

Subject: Proposed establishment and operation of a childcare centre for 70 children (160 Valley Road)

Applicant P and F Dawson

Consent No: PD-2009-104087-00

Prepared By: Jo Callis (Development Control Planner)

Meeting Date: 24 March 2010

Report to HEARINGS Committee for decision

SUMMARY

The applicant seeks to establish and operate a childcare centre for 70 children at 160 Valley Road. The subject site is 6847m² in size and adjoins rural residential properties on all boundaries. The main issues discussed in the report relate to the potential effects from traffic and noise and the potential effect on the character and amenity of the area.

The proposed activity is commercial in nature, but is also an essential community service. The character of the activity is neither distinctly rural or urban. The activity will increase noise and traffic levels in the area, however it is considered that the existing noise and traffic levels are low and that any effect from the activity will remain at an acceptable level or can be effectively managed or mitigated through design features and through conditions of consent. It is therefore considered that granting consent to the proposal will not give rise to any environmental effects that are more than minor and amenity values will be maintained in the area.

This conclusion has been reached based on certain assumptions and expectations about the noise information provided. The applicant will provide further information to substantiate the noise information already provided, on or before the hearing date. In the event that the information cannot be substantiated, then the following recommendation may be subject to reconsideration.

RECOMMENDATION

That the Committee

1. **grants consent to the application by P and F Dawson, to establish and operate a childcare centre for 70 children in the Rural Residential zone at the property known as 160 Valley Road and legally described as Lot 4 DP8291 pursuant to Sections 104 (1) and 104B of the Resource Management Act 1991.**

Approved for Distribution:

Jo Callis
Planner (Development Control)

Hans van Kregten
Environment and Planning: Manager

1. INTRODUCTION

Site and Locality

- 1.1 The subject site is located at 160 Valley Road, Mangapapa, Gisborne (**refer to Attachment A**). The property is legally described as Lot 4 DP8291 and comprises an area of 6847m². The subject site is located on the northern side of Valley Road, near where the road takes a southerly turn, opposite the vehicle access to the old Cook Hospital site.
- 1.2 The site is located approximately 300m to the east of the General Residential Zone boundary. The northern corner of the site abuts and is located inside the Gisborne Urban Area Boundary. The roading hierarchy is local road.
- 1.3 The site has been used for grazing in the past. There is an existing residential dwelling at the site. There is a single unsealed vehicle crossing and accessway at the western edge of the site that serves the dwelling. The site is flat and mainly in grass. There are some mature trees present along the northwestern boundary and also dotted around the site.
- 1.4 Land uses in the area comprise rural residential living in the immediate vicinity and medium density living to the west. There is a home occupation activity occurring nearby and a cattery in the rural residential zoned land in the vicinity of the subject site. There are some pastoral agricultural and forestry activities occurring nearby.

Proposal

- 1.5 The applicant seeks to establish and operate a childcare centre for 70 children at the subject site (**refer to Attachment B**). It is proposed to employ a maximum of 14 full time staff members. It is proposed to operate the centre between 7.45am and 5.15pm Monday to Friday. The hours that staff will attend the centre will be between 7.00am to 6.00pm Monday to Friday.
- 1.6 The childcare centre will comprise a single building with a floor area of 350m². The building will be a single storey, with slatted timber boarding, corrugated external cladding, an iron roof and covered verandahs, including a covered drop off area. The building will be setback from the front boundary by approximately 23.0 metres, 17.5 metres from the eastern boundary, 12.5 metres from the north-eastern boundary and 36.0 metres from the western boundary. The existing house at the site will be removed at the commencement of work at the site.
- 1.7 The plans submitted with the proposal show an on-site car parking area that contains at least 28 car parking spaces and a turning area. A new vehicle access will be established at the western corner of the site which will be divided into a separate entry and exit component.
- 1.8 The total impervious surface at the site will total 1040m². The site will be connected to the public wastewater reticulation that terminates further west along Valley Road, via a private line. A landscaping plan has been submitted showing the existing and proposed landscaping to be undertaken at the site, including fencing.

2.0 REASONS FOR REQUIRING A RESOURCE CONSENT

Part Operative Combined Regional Land and District Plan (the District Plan)

Rural Residential Zone

- 2.1 The site is zoned Rural Residential and contravenes the following rule in Chapter 21 (Rural Zones).

Rural Zone Rules

Rule 21.9.4.1 Discretionary Activities states that:

*Activities not listed as Permitted activities but which comply with the General Rules are **Discretionary Activities**.*

- 2.2 Childcare centres are not provided for as Permitted activities within the Rural Residential zone but the proposal complies with all general rules for Rural zones. Therefore, in accordance with Rule 21.9.4.1 of the District Plan, the development is deemed to be a **Discretionary Activity**.

3.0 CONSULTATION

- 3.1 The usual agencies and departments were advised of the application and comments regarding the following issues have been considered:

Environmental Health Section

The Environmental Health Section has advised that the applicant's initial statement that the proposed activity will not generate any more noise than which is now present in Valley Road is incorrect. This prompted the planning officer's request for a formal noise assessment which has since been received by Council. The applicant's agent has been asked further to substantiate the acoustic information supplied to Council, no later than the date of the hearing.

The officer also observed that the applicant had not specifically mentioned waste disposal and has provided an advice note stating that under the new Air Standards all educational institutions are prohibited from burning their waste unless they have applied for and been granted a resource consent for Discharges to Air.

Soil Conservation Section

The Soil Conservation Section has indicated that any future building consent would need to include a land stability report to address foundation design. Appropriate conditions and advice notes will be appended to the consent, if granted.

Rivers and Land Drainage Section

The Rivers and Land Drainage Section has advised that they hold no specific concerns about the proposal and have no conditions or advice notes to contribute. However the officer made the general observation that given the amount of hard standing that is proposed it may be appropriate for Low Impact Urban Design techniques to be applied to this development. This is discussed further in relation to the requirements of Council's stormwater section.

Proposed Plan Change 40 to the District Plan has amended the location of the F9 urban floodway from within the property boundary, to the road reserve. Therefore the applicant will not need to maintain the floodway within the site. However the officer has requested that suitably sized culverts will need to be installed for any new vehicle accesses to the site. This will form a condition of consent.

Utilities Section

Council's Stormwater officer has advised that the change of land use may mean the open drain will be under capacity for the childcare facility that is to be located on the subject site.

The officer is confident that there will be an engineering solution and has asked for a stormwater design to be submitted with the building consent detailing an adequate plan to cope with the increase in stormwater. This request shall form a condition of consent.

The applicant has liaised with Council's Engineering and Works Manager regarding wastewater reticulation at the site. The Engineering and Works Manager has provided approval in principle to the laying of a private sewer line along Valley Road, at the applicant's cost. The applicant would also be responsible for the cost of maintenance of the private sewer line. The officer has stated the applicant will require a licence to occupy the road reserve.

Roading Section

The Roothing Section reviewed the traffic assessment completed by Traffic Design Group and the officer has advised that they hold no concerns about the proposal, but has contributed several recommendations to the final decision. These include the requirement for a sealed vehicle access with a two lane width and the requirement for clearance of low growth along the fenceline beside the proposed entrance.

Administration Engineer

The administration engineer has reviewed the proposal and has advised that a development contribution will be required for the establishment of the activity at the site. The officer holds no other concerns about the proposal.

3.2 The application included affected parties written approvals from the following property owners:

- GJ and ME Hope, 176 Valley Road, Gisborne

3.3 The application was subject to full notification in accordance with Section 94(1) of the Resource Management Act 1991 on 14 October 2009. The following parties were also identified as potentially affected due to their close proximity to the subject site:

- AC and DM Warren, 142 Valley Road, Gisborne
- R and T Forrester, 150 Valley Road, Gisborne
- CC and RA Daly and MD Warren, 156 Valley Road, Gisborne
- GJ and ME Hope, 176 Valley Road, Gisborne
- CJ Devenport and LP Evans, 180 Valley Road, Gisborne
- DR King and P Broekhuizen, 195 Valley Road, Gisborne
- AR and DP Gregory, 187 Valley Road, Gisborne
- LG Larsen, 181 Valley Road, Gisborne
- BL Harris and DL Walsh, 165 Valley Road, Gisborne

3.4 Submissions were received from the following parties:

In Support of the Proposal:

- L M Branson, 180 Valley Road, Gisborne
- RW and BK Hope, 208 Valley Road, Gisborne
- E Kawhia, 31 Norman Road, Gisborne
- T Keelan, 55 Roebuck Road, Gisborne

- GJ Hope, 176 Valley Road, Gisborne

In Opposition to the Proposal

- P Broekhuizen, 195 Valley Road, Gisborne
- LG Larsen, 181 Valley Road, Gisborne
- BL Harris and DL Walsh, 165 Valley Road, Gisborne
- AC and DM Warren, 142 Valley Road, Gisborne on behalf of:
 - P Andrew, 222 Valley Road, Gisborne
 - N and R Ashworth, 120 Valley Road, Gisborne
 - W and M Hobdell, 247 Valley Road, Gisborne
 - B and M Hyland, 131 Valley Road, Gisborne
 - N and G Joyce, 133 Valley Road, Gisborne
 - K Langdon Lane, 223 Valley Road, Gisborne
 - G and P Rickard, 249 Valley Road, Gisborne
 - C and J Walmsley, 141 Valley Road
- J Kirk, 1805 Kanakanaia Road, Te Karaka
- GA Evenbly, 730 Awapuni Road, Gisborne
- J Jelvers, 252 Ormond Road, Gisborne
- E White, 142 Russell Street, Gisborne
- V and J Warren, 59 Balance Street, Gisborne
- K Donovan and D Monteith, 50 Shelley Road, Gisborne
- TJ Fowell and G Ball, 325 Valley Road and 26 Dryden Street, Gisborne
- B Mitchell, 338 Valley Road, Gisborne
- P Ball, 326 Valley Road, Gisborne
- PJ and J Ryan, 201 Valley Road, Gisborne
- K Hunt, 3 Duncan Street, Gisborne
- AJ Robinson, 153 Valley Road, Gisborne
- R and T Forrester, 150 Valley Road, Gisborne
- CC and RA Daly, 156 Valley Road, Gisborne
- AR and DP Gregory, 187 Valley Road, Gisborne

3.5 The following is a summary of the submissions received. These submissions are shown in **Attachment C**.

Submissions in support of the proposal

3.6 Submissions were received from five parties in support of the proposal. The names of the submitters are listed in section 3.4 above.

3.7 A submission was received from Mr Hope in support of the proposal. Mr Hope supports the proposal on the basis that the expected noise levels, location and hours of operation are all appropriate and that there would be no negative impacts on traffic safety in the area.

He considers that the issues of sewerage, drainage and landscaping have been addressed to his satisfaction. Mr Hope was considered to be directly affected by the proposal as he is the owner of the adjacent properties to the east.

- 3.8 LM Branson considers that the natural setting of the activity is appropriate and safe and that there would be low traffic flow. Similarly, RW and BK Hope support the environmentally friendly theme and setting of the childcare centre.
- 3.9 E Kawhia and T Keelan have both provided submissions in support of the activity. These submissions provide positive character references of the applicant. E Kawhia raises the subject of the need for quality childcare centres in the Gisborne area and that the proposal would fulfill this alleged need. T Keelan considers that the centre would provide valuable learning experiences. It is noted that E Kawhia and T Keelan are not residents of Valley Road.

Submissions in opposition to the proposal

- 3.10 Submissions were received from 19 parties in opposition to the proposal. The names of the submitters are listed in section 3.4 above. One of the submitters represented 23 parties in total, of which eight had not made their own separate submissions.
- 3.11 The content of the submissions in opposition can be summarised under the following five broad themes:
- Traffic (including traffic and pedestrian safety, parking and congestion)
 - Noise
 - Visual Amenity, including privacy
 - Character
 - Precedent Effect

These themes will be discussed in further detail in the following paragraphs.

- 3.12 A number of submitters consider that the corner near the site is dangerous and a traffic hazard. Submitters have documented that the area has a history of car accidents and animals being killed and that a number of people have observed traffic doing high speeds. It has been raised by many submitters that people from the wider area use the road for cycling, walking and horse riding and it is considered that any increase in traffic associated with the childcare centre would increase the risks that are already present to these people using a narrow road.
- 3.13 Submitters consider that there are limited sight lines at this junction and that this would compromise the safety of the proposed vehicle access. They also question the ability of the road to accommodate the increase in traffic and that queuing and congestion will occur. There is also concern that there would not be enough car parking for the full range of events held at the childcare centre.
- 3.14 Submitters have questioned the professional rationale behind the anticipated noise levels stated in the application, including the lack of consideration of the noise associated with traffic trips. The proposed noise mitigation measures and the lack of consideration of the topography of the area in terms of noise effects are also questioned. There is doubt amongst submitters that the proposed noise mitigation measures will be effective, including the time it will take for noise mitigating planting to establish. Submitters have pointed out the proximity of residences to the proposed development and that they expect that the childcare centre will result in increased noise levels that will have a nuisance effect on these.

- 3.15 Several submitters have expressed concern that the proposed childcare centre building will be larger than a typical dwelling and that this will visually impact upon the locality. Similarly, submitters consider that the car park and timber fence would be out of character with the existing environment. The immediate neighbour is particularly concerned about the potential for loss of privacy. Another adjacent neighbour is elevated and does not consider that the car park can be screened from their house.
- 3.16 Related to the preceding submissions, submitters have expressed concern that a childcare centre has the potential to change the character of the existing environment, which is currently believed to be quiet, peaceful and private. They consider that increases in people visiting the area, traffic and noise levels would contribute to this change. Some submitters have expressed concern about the potential for a precedent effect to occur, whereby if this development is approved, other commercial developments may be approved in the area.
- 3.17 Issues that were less commonly mentioned related to the potential for dust and air pollution, downstream and wildlife effects, including sedimentation and water pollution. Submitters questioned whether the development would be adequately serviced for wastewater, stormwater and power. Submitters also questioned the perceived versus actual need for an additional childcare centre in Gisborne and what makes the childcare centre 'sustainable' as discussed in the application. Several people hold concerns that the hours of operation will be increased in the future in line with other centres in Gisborne and several people questioned why the number of children attending the centre would decrease in the afternoon. There is also a fear that MOE licences will override resource consent restrictions in terms of the number of children that will be in care at the site. Some submitters hold concerns about the potential for devaluation of property values.
- 3.18 Some submitters were also concerned with the applicant's assessment of who is deemed to be an affected party. However, it is considered that this issue has been addressed through full public notification of the proposal and this issue will not be discussed further.

Comment

- 3.18.1 The resource consent process is restricted to assessing the proposal in terms of effects on the environment as outlined by the RMA. Some of the issues raised in submissions do not actually relate to environmental effects, for example the character references of Mrs Dawson, the effects on property values or the ability for the development to be serviced for electricity. Section 104(2) states that:

"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 the plan permits an activity with that effect" (emphasis added).

Where appropriate, the relevant issues raised by submitters will be discussed in the assessment below.

4.0 STATUTORY ASSESSMENT

Matters to be considered when assessing an application for resource consent are set out in section 104 of the Resource Management Act 1991.

Amongst other things, these matters require consideration of any actual and potential effects on the environment arising from the proposal, together with an assessment as to whether the application is consistent with relevant objectives, policies and rules of any relevant plan and any other matters the consent authority considers relevant and reasonably necessary to determine the application.

- Under section 104B, the consent authority may grant or refuse a resource consent application for a Discretionary Activity and if it grants the application, may impose conditions under section 108.

SECTION 104(1(a)) - ACTUAL OR/AND POTENTIAL EFFECTS ON THE ENVIRONMENT OF ALLOWING THE ACTIVITY

- 4.1 The Act gives "Environment" a wide-ranging definition. It includes people and communities and amenity values. The latter is defined to include natural and physical elements. Section 3 of the Act also provides a broad ranging definition of what constitutes an effect.
- 4.2 The objectives and policies in Chapter 21 (rural zones) provide guidance on the matters to consider in the assessment of the effects associated with land uses occurring within the Rural Residential zone. These matters include amenity values, noise and traffic.

Traffic Effects

- 4.3 A traffic assessment has been prepared and submitted as part of the application. It is anticipated that the activity will generate in the order of 272 vehicle trips per day, taking into account all children and staff and the fact that some children will have a sibling attending the centre. This is an increase of approximately 51% per day. Multiple submitters have questioned the ability of the roading network to accommodate these extra vehicle trips.
- 4.4 Traffic Design Group states that childcare centres typically have a peak hour in the morning but not in the evening, with a relatively constant amount of drop-off and pick-up activity occurring between 1.00pm and 5.00pm. This assertion is consistent with the applicant's statement that many children would leave prior to 5.00pm. Even during peak times, national traffic survey information shows that an average of 6 arrivals would occur during 15 minute periods. Queuing and congestion are therefore not expected to occur.
- 4.5 Traffic Design Group have confirmed that Valley Road will be able to safely accommodate the extra traffic generated by the proposal, based on the expected traffic volumes, the likely vehicle arrival times and the existing modest level of traffic use on Valley Road.
- 4.6 Many submitters have raised concerns about the safety of the corner near the subject site. Particular concerns are the high speeds that vehicles travel at and the number of accidents reported in the area. However operating speeds were measured by Traffic Design Group and were shown to be 36km/hr eastbound and 42km/hr westbound and therefore not excessive. Furthermore, the accidents reported near the proposed site entrance were caused by poor driver behaviour rather than a road network safety issue. Both accidents occurred at night and involved excessive speed.
- 4.7 The design and location of the vehicle access is supported by both Council's Roading officer and Traffic Design Group. The particular design features are sufficient sightlines of 114m eastwards and 160m westwards from the corner and a minimum carriageway width of 6.0 metres at the road boundary in order to provide two-way traffic flow to and from the centre.

Additional seal widening will also be required opposite the entrance, in accordance with the applicable standards, to enable vehicles to enter the site without impeding any westbound traffic. A condition of consent will be imposed requiring the removal of any vegetation in the road reserve that may interfere with visibility of the corner.

- 4.8 Submitters have pointed out that many people from the wider area use the road for cycling, walking and horse riding and it is considered that any increase in traffic associated with the childcare centre would increase the risks that are already present to these people who use a narrow road with no footpath. Given the distribution of trips throughout the day and the proposed seal widening, it is not considered that any present risk would be intensified beyond any current level of risk. It is also noted that the primary function of a road is to carry vehicular traffic.
- 4.9 There is concern from some submitters that there would not be enough car parking for ordinary and out of the ordinary events held at the childcare centre. There is ample parking provided at the site, in light of the distribution of car trips during the day, and the car parking provision exceeds District Plan requirements. The proposal provides 28 car parks, including a mobility car parking space, where 21 car parks are required. Manoeuvring is provided at the site, via a one-way circulation system for drop-off and pick-up. This design is considered to be a safe, efficient and convenient configuration.
- 4.10 When considering the permitted baseline, current levels of activity, the ability of the road network to absorb the projected additional traffic movements, the spreading of the traffic trips throughout the day, the availability of on-site parking, the width and safe location of the access in relation to the corner and the proposed seal widening, it is not considered that traffic movements associated with this activity will have an adverse effect on traffic safety in the area.

Noise and Nuisance Effects

- 4.11 An acoustic assessment has been prepared by ARM Acoustics and submitted with the application. A childcare centre of this size has the potential to generate a noise nuisance. The District Plan sets a noise level for the Rural Residential zone of L₁₀ 55 dBA between the hours of 6.00am and 9.00pm. This recognises the range of activities that may occur in the zone. Farming activities are specifically excluded from this limitation provided that they exercise the best practicable option to minimise noise to a reasonable level.
- 4.12 The noise associated with the childcare centre is expected to be audible and distinguishable in the immediate area, particularly as the proposed activity is not part of the existing environment and the existing background noise level is low. Noise from traffic arriving at the centre and children playing outdoors would be an unfamiliar sound to the area. Due to the relative setbacks between the building and the boundary, it is not anticipated that noise from inside the building would produce any nuisance effects beyond the boundary.
- 4.13 The applicant proposes several noise mitigation measures. These include comprehensive landscaping and timber fencing (although not specifically acoustically designed) along the western boundary. Submissions received question the effectiveness of these measures. It is not clear how effective fencing and landscaping will be in mitigating noise. It is possible that separation distance alone may reduce the level of sound received at the boundary to an acceptable level and this remains to be proven.

- 4.14 A timetable has been produced by the applicant detailing the estimated times that children will be outdoors. The children will not be engaging in outdoor play all day. Less than half the day (approximately 3.5 hours) would be spent outdoors, although children would still be split between indoor and outdoor activities during those times. The bulk of the outdoor time occurs during the afternoon when there will be reduced attendance at the centre. Due to the proposed hours and days of operation, the duration of any noise of children playing outdoors will not be at hours which would be deemed to be unreasonable in a zone where people reside. Nevertheless, it is considered prudent to require a more detailed noise management plan as a condition of resource consent, if granted.
- 4.15 A submission was received in support of the application from the Hopes who own the three properties to the east of the subject site (176 and 180 Valley Road). Their boundary is closest to the proposed childcare centre building and staff only area, both of which are not expected to produce nuisance effects beyond the boundary.
- 4.16 Submissions have been received in opposition from the three other adjacent landowners. These include the Daly's of 156 Valley Road (directly west of the subject site) and the Gregory's of 187 Valley Road (directly across the road from the subject site) that include comments about noise. A number of other submissions have been received from people not residing in the immediate area that also include comments about noise.
- 4.17 The acoustic report addresses the topography of the valley. The report states that the site location at the bottom of the valley combined with the abundant vegetation outside 187 Valley Road and the separation distance and related noise reduction would all have noise reducing effects. The result would be no adverse noise effects on the dwelling at 187 Valley Road. This is important as some submitters considered that the noise effect on the elevated dwelling on the property to the south may be increased by the height of this dwelling relative to the childcare centre. However the Environmental Health section maintains that vegetation must have certain characteristics and densities to be effective in blocking sound.
- 4.18 The applicant wishes to utilise the majority of the area west of the main building for the purposes of outdoor play. An outdoor play area on the western side of the building will create noise from children playing. Much of the surface of the play area will be grass. This would eliminate effects of noise generated by hard surfaces. Childrens and teachers voices would therefore be the main source of sound.
- 4.19 This larger outdoor play area is not the preferred option as the Daly household would have a noise source within approximately 4.5 metres of their dwelling. It is considered that the best practicable option for minimising the noise received at the western boundary would be to contain the outdoor play area to the 1200m² area originally shown on the application plans (**refer to Attachment D**). The smaller area option would still meet MoE requirements and would markedly reduce any noise effects experienced by the Daly household. This will form a condition of consent, if granted. Alternatively, the applicant's agent has suggested use of the wider outdoor area that contains vegetated and shaded areas, on a limited basis. This could form part of a more detailed noise management plan.
- 4.20 The District Plan allows for the outdoor activities associated with educational institutions to have a higher threshold for noise measured at the boundary. This threshold is 10 dBA higher than the regular noise standard. This rule applies where the activity is Permitted. Where the activity is not permitted this rule acts as a guideline only and Council has the discretion over whether the standard is still applicable.

- 4.21 The activity is not provided for in the Rural Residential zone and it is not considered appropriate to apply this rule due to the lower level of ambient noise present in this particular rural location. The type of noise is not typical of the locality and the difference between the noise levels before and after the establishment of the activity will be discernible to adjoining landowners. Although noise associated with farming is permitted within the zone, the lot sizes are not conducive to large scale agricultural production activities and contributes to the lower background noise level present in the subject location.
- 4.22 A 10 dBA increase would allow L₁₀ 65 dBA, which has the potential to cause annoyance and health and safety effects. The World Health Organisation has prepared a document entitled *Guidelines for Community Noise* which suggests that for reasons of health and wellbeing, noise should not exceed leq 55 dBA for the outdoor play areas associated with preschools. Furthermore, the guideline states that:
- “During daytime, few people are highly annoyed at LAeq levels below 55 dB(A), and few are moderately annoyed at LAeq levels below 50 dB(A).”*
(World Health Organisation, 1999).
- 4.23 The sound associated with vehicles moving onto the site and other vehicle related noise (door slams and engine starts) has the potential to create a noise nuisance. However the latter two noise sources will be sufficiently separated from both the Daly and Gregory property boundaries. Although the vehicle access is located near the Daly property boundary, the low speed of vehicles and the ground surface are not expected to produce a noise nuisance across the boundary. The sound would not be significantly different to a vehicle travelling down the road.
- 4.24 There is concern expressed by several submitters that MoE licences will override resource consent restrictions in terms of the number of children that may be in attendance at the centre at any one time. This is not the case and childcare centre operators must comply with the conditions of any resource consents granted to them as well as any MoE requirements. All assessments, in particular noise, are based upon 70 children and any effects produced by children in attendance greater than this number would not have been assessed. A condition will be placed on this resource consent restricting the childcare centre to cater for up to a maximum of 70 children.
- 4.25 The acoustic report states that the expected noise level at the boundary is between 58.0 and 59.8 dBA and the ambient (background) noise level for Valley Road is some 55.0 dBA. The report concludes that the facility will not create a noise disturbance to others and can operate in compliance with District Plan noise controls if a 12 metre wide buffer area is implemented around the edge of the outdoor play area. The report states that the noise levels will diminish as one moves away from the noise source. Noise levels will diminish by 3 dBA as the distance from the source is doubled.
- 4.26 Council’s Environmental Health section have questioned some of the assumptions that the report is based upon and the methods of measuring and assessing the data. They are therefore unable to confidently determine from the information provided that the noise from 70 children attending the childcare centre will fall within the noise limits in the District Plan for the Rural Residential zone and subsequently it cannot be determined whether the noise effects arising from the proposal would be more than minor.
- 4.27 The applicant’s agent has been asked to further substantiate the acoustic information supplied to Council, no later than the date of the hearing.

For the purposes of the overall recommendation of this hearing report, it is assumed that the information provided is correct. If it is not substantiated at or before the hearing, then the overall recommendation may be subject to reconsideration.

- 4.28 The noise generated by the activity will be limited to certain periods during the day in the case of outdoor play and spread across the day in the case of traffic movements. It is considered that if the proposed play area is separated from the boundary with the Daly property, if noise from outdoor play is actively managed and minimised by staff and that the noise levels can meet an average of L₁₀55 dBA at the boundary then the level of noise that would be produced from the centre will not have an effect that is more than minor on the surrounding locality.
- 4.29 A review clause has been set out in the conditions of the consent to ensure that there is provision to add or amend conditions to deal with any adverse effect that may arise from the proposal. Overall it is considered that if the noise conditions recommended by the Environmental Health and Planning officer are adhered to, the activity will not have an adverse effect on rural-residential amenity.

Hours of Operation

- 4.30 Several submitters hold concerns that the hours of operation would be able to be increased in the future in line with other centres in Gisborne. No precedent would be set by the granting of this application and any effects of an extended operation would be the subject of a new application for resource consent. It is noted that the applicant has not expressed any indication that extended hours would be desired and the proposed hours are typical of most childcare centres. A condition will be placed on the consent restricting the hours of operation to between the hours of 7.00am and 6.00pm Monday to Friday.
- 4.31 Several submitters questioned why the number of children attending the centre would markedly decrease in the afternoon. The applicant has provided a valid response why there will be a decrease in the attendance of children at the centre after 1.00pm on each operating day, the main reason being that many guardians utilise the Government-sponsored 20 hours free childcare scheme for 3 and 4 year olds which produces a high demand for morning care, and afternoon care comes at an additional cost. Moreover, many parents pick up their preschoolers around the same time as their school children.

Amenity Values

- 4.32 The Act defines amenity values as those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence and cultural and recreational attributes.

Visual Impact

- 4.33 The childcare centre will comprise a single building with a floor area of 350m². The building will be a single storey, and built of slatted timber boarding with corrugated external cladding, an iron roof and covered verandahs, including a covered drop off area. Existing and proposed landscaping will act to soften and screen the building although the activity will not be entirely screened by the proposed landscaping.
- 4.34 The building will be sympathetic to its rural surroundings in terms of design and materials and it will be compatible with both residential and agricultural style buildings. Although large in floor area, the building will not dominate the surrounding area as it will be setback from all boundaries and is a single storey.

The building is not elevated above any other properties and has a backdrop of agricultural and forested land. Although larger than a typical dwelling, which is a concern of some submitters, dwellings and farm buildings of this size may be built as of right in the Rural Residential zone on a similar sized site. Therefore the appearance of the building is similar to what could be built as of right, when considering that the building has a rural appearance. The District Plan allows for up to 16% of the site to be covered by impervious surfaces in the Rural Residential zone. The proposal is consistent with this requirement.

- 4.35 Some submitters consider that the car park and timber fence would be out of character with the existing environment. Another adjacent dwelling belonging to the Gregory's is elevated and they do not consider that the car park can be screened from their house.
- 4.36 There are no District Plan rules precluding the erection of fences in rural areas. Nevertheless, it is acknowledged that a timber fence spanning the length of the western boundary could produce adverse visual effects beyond the boundary and onto the Daly property in this instance due to the long length of the boundary. It is preferred that any fence is either setback from the boundary or erected on the inside of the landscaping. The containment of the outdoor play area may remove the need for a fence in this location.
- 4.37 Landscaping will screen in part the car park when viewed from the road level. The carriageway width has been minimised as much as possible and a large dwelling or agricultural activity could conceivably have a similar sized driveway. The appearance of the driveway will be softened through the use of permeable pavers. The car park would only be visible from one room in the Gregory household and not all of the car park would be visible due to extensive planting at the front of the Gregory household. It is also noted that the Gregory's main outdoor living area is not oriented toward the childcare centre.
- 4.38 The immediate western neighbours (Daly's) are particularly concerned about the potential for loss of privacy. It is proposed to landscape the entire western boundary, which will screen the views to the Daly property from within the subject site, in particular from the outdoor play area and vehicle access, as it is situated close to the Daly boundary. The only possible privacy breach could relate to cars slowing down in the eastbound lane before they enter the childcare centre, however queuing is not anticipated.
- 4.39 The style of building and the proportion of the site that will be covered by accessways and buildings is not atypical of what may be expected in the Rural Residential zone. For these reasons, the visual impact of the proposal is considered to be no more than minor.
- 4.40 Childcare centres are not specifically provided for in rural zones and submitters have placed emphasis on their character as being commercial. One submitter suggests that only one of the 25 childcare centres or similar facilities operating in 2008 in the Gisborne area were in purely residential areas, with many being located on or adjacent to schools, reserve land or commercially used properties. Childcare centres are also regarded as an essential community service and are provided for in both commercial and residential zones. It is agreed that childcare centres are predominantly found in urban areas and many childcare centres in Gisborne have a residential zoning.
- 4.41 The District Plan provides as of right for residential and farming activities and accessory buildings associated with these to be built in the Rural Residential zone. The Rural Residential zone is a peri-urban area that does not share the more remote characteristics of other rural zones. It is a buffer between purely urban and rural areas.

The subject site is in close proximity to a General Residential zoning and is located within the Gisborne Urban Area.

- 4.42 The character of Valley Road does commonly comprise residential land uses but there is a cattery and a home occupation nearby. Industry is also contemplated in the rural zones as a Discretionary activity. An industrial activity would be permitted if the effects could be managed. It follows that a childcare centre should also be allowed if the effects can be managed.
- 4.43 In general, agricultural and other noise generating activities will be in closer proximity than in other rural zones. Although childcare centres produce a different type of noise than agricultural activities, it is considered that if the activity can meet the noise levels for the zone then it can be accommodated on the subject site.
- 4.44 Submitters have expressed concern that a childcare centre has the potential to change the character of the existing environment which they consider is currently quiet, peaceful and private. They consider that increases in visits to the area, traffic and noise levels would contribute to this change. As discussed in the preceding paragraphs, the effects of traffic and noise for this proposal are considered to be reasonable and acceptable.
- 4.45 It is acknowledged that the activity will produce a noticeable change in appearance on the subject site as it is currently used for a single small residential dwelling and grazing. However it has been demonstrated that this change would not have effects that are very different to the effects of any activity that could occur as of right on that site and that these effects can be controlled. Overall it is considered that any character and amenity effects on the environment arising from the proposal will be no more than minor.

Infrastructure Effects

- 4.46 Council's Rivers and Land Drainage officer requires that the drain be culverted with a suitably-sized pipe at the time that the new vehicle crossing at the site is established. The applicant is willing to do this and this requirement will form a condition of consent, if granted.
- 4.47 Council's Stormwater officer has advised that the change of land use may mean the open drain will be under capacity for the childcare facility that is to be located on the subject site. The applicant proposes to install water storage tanks of sufficient capacity to accommodate peak runoff as calculated for conditions prior to the development. This stored water will be recycled for use at the centre and any surplus will be discharged into the open drain at a time of minimum demand flow in the drain. The officer has asked for a stormwater design to be submitted with the building consent detailing an adequate plan to cope with the increase in stormwater. This request shall form a condition of consent and it is considered that the request can be effectively dealt with at the building consent stage.
- 4.48 The applicant has liaised with Council's Engineering and Works Manager regarding wastewater reticulation at the site. The Manager has provided approval in principle to the laying of a private sewer line along Valley Road at the applicant's cost. The applicant would also be responsible for the cost of maintenance of the private sewer line. A condition requiring a connection to the public wastewater reticulation will be placed on the consent, if granted.

- 4.49 In the event that the private connection to the wastewater reticulation is not constructed, an alternative on-site wastewater disposal system will be required. The applicant is advised that there may be constraints to the establishment of an effective septic system at this location due to soil type and drainage. A source of potable water will be also be required for the activity and an advice note will be placed on the consent requiring this.
- 4.50 It is considered that the site can be adequately serviced for wastewater, stormwater and potable water and that the concerns of submitters in relation to the provision of infrastructure can be alleviated in this respect. Overall it is considered that any effects on infrastructure arising from the proposal will be no more than minor.

Social Effects

- 4.51 Submitters questioned the perceived versus actual need for an additional childcare centre in Gisborne and also what makes the childcare centre 'sustainable'. The granting of this consent is not dependent upon the whether the childcare centre is deemed to have a sustainable theme. It is simply recognised that the centre may provide additional 'choice' for educational opportunities and that this choice enables social, economic, and cultural well beings to be provided for. The development will benefit the wider community by helping cater for present and future childcare needs.
- 4.52 Overall it is considered that any social effects arising from the proposal will be no more than minor.

Other Matters

- 4.53 Several submitters were concerned with the potential for air pollution (including dust) and water pollution (including sedimentation and downstream and wildlife effects). The relevant Council officers do not share these concerns.
- 4.54 The activity is not anticipated to cause air pollution beyond what is expected by the District Plan. However, Council's Environmental Health officer has pointed out that under the new Air Standards all educational institutions are prohibited from burning their waste unless they have successfully obtained resource consent. An advice note to this effect will be placed on the consent, if granted.
- 4.55 The Soil Conservation section has indicated that any future building consent would need to include a land stability report to address foundation design. Appropriate conditions and advice notes will be appended to the consent, if granted. The officer has not requested any particular sediment and erosion control measures to be put in place during construction.
- 4.56 Overall it is considered that any effects on the environment arising from the proposal will be no more than minor.

SECTION 104(1)(b)(iv) – RELEVANT DISTRICT PLAN OBJECTIVES AND POLICIES

Part Operative Gisborne Combined Regional Land and District Plan

- 4.57 The primary objectives relating to the rural zone are:

21.3 General Objectives (Rural zones)

- 1 Enable subdivision, use and development in all rural zones provided that adverse environmental effects can be avoided, remedied or mitigated.*
- 2 Maintain rural amenity values.*

- 4 *Enable peri-urban living in appropriate areas, and at densities where the adverse effects of this activity can be avoided, remedied or mitigated.*
- 5 *Locate structures and plant trees in such a manner as not to cause adverse environmental effects across property boundaries.*

Comment

The effects associated with noise and traffic are considered to be at a level that will maintain rural amenity values. Due to specific design features outlined in the application it is not considered that the structures or scale of the development will cause the loss of any rural amenity values for surrounding residents. The positioning of structures and landscaping will not cause adverse environmental effects across property boundaries.

21.3A Objectives (Rural Residential)

- 6 *To provide for peri-urban development on the fringes of the Gisborne Urban Area and the fringes of the rural townships, where the adverse effects of this activity can be avoided, remedied or mitigated.*
- 7 *To preserve areas on the fringes of the Gisborne Urban Area where sustainable quality future residential development may be appropriate.*

Comment

Although not specifically provided for in the Rural Residential zone, the activity is considered to be compatible with peri-urban development and the proposed childcare centre will not preclude sustainable quality future residential development.

- 4.58 Policy 21.4 outlines the matters to consider when assessing applications for development within rural zones:

21.4 General Policies (All Rural zones)

1. *When preparing plans or considering applications for plan changes, resource consents or designations in all rural zones regard shall be given to the following general policy as well as any specific policy relating to the zone:*
 - *effect of the activity on the natural landform characteristics;*
 - *effect on significant indigenous vegetation and significant habitats of indigenous fauna with particular references to Chapter 4 – Natural Heritage;*
 - *effect on biodiversity, water quality, land stability and erosion with reference to Chapter 4 - Natural Heritage and Chapter 6 – Land Disturbance;*
 - *the location, scale and nature of the proposed activity and its effect on the balance of the land and on adjoining properties;*
 - *alternative methods and locations available to carry out the works or activities;*
 - *physical constraints to the site such as separation by rivers or roads, site configuration and layout;*
 - *any adverse effect that the activity may have on existing rural activities;*
 - *the shape, size and location of lots to be subdivided and any adverse effects they may have on amenity values;*
 - *whether covenants, buffer zones or separation distances between activities would assist in mitigating adverse environmental effects.*

2. To manage the effects of land use in rural zones which may not be of a rural nature by ensuring that the amenity values of the rural environment and surrounding properties are maintained with particular regard to:

- traffic generation whereby:
 - * the level of traffic generated by the activity must be able to be accommodated without compromising the safety of traffic and residents on the District's roads;
 - * given the nature of adjacent roads that all entry, exit and manoeuvring of vehicles onto a public road can be conducted safely;
 - * adequate on-site vehicle parking and manoeuvring areas are provided for all developments;
- noise;
- visual impact ensuring that:
 - * to manage the effects of land use in rural zones which may not be of a rural nature the scale of the structure is appropriate for the use and the environment in which it is located;
 - * activities are of an appropriate scale and intensity for the area in which they are located;
 - * structures, areas and activities visible from public places are screened;
 - * the type of construction materials are not inappropriate to the environment in which they are located.

3. Tall vegetation and structures should retain, where possible, the adverse environmental effects they generate within the property boundaries.

Comment

- 4.59 The activity will not involve any significant disturbance of natural landforms or habitats and does not require any vegetation removal. Instead further landscaping will be carried out at the site. The integrity of the drain outside the site will be maintained.
- 4.60 The location, scale and nature of the proposed activity is deemed to be appropriate for the location. The relative separation distance to neighbouring sites and the large size of the subject site will effectively mitigate some of the effects of the activity. The proportion of the site occupied with structures and accessways is consistent with other sites in the nearby vicinity. The style and design of the building is compatible with the rural character of the locality and should not produce adverse effects beyond the boundary. It is neither practicable or necessary to screen the entire site, but comprehensive landscaping will effectively soften the activity.
- 4.61 The activity could be carried out in an alternative location, but the traffic and noise effects would be similar or greater than this proposal in an alternative location. Reverse sensitivity effects are not expected as there are no agricultural activities nearby that are likely to generate nuisance effects associated with dust or spraying on a regular basis.
- 4.62 The level of traffic generated is able to be accommodated without compromising traffic safety. It has been demonstrated that entry, exit and manoeuvring of vehicles onto Valley Road can be conducted safely and that there is adequate on-site vehicle parking and manoeuvring areas provided on-site. The noise levels will meet the prescribed noise limits for the zone. For these reasons the intensity of the activity is considered to be an appropriate level.

21.6 Policies (Rural Residential and Rural Lifestyle)

21.6A Policies (Rural Residential)

12. *To enable peri-urban subdivision, use and development on the fringes of the rural townships, Gisborne Urban Area, and the areas adjacent where subdivision below one hectare is considered:*

- *where rural land fragmentation has already occurred;*
- *where peri-urban living can be accommodated while avoiding, remedying or mitigating adverse effects on the life supporting capacity of the soils on the Poverty Bay Flats;*
- *in areas with physical impediments to farming such as topographic constraints but where peri-urban development can be accommodated without creating any adverse environmental effects on adjoining land uses, including any adverse effects on the operation, maintenance, upgrading and development of future infrastructure;*
- *where a peri-urban lifestyle can be accommodated while avoiding, remedying or mitigating adverse effects on the environment due to the physical constraints of:*
 - * *land instability;*
 - * *poor soil drainage / shallow groundwater;*
 - * *quality of ground and surface water.*
- *preferably in areas in close proximity to the urban area in order to reduce commuting distances.*
- *in areas capable of providing a range of activities from intensive residential to rural productive;*

13. *To enable the use of properties for farming purposes provided the effects can be contained within the boundary of the site.*

Comment

4.63 The activity would not prevent peri-urban living and farming activities to take place.

11.4 Objectives (Noise including Vibration)

1. *To enable noise and vibration at levels which do not have an adverse effect on human health.*
2. *An acoustic environment within each zone that is compatible with the character of the area.*

11.5 Policies (Noise including Vibration)

1. *To ensure that noise emissions are contained at levels or in locations in a manner which provides for the health and safety of individuals and the community.*
2. *To maintain noise at limits that reflect the amenity values and character associated with the locality in which the noise is having an effect.*
3. *To maintain the character and amenity values of the rural zones with respect to noise, without unduly restricting farming activities. Noise limits for noise received by occupants of rural dwellings will be set to avoid restrictions on farming activities, where such farming activities adopt the best practicable option.*

4. *In assessing applications for resource consents in respect of noise, requirements for designations or modification to designations to exceed noise standards, consideration shall be given to the following factors:*

- *the impact the noise will have on individuals and communities health and safety, in particular the effects of night time sleep interference such as through awakening by startle effect, difficulty getting to sleep or disturbed sleep patterns;*
- *the character and amenity of the areas which will be affected by noise emissions, and the appropriateness of the noise for that area;*
- *the extent that the characteristics of noise emitted contribute to the adverse effects of emission such as:*
 - * *the level of noise;*
 - * *the duration, number and timing of events throughout the 24 hour day or over a year when the noise limit is exceeded;*
 - * *the characteristics of the location in which noise will impact including the background noise levels in this area (L95) and stipulated standards for noise in the Plan;*
 - * *the noise characteristics including but not limited to the frequency, tone, impulse and spectrum of noise;*
 - * *the cumulative effect that the noise has on background (L95) of the area.*

6. *When assessing applications for resource consents, requirements for designations or modification to designations where:*

- *internal noise standards for residential dwellings are contravened; or*
- *visitor accommodation, camp grounds and motor camps, hospitals, health and medical centres, residential care housing, education institutions and structures for the purposes of, or activities involving public assembly (excluding structures required for airport activities are described in the conditions of the designation) occur in the Noise Impact Overlay;*

consideration shall include but not be limited to the following factors:

- * *the characteristics of the noise experienced (on the site to which the activity relates) and the extent that noise adversely impacts upon the activity for which consent is sought;*
- * *whether, and the extent to which, the activity for which consent is sought exacerbates the background noise levels;*
- * *whether the potential adverse effects of noise will be confined to the site for which the activity relates.*

Comment

Through compliance with the District Plan limits for noise, the noise effects from the childcare centre should not have an adverse effect on human health. It is not expected that the childcare centre would breach the noise limits for any reason. Although the background level of noise may increase beyond the current level, it would not increase beyond a level that is expected by the District Plan. The noise generated by the activity will be limited to certain periods during the day in the case of outdoor play and spread across the day in the case of traffic movements.

4.64 Overall it is considered that the proposal is not contrary to the policies and objectives of the District Plan.

PART II MATTERS

Section 5 - Purpose of the Act

4.65 'The purpose of this Act is to promote the sustainable management of natural and physical resources. In the Act, "sustainable management" means managing the use, development and protection of natural and physical resources in a way and at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for health and safety while:

- *Sustaining use potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- *Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- *Avoiding, remedying or mitigating any adverse effects of activities on the environment'.*

4.66 It is considered that social, economic, and cultural well beings are provided for as a result of this application for a childcare facility. The development will benefit the wider community by helping cater for present and future childcare needs. Conditions will be imposed that will mitigate some of the concerns raised by submitters and other adverse effects are deemed to be at an acceptable level. Therefore it is considered that this proposal is in keeping with the purpose if the Act.

Section 6 – Matters of National Importance

4.67 It is not considered that the proposal relates to any matters of national importance.

Section 7 - Other Matters

4.68 The matters of relevance under this section are:

(c) The maintenance and enhancement of amenity values."

When taking into account the permitted baseline (Section 104(2)) and when considering the measures proposed to mitigate the amenity effects of noise, traffic and general amenity it is not considered that proposed development will have an adverse effect on the amenity of the area.

Section 8 – Treaty of Waitangi

4.69 It is not considered that there are any Treaty of Waitangi Issues raised by the proposal.

5.0 CONCLUSION

5.1 The potential effects that may arise from the proposed activity include the effects of traffic generation, noise and general amenity effects. All of these effects shape the character of the activity. It is concluded that the projected hourly average number of vehicle movements is low relative to the capacity of the road. Ample car parking and manoeuvring will be provided as well as safe and efficient access to the site. Traffic movements associated with the activity will not have an effect that is more than minor. Noise from the activity will be distinguishable from the surrounding area, however it has been determined that any effects relating to noise from the activity will be of a minor nature and acceptable to the receiving environment.

- 5.2 The proposed building style, location within the site, fencing and landscaping all contribute to minimising the effect on the rural-residential amenity of the surrounding area and softens the appearance of the building from the road and neighbouring sites.
- 5.3 The proposed activity has received opposition from the surrounding residents and other members of the community. However it is considered that the concerns of submitters can be avoided or mitigated to an acceptable level. The permitted baseline provides for a certain level of activity in the Rural residential zone and it is considered that the proposal accords with the expected level of activity under the District Plan.
- 5.4 Given the above assessment it is considered that the proposal to construct and operate a childcare centre for 70 children is not contrary to the objectives and policies of the District Plan or the purposes of the Resource Management Act. It is not considered that the development will have an effect that is more than minor to the existing character of the area or an effect over and above what the plan anticipates for the zone.

RECOMMENDATION

THAT Pursuant to Sections 104(1) and 104B of the Resource Management Act 1991, the application by P and F Dawson to construct and operate a childcare centre for 70 children in the Rural Residential zone at a property known as 160 Valley Road, and legally described as Lot 4 DP8291 be **granted**, subject to the following conditions:

General

1. The development shall be carried out in general accordance with the details submitted with the application (PD-2009-104087-00).
2. The childcare centre shall cater for up to a maximum of 70 children.
3. The activity shall be restricted to operate between the hours of 7.45am and 6.15pm Monday to Friday. Only staff may attend the centre outside of these hours.
4. The existing house at the site shall be removed prior to the commencement of construction work for the childcare centre.

Traffic and Parking

5. The vehicle crossing and accessway shall be formed and sealed in accordance with the information supplied in the Transportation Assessment Report Quality Assurance Statement prepared by Traffic Design Group dated 4 March 2010 and the requirements of Chapter 15 of the District Plan.
6. The consent holder shall provide at least 21 on-site car parking spaces. All parking and manoeuvring spaces shall be constructed, sealed and marked out in accordance with the details submitted in the application.
7. At the time of construction of the vehicle accessway, suitably sized culvert shall be installed to maintain the floodway that is located alongside the front boundary of the site.
8. Seal widening shall be carried out by the applicant on the southern side of Valley Road in accordance with the details submitted with the application (Drawing Number 10537W1A titled 'Proposed Access Layout' dated 23.02.10).

Landscaping and Fencing

9. With the exception of fencing, the landscaping plan provided for the site titled 'Concept Planting for Proposed Childcare Centre' prepared by Native Garden Nursery dated 27 October 2009 shall be implemented within the next available planting season following consent approval, to the satisfaction of the Environment and Planning Manager.
10. Prior to the commencement of construction, the applicant shall provide a revised fencing plan that reduces the visual impact to the property known as Lot 1 DP393541 (156 Valley Road), to the satisfaction of the Environment and Planning Manager.
11. All approved landscaping shall be maintained on an ongoing basis in accordance with the landscape plans submitted to Council.
12. Prior to the commencement of the activity, any vegetation located within the road reserve adjacent to the eastbound lane on Valley Road that obscures visibility and poses a traffic safety hazard shall be removed to the satisfaction of the Engineering and Works Manager.

Noise and Nuisance

13. The average maximum noise level (L_{10}) and maximum noise levels (L_{max}) as measured at or within the boundary of any site zoned Rural Residential shall not exceed the following limits.

ZONE	AVERAGE MAXIMUM NOISE LEVEL (L_{10}) dBA		(L_{max}) dBA
	DAY 0600-2100 hrs	NIGHT 2100-0600 hrs	NIGHT 2100-0600 hrs
Rural	55	45	70

14. Prior the commencement of the activity, a detailed Noise Management Plan shall be submitted to Council. The Noise Management Plan to the satisfaction of the Manager: Environment and Planning and shall include the following:
 - The steps to be taken by the applicant to ensure that the noise generated by the childcare centre is kept to a practicable minimum.
 - The configuration and use of the entire outdoor play area.
15. Where conspicuous dust is produced from operational areas from land disturbance work including earthworks and construction work it is suppressed to avoid nuisance effects.
16. All external lighting required on site shall be designed and installed to the satisfaction of the consent authority to avoid light spill beyond the boundary of the site and flood lighting shall be shielded to prevent glare and upward emission of light.

Infrastructure

17. Stormwater from buildings, sealed areas and other structures within the development shall be collected, controlled and discharged to the open drain in Valley Road.
18. At building consent stage, the applicant shall submit a stormwater management plan proposing the way the development will manage the increase in stormwater discharges. This shall include information about the proportion of the vehicle accessway that will be constructed out of pervious materials.

Soil Stability

19. Any application(s) for building consent to erect any new building(s) and/or structure(s) on Lot 4 DP8291 shall include a 'Geotechnical Investigation Report' prepared by a suitably qualified professional which:
 - Certifies to the satisfaction of the Consent Authority that the design of the foundations of the proposed building are suitable with respect to the bearing strength of the supporting ground (in accordance with New Zealand Standards);
 - Specifies as appropriate, any remedial works or mitigation measures to be undertaken to protect the development from natural hazards.

Monitoring and Review

20. The Consent Authority may serve notice on the consent holder of its intention to review the conditions of this resource consent pursuant to Section 128 of the Resource Management Act 1991, giving notice 3 months after the commencement of the activity and on a monthly basis thereafter, for the following purposes:
 - a) To review the effectiveness of the conditions of this resource consent in avoiding, remedying and mitigating any adverse effects on the environment from the consent holder's activity and, if considered appropriate by the Consent Authority, to deal with such effects by way of further or amended conditions.
 - b) To review the appropriateness of conditions in the light of changes to relevant national standards, regulations and guidelines, and the relevant regional and district level plans.
 - c) To impose additional, or modify existing conditions of consent relating, but not necessarily limited to, the matters specified hereunder if the Manager: Environment & Planning considers it necessary to deal with any adverse effect on the environment which may arise from the exercise of this consent and which it is appropriate to deal with at a later date:
 - Noise levels generated by the activity;
 - Traffic circulation, access and parking; and
 - Amenity Values, including landscaping and fencing.

21. The permit/consent holder shall pay to the Gisborne District Council any administration, inspection, supervision, enforcement or monitoring charges fixed in accordance with section 36(1) of the Resource Management Act 1991, or any additional charge pursuant to section 36 of the Resource Management Act 1991, payable in respect of this permit/consent.

Advice notes:

a) Development Contributions

Please find attached to this consent a Development Contribution Assessment. An invoice for this amount will be produced in the near future.

b) Soil Stability

Council has specific testing and reporting requirements associated with bearing strength and geotechnical investigations. These requirements are available at the Customer Reception of Council.

In the event that a 'Geotechnical Investigation Report' is not provided, Council may decline applications for building consents pursuant to section 71 of the Building Act 2004 on the subject site or issue any building consent subject to sections 72 to 74 of the Building Act.

Under Chapter 6 of the 'Part Operative Combined Regional & District Plan', the project is within Land Overlay 1 and is likely to be a permitted activity. Permitted activities must comply with the General Regional Rules 6.6.1 to 6.6.6 of the 'Part Operative Combined Regional & District Plan'.

c) Air Quality

Resource consent (Discharge to Air) will be required if the applicant intends to burn the waste from the childcare centre.

d) Noise

All noise levels shall be measured and assessed in accordance with the requirements of NZS 6801:2008 Measurement of Environmental Sound and NZS 6802:2008 Acoustics - Environmental Noise.

e) Stormwater

The stormwater discharge quality from this site shall be in accordance with the 'PROPOSED REGIONAL PLAN FOR DISCHARGE TO LAND & WATER, WASTE MANAGEMENT AND HAZARDOUS SUBSTANCES'. A copy of this plan is available at the GDC front counter.

Notwithstanding the location of portions of the stormwater system outside of these property or development boundaries, stormwater connections are privately owned to the point of connection to the GDC administered reticulation. It is the owner's responsibility to maintain, inspect and renew stormwater connections.

Discharge to the open drain will require a separate consent for work in the road reserve from GDC.

f) Wastewater

The applicant can connect the site via private connection to the public wastewater reticulation. A licence to occupy the road reserve will be required for the proposed private sewer line.

In the event that the private connection to the wastewater reticulation is not constructed, an alternative wastewater disposal system will be required at the subject site. The applicant is advised that there may be constraints to the establishment of an effective septic system at this location.

Any new or upgraded sewage treatment and disposal system must comply with the Building Act 2004, the Resource Management Act 1991. Any system shall be designed in accordance with the Gisborne District Council's "Guidelines for On Site Wastewater Treatment and Disposal in the Gisborne District", or, alternative system design may be submitted for consideration by Council Officers.

Any proposed wastewater treatment and disposal system that does not meet requirements of the Regional Plan for Discharges to Land Water, Waste Management and Hazardous Substances, Rule 7.5.1, will be required to gain approval for the design by way of application for Resource Consent – Discharge to Land.

g) Roading

Construction of new vehicle crossings or upgrading of existing vehicle crossings will require written consent (Work in the Road Reserve Consent) from the Engineering and Works Division of the Gisborne District Council prior to the commencement of any work within the legal road.

h) General

All work carried out shall be in accordance with the Gisborne District Council Engineering Code of Practice. Conditions existing onsite shall be updated to be in accordance with the Gisborne District Council Engineering Code of Practice.

Attachment A

Attachment B

Attachment C

Attachment D