

# MINUTES



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MEMBERSHIP: Councillors Alan Davidson (Chair), Craig Bauld, Roger Haisman, Hemi Hikawai, Atareta Poananga, Pat Seymour, Kathy Sheldrake

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## MINUTES of the HEARINGS COMMITTEE

held in the Committee Room, Administrative Centre, 15 Fitzherbert Street on 29 July 2009 at 9am.

### PRESENT:

Councillors Haisman (Chairman), Craig Bauld, Hemi Hikawai, Kathy Sheldrake, Pat Seymour and Atareta Poananga.

### IN ATTENDANCE:

Planners (Natural Resources) Yvette Kinsella and Keriana Wilcox, Roding Area Engineer (Eastern) Robin Beale, Team Leader Development Control Daniel Kingsford, Planner (Development Control) Chris Duncan and Committee Secretary Eileen Marshall

### 1. PROPOSED TOKOMARU BAY COASTAL HAZARD ZONES

**(Proposed Variation 12 to the Regional Coastal Environment Plan and Proposed Plan Change 39 of the Combined Regional Land and District Plan)**

#### Report No 09/324

Variation 12 to the Proposed Regional Coastal Environment Plan and Plan Change 39 to the Part-operative Combined Regional Land and District Plan have been prepared to address coastal hazard risks in Tokomaru Bay. The proposed changes are based on Dr Jeremy Gibb's Tokomaru Bay Coastal Hazard Assessment (September 2008).

The report outlines the issues which give rise to the proposed changes, providing a background of the project and the legal framework; revisits the analysis of costs and benefits of alternatives prepared at notification; evaluates the decisions requested by submitters and recommends the Hearings Committee accept, accept in part or reject the decisions requested by submitters.

#### APPEARANCES

A resident of Waima Grant Rodger Dargie appeared and spoke to his submission. He supports the coastal hazard zones to raise awareness of hazard risks along the bay.

Mr Dargie appreciated the visit Councillors had made to the site. He wanted to ensure that the proposed changes recognised that the benefits of access to the wharf extend beyond the community. There are wider public benefits.

Should he and neighbours decide to build protection works to reduce hazard risks on their properties (which have regionally significant heritage values) he would like to see council and landowners work together.

Cr Haisman advised that the coastal hazard zones would mostly affect new development.

## **DECISION**

MOVED by Cr Sheldrake seconded Cr Seymour

### **That the Committee**

1. receives the report.
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### **Recommends that Council**

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| 2. (a) endorses the amended Analysis of Costs and Benefits of Alternatives as required under section 32(2) of the Resource Management Act 1991; and  |
| (b) adopts the following Officer's recommendations:  |
| (i) accept submission RCEPv12-001a   |
| (ii) dismiss submissions RCEPv12-001b, RCEPv12-001c, RCEPv12-002a, RCEPv12-002b, RCEPv12-003a and RCEPv12-004a; and  |
| (c) retains Variation 12 to the Proposed Regional Coastal Environment Plan and Plan Change 39 to the Part-operative Combined Regional Land and District Plan subject to removal of reference to Coastal Flood Hazard Zones (CFHZ) in Policy 3.8.4cc of the Proposed Regional Coastal Environment Plan. |

**CARRIED**

### **Reasons for Decision**

1. The proposed changes are consistent with the legislative framework. Council has statutory responsibility (s.30 & 31 RMA) for control of land and effects of activities to avoid, remedy or mitigate natural hazards. Policy 3.4.1 of the NZ Coastal Policy Statement 1994 states that policy statements and plans should identify natural hazard risks. The proposed NZCPS 2008 aims to make this mandatory.
2. The Gisborne Regional Policy Statement has policies/objectives to: provide a high level of safety from natural hazards; avoid risk to property from natural hazards; encourage changes to land use and development to avoid the impacts of natural hazards; and maintain a strong commitment to researching, recording and publicising information about natural hazards.
3. Other options considered in the section 32 assessment were rejected due to the potential high costs to ratepayers and equity issues. The recommended option is deemed to be the most effective and efficient option for addressing coastal hazard risks while minimising the costs to ratepayers both locally and across the District.

Item number 1 finished at 9.20am.

Cr Hikawai left the meeting at 9.20am.

2. **NOTIFIED RESOURCE CONSENT APPLICATION: TO ESTABLISH AND OPERATE CHILDCARE CENTRE FOR 50 CHILDREN AT 116 LYTTON ROAD**

**Report No 09/338**

**APPLICANT**

KIDICORP LIMITED

This meeting commenced with a site visit at 9.25am.

The committee returned for morning tea at 10.00am and the meeting reconvened at 10.07am.

Cr Haisman asked the applicant if there was any objection to Cr Sheldrake being a member of the committee as her husband Mr T Sheldrake was a member of the YMCA and there could be a conflict of interest. The applicant said there was no objection whatsoever to Cr Sheldrake being on the Hearings committee.

The applicant, Kidicorp Limited, propose to establish and operate a childcare centre (Educational Institution) for 50 children at 116 Lytton Road. The subject site is on the corner of Lytton Road and Gladstone Road, both arterial roads, and already has a childcare centre for 72 children (PD207020A). The total site area is 3017m<sup>2</sup> while the area set aside for this development is 1177m<sup>2</sup>. The building, which is single storey, will have a gross floor area of 264m<sup>2</sup>, with a fenced play area of 265m<sup>2</sup>, 12 parking spaces and landscaping.

The main issues relate to potential effects from traffic generated from the activity and potential effects on residential amenity.

The site is located at the junction of two arterial roads but in a predominantly residential area. The building design and appearance will be in keeping with the residential environment. The expected increase in traffic volume will not overload the local roads. The parking and access provisions are expected to function safely and effectively.

The actual and potential environmental effects are deemed to be no more than minor and the activity is not considered to be contrary to the objectives and policies of the relevant plan.

**APPEARANCES**

**Supporting the Application**

Bev Muir (Insight Gisborne Limited) Consultant on behalf of the applicant – read her Statement of Evidence to the Committee

Greg Smith – Project Manager for Kidicorp Limited – appeared and spoke

**Submissions Received**

Mr Scott Harvey – opposing the application

A & R Tibble-Wainui and H Pewhairangi – supporting the application

**A late submission was received from:**

Mr Darren Cox and Jo Gregory – supporting the application

MOVED by Cr Bauld seconded Cr Seymour

THAT the late submission from Darren Cox and Jo Gregory not be accepted.

**CARRIED**

MOVED by Cr Poananga seconded Cr Sheldrake

THAT the Public be Excluded.

## **DECISION**

MOVED by Cr Seymour seconded Cr Bauld

That the Hearings Committee pursuant to Sections 104 (1) and 104B of the Resource Management Act 1991, consent be granted to Kidicorp Limited to establish and operate a childcare centre catering for up to 50 children at 116 Lytton Road, legally described as Lot 1 DP 5253, Lot 2 DP 5253, Lot 3 DP 5253 and Pt Lot 1 DP 4349 (Ref: PD 2009-103853-00), subject to the following conditions:

1. The activity shall be carried out in general accordance with the details submitted with the application (Reference: PD 2009-103853-00).
2. The activity shall be restricted to operate between the hours of 7.00am to 6.00pm Monday to Friday, not including Public Holidays (but may include occasional staff meetings to 8pm).
3. The floor height shall be a minimum of 300mm above existing ground level.
4. Provision shall be made for a minimum of 12 onsite car parking spaces. All access ways, parking and manoeuvring spaces shall be constructed, formed and sealed in accordance with the requirements of Chapter 15 of the District Plan and in accordance with Gisborne District Council Engineering Code of Practice.
5. The new vehicle crossing on to Lytton Road shall be constructed and sealed in accordance with Chapter 15 of the District Plan and in accordance with the Gisborne District Council Engineering Code of Practice.
6. The existing vehicle crossings on to Lytton Road shall be removed and the curb reinstated in accordance with the Gisborne District Council Engineering Code of Practice.
7. RG-9 (no entry) traffic signs shall be placed on the property boundary on the site near the Lytton Road exit point in order to direct vehicles travelling on Lytton Road. The signs shall be placed at appropriate angles, to be visible to approaching drivers from either direction in Lytton Road.
8. A landscaping plan shall be submitted prior to commencement of the activity to the satisfaction of the Manager for Environment and Planning.
9. The approved landscaping shall be carried out and maintained on an ongoing basis in accordance with the plans submitted with the application and to the satisfaction of the Manager for Environment and Planning.
10. The use shall be conducted so as to ensure that the average maximum noise level ( $L_{10}$ ) and maximum noise level ( $L_{max}$ ) specified below are not exceeded at or within the boundary of any site zoned residential:

Monday to Saturday				Sundays and Public Holidays			
AVERAGE MAXIMUM NOISE LEVEL (L <sub>10</sub> ) dBA			(L <sub>max</sub> ) dBA	(L <sub>10</sub> ) dBA			(L <sub>max</sub> ) dBA
DAY 0700- 1800hrs	EVENING 1800- 2200hrs	NIGHT 2200- 0700hrs	NIGHT 2200- 0700hrs	DAY 0700- 1800hrs	EVENING 1800- 2200hrs	NIGHT 2200- 0700hrs	NIGHT 2200- 0700hrs
55	45	40	65	45	45	40	65

*Note: All noise levels shall be measured and assessed in accordance with the requirements of NZS 6801:1991 Measurement of Sound and NZS 6802:1991 Assessment of Environmental Sound.*

11. For outdoor activities conducted on the site between 0700 - 2100 hours, the noise levels specified in condition 6 above may be increased numerically by 10dBA.
12. All external lighting 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.
13. Gisborne District Council may serve notice on the Consent Holder pursuant to Section 128 of the Resource Management Act 1991 of its intention to review the conditions of the consent six months after the commencement of this consent and within one month after the first anniversary of the commencement of this consent and within one month after each subsequent anniversary, for the following purposes:
  - (a) To review the effectiveness of the conditions of the consent in avoiding, remedying or mitigating any adverse effects on the environment arising from the consent holder's activity and, if considered appropriate by the consent authority, to deal with such effects by way of further conditions;
  - (b) To review appropriateness of conditions if there are changes to the relevant national standards, regulations and guidelines, and the Council's relevant regional and district level plans;
  - (c) To impose additional or modify existing conditions of consent relating to but not necessarily limited to the matters specified hereunder if the Consent Authority considers it necessary to deal with any adverse effect that may arise from the exercise of this consent and which it is appropriate to deal with at a later date:
    - Car parking and access
    - Traffic
    - Amenity Values
    - Noise
    - Landscaping
    - Fencing
14. Actual and reasonable costs associated with the undertaking of any review of conditions shall be borne by the consent holder. Also the reasonable costs incurred by the Consent Authority in monitoring, supervision and enforcement of

any or all of the conditions of this consent shall be fully met by the consent holder pursuant to Section 36 of the Resource Management Act 1991.

**Advice notes:**

- a) Please find attached to this consent a Development Contributions Assessment. An invoice for these development contributions will be produced before the Section 224(c) Certificate of Compliance is issued for subdivision. Under Section 208 of the Local Government 2002 Council may withhold the Section 224(c) Certificate of Compliance until these contributions have been paid.
- b) Any work within the road reserve (for example any new entranceway or upgrading of an existing entranceway) must have the written approval of the Engineering and Works Division of the Gisborne District Council.
- c) 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.
- d) A new sewer lateral connection by standard junction to the main in Lytton Road, or connection to the existing childcare facility's reticulation at the Gladstone Road road boundary will be required. Council's Utilities Department is to be notified to inspect connection prior to instatement of service.
- e) As part of this consent the applicant is advised that inspection of the junction connection to the sewer main is required for re-instatement.
- f) Please contact Rachel Jeffares (Utilities Consent Administrator 867-2049 extension 8993) to request an inspection.
- g) Stormwater from buildings, sealed areas and other structures within the development shall be collected, controlled and discharged to the terminal sump located in Lytton Road.
- h) The stormwater discharge quality from this site shall be in accordance with the 'PROPOSED REGIONAL PLAN FOR DISCHARGE TO LAND AND WATER, WASTE MANAGEMENT AND HAZARDOUS SUBSTANCES'. A copy of this plan is available at the GDC front counter.
- i) 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.
- j) The proposed childcare facility shall utilise the existing, unused water connection for the subject site.
- k) This connection is regarded as extra-ordinary under the Gisborne Water Supply Bylaw. It will require a separate application to this consent and is granted subject to the discretion of the Utilities Engineer (Water Supply). Extra-ordinary water services are metered and to be installed at the

property owners cost. The Bylaw requires a separate water connection to each dwelling, which can generally be installed within 15 working days.

- I) The developer's attention is drawn to the New Zealand Fire Service Code of Practice for Fire Fighting Water Supplies. The developer is advised that there is a new fire fighting code of practice. Council does not guarantee the ability to meet the fire fighting code of practice requirements with flows from fire hydrants. Any upgrades to the reticulation to achieve compliance with this code shall be at the developers cost and carried out in accordance with the GDC Engineering Code of Practice and with the agreement of Council.

## **8.0 REASONS FOR THE DECISION**

- 8.1 The recommended changes to the Lytton Road exit will be implemented to address road safety issues.
- 8.2 The design of the building, control on hours of operation and landscaped parking will contribute to the protection of the surrounding residential amenity.
- 8.3 The Committee is satisfied that any actual or potential effects arising as a result of the childcare facility will be no more than minor.
- 8.4 The childcare facility will further provide for the economic and social well-being of the community whilst also avoiding adverse effects on the environment. It is therefore consistent with the Resource Management Act 1991.
  1. receives the report
  2. approves the application to establish and operate a Childcare Centre for up to 50 children at 116 Lytton Road pursuant to Section 104 and 104B of the Resource Management Act (1991) with amendments to clause 7.
  3. The chairman signs off the decision.

There being no further business the meeting concluded at 10.40am.

R J Haisman  
**Chairperson**