.***
4. *Under section 125 of the RMA, this consent lapses five years after the date it is granted unless:*
 - a) *The consent is given effect to: or*
 - b) *The Council extends the period after which the consent lapses.*