

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

MINUTES of HEARINGS COMMITTEE held in the Committee Room, Administrative Centre, 15 Fitzherbert Street, Gisborne on Wednesday 24 March 2010 at 9.00am

PRESENT: Crs Roger Haisman (Chair), Craig Bauld, Hemi Hikawai, Atareta Poananaga, Kathy Sheldrake and Pat Seymour

Cr Haisman took the chair.

IN ATTENDANCE: Roading Area Engineer (Eastern) Robin Beale, Team Leader (Development Control) Daniel Kingsford, Planner (Development Control) Jo Callis, Environmental Health Officer Tracey Panton and Committee Secretary Eileen Marshall

The meeting adjourned for a site visit at the commencement of the meeting and reconvened at 9.40am.

APPLICATION

PROPOSED ESTABLISHMENT AND OPERATION OF A CHILDCARE CENTRE FOR SEVENTY CHILDREN AT 160 VALLEY ROAD, GISBORNE

APPLICANTS

PETER AND FIONA DAWSON

The application is to establish and operate a Childcare Centre for seventy children at 160 Valley Road. The subject site is 6847m² in size and adjoins rural residential properties on all boundaries.

The proposed activity is commercial in nature but is also an essential community service and is neither distinctly rural or urban. The activity will increase noise and traffic levels in the area but it is considered that the existing noise and traffic levels are low and that any effect from the activity would remain at an acceptable level.

APPEARANCES

Supporting the Application

Mr Ross Muir of Insight (Gisborne) Limited, Consultants – appeared and spoke

Mrs Fiona Dawson (Applicant) – appeared and spoke

Mr Andrew Prosser (Traffic Design Group) – appeared and spoke

Mr Gary Hope – appeared and spoke

The meeting adjourned for morning tea at 10.00 am and reconvened at 10.10am

Opposing the Application

Paula Broekhuizen – tabled a letter of apology for not speaking as she left the meeting early

Mr Roger Forrester – appeared and spoke

The meeting adjourned for lunch at 12.20pm and reconvened at 12.50pm

Mrs Rachel Daly – appeared and spoke

Mrs Andrea Gregory – appeared and spoke

Mr Andrew Warren – appeared and spoke

Kathie Hunt – appeared and spoke

Mr Brent Mitchell – appeared and spoke

Mr Tony Robinson – appeared and spoke

The main concerns of all submitters opposing the application were the following:

- noise;
- increase in traffic use;
- traffic safety;
- fencing;
- environmental impact.

Environmental Health Officer Tracey Panton spoke on the health and noise effects relating to the application.

Roading Area Engineer (Eastern) Robin Beale advised of the various road safety methods that could be introduced for road safety.

The meeting went into Public Excluded at 3.40pm

DECISION

MOVED by Cr Poananga, seconded Cr Bauld

That the Committee

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 and education centre for up to 70 children in the Rural Residential zone at a property known as 160 Valley Road, and legally described as Lot 4 DP 8291 be **granted**, subject to the following conditions:

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 5.15pm 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.
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, a suitably sized culvert shall be installed to maintain the watertable 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).
9. The applicant shall vest a strip of land at the front of the site adjacent to Valley Road to provide additional space for pedestrians. The extent of the vested land shall be to the satisfaction of the Manager: Engineering and Works, Gisborne District Council.
10. The applicant shall ensure that a safety guard rail is erected on the road edge on the nearby bend in Valley Road. The specific location and design shall be to the satisfaction of the Engineering and Works Manager, Gisborne District Council.
11. 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, Gisborne District Council.
12. 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 Manager: Environment and Planning, Gisborne District Council.
13. All approved landscaping shall be maintained on an ongoing basis in accordance with the landscape plans submitted to Council.
14. 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 trimmed to the satisfaction of the Engineering and Works Manager, Gisborne District Council.
15. 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

16. Prior the commencement of the activity, a detailed Noise Management Plan shall be submitted to Council. The Noise Management Plan shall be to the satisfaction of the Environment and Planning Manager, Gisborne District Council 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.
17. Where conspicuous dust is produced from operational areas from land disturbance work including earthworks and construction work it is suppressed to avoid nuisance effects.
 18. 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.
 19. Stormwater from buildings, sealed areas and other structures within the development shall be collected, controlled and discharged to the open drain in Valley Road.
 20. 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.
 21. 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.
 22. 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, access and parking; and
 - Amenity Values, including landscaping and fencing.
 23. 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.

8.0 REASONS FOR THE DECISION

- 8.1 The Committee considers that the level of traffic associated with the childcare facility will be able to be adequately accommodated on the existing roading network.
- 8.2 The additional area of land to be made available for pedestrian use and the construction of a guard rail will provide additional protection to users of Valley Road and users of the childcare facility.
- 8.4 The applicant has satisfactorily demonstrated that the childcare facility can be managed by way of operational controls and acoustic attenuation to comply with the noise standards of the District Plan.
- 8.5 It is considered that the building design combined with landscaping will avoid any adverse visual impacts.
- 8.6 The Committee has found that overall any effects from the operation of the childcare facility and construction of buildings will be no more than minor and that the activity is consistent with the policies of the District Plan.

The operation of 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.

CARRIED

There being no further business the meeting concluded at 4.45pm.

Roger Haisman
Chairman