

NOTICE OF MEETING

HEARINGS COMMITTEE

I hereby give notice that an Ordinary Meeting of the Hearings Committee will be held on:-

DATE: **Thursday, 20 February 2003** **TIME:** **9.30 am**

VENUE: **Civic Centre, 6 Waipareira Avenue, Lincoln, Waitakere City**

to consider the business as set out herein and to take any necessary action connected therewith.



14 February 2003

Owena Schuster
COMMITTEE SECRETARY

Telephone (09) 836 8000 extn 8864

MEMBERSHIP:

Councillors	GE	Nash, JP (Chairperson)
	DA	Yates, JP (Deputy Chairperson)
	DQ	Battersby, JP
	BA	Brady, JP
	PA	Hulse
	VS	Neeson, JP

Ward Representative

9.30 am	Mrs	EG	Francke	(New Lynn Community Board)
1.00 pm	Mrs	EG	Francke	(New Lynn Community Board)
3.00 pm	Ms	C	Nakhid	(Henderson Community Board)

Alternate Representative

9.30 am	Mr	R	Kernaghan	(New Lynn Community Board)
1.00 pm	Mr	R	Kernaghan	(New Lynn Community Board)
3.00 pm	Mr	DB	Shaw, JP	(Henderson Community Board)

(Quorum 4 members)

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(The reports and recommendations contained in all agendas are reports and recommendations only and are not to be construed, in any way, as Council policy until adopted.)

**AGENDA FOR AN ORDINARY MEETING OF THE HEARINGS COMMITTEE TO BE HELD
IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,
ON THURSDAY, 20 FEBRUARY 2003, COMMENCING AT 9.30 AM.**

TABLE OF CONTENTS

<u>ITEM</u>		<u>PAGE NO.</u>
1	APOLOGIES	1
2	URGENT BUSINESS	1
3	CONFIRMATION OF MINUTES	1
4	9.30 AM NEW LYNN WARD	2
	NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991 BY BAY OLYMPIC SPORTS & SOCCER ASSOCIATION TO ERECT FOURTEEN 12 METRE HIGH FLOODLIGHTS AT CRUM PARK, HILLING & RAGLEY STREETS, GREEN BAY	2
5	1.00 PM NEW LYNN WARD	35
	GLEN ROAD & KASHMIR ROAD WASTEWATER UPGRADE (CONTRACT NO. 01EWC 085) OBJECTION BY MR KENNETH THOMAS, OWNER OF 25 KASHMIR ROAD, GLEN EDEN, LOCAL GOVERNMENT ACT 1974: SECTION 708 - WORKS ON PRIVATE LAND, SCHEDULE 16 - CONDITIONS OF UNDERTAKING WORKS ON PRIVATE LAND	35
6	3.00 PM HENDERSON WARD	38
	LIMITED DISCRETIONARY ACTIVITY APPLICATION	38

NOTE: The volume of attachments for the above applications, which are referred to in the agenda as "A" pages will be posted and circulated separately.

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IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,
ON THURSDAY, 20 FEBRUARY 2003, COMMENCING AT 9.30 AM.**

1 APOLOGIES



2 URGENT BUSINESS

Section 46A(7) and (7A) of the Local Government Official Information Act and Meetings Act 1987 provides that where an item of business is not on the agenda, it may only be dealt with at the meeting if:

- (i) the item is a minor matter; and
- (ii) the Chairperson has explained at the beginning of the meeting (when open to the public) that the item will be raised for discussion, why the item is not on the agenda, and why it cannot be delayed until a subsequent meeting; and
- (iii) the Committee resolves to deal with the item.

No resolution, decision, or recommendation may be made in respect of the item except to refer the item to a subsequent meeting for further discussion.

NOTE: Urgent Business need not be dealt with now and may be delayed until later in the meeting.



3 CONFIRMATION OF MINUTES

Ordinary - Thursday, 5 December 2002
Reconvened - Friday, 20 December 2002
Ordinary - Thursday, 19 December 2002
Special - Friday, 20 December 2002

RECOMMENDATION

That the minutes of the Ordinary Meeting of the Hearings Committee held on Thursday, 5 December 2002 and reconvened on Friday, 20 December 2002, and an Ordinary Meeting of the Hearings Committee held on Thursday, 19 December 2002 and a Special Meeting of the Hearings Committee held on Friday, 20 December 2002, as circulated, be taken as read and now be confirmed.



4 9.30 AM NEW LYNN WARD

NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991 BY BAY OLYMPIC SPORTS & SOCCER ASSOCIATION TO ERECT FOURTEEN 12 METRE HIGH FLOODLIGHTS AT CRUM PARK, HILLING & RAGLEY STREETS, GREEN BAY

RMA 20020784

N.B. This report sets out the advice of Consent Services to the Hearings Committee on the environmental issues raised by the application for resource consent. It is not the decision of the Council. The decision will be made after consideration of the application by the Hearings Committee.

APPLICATION DETAILS

Planner: Melanie Jesson - Cato Bolam Consultants

Site Address: Crum Park - Hilling/Ragley Streets, Green Bay

Applicant: Bay Olympic Sports & Soccer Association

Date Received: 02.05.2002

Building Consent No: N/A

Legal Description: Pt Lot 27 DP 16661
Lot 4 DP 30902
Lot 4 DP 39732
Lot 1 DP 52745
Lot 5 DP 44455
Lot 2 DP 54291
Lot 91 DP 55683
Lot 7 DP 57080
Lot 3 DP 44455
Lot 53 DP 57516
Lot 56 DP 57516
Lot 1 DP 59406
Lot 1 DP 69613

Address for Service: C/- Anvil Design Group
PO Box 112 068
Penrose
Attention: N Smith

Site Area: 8.5026 hectares

Unit Site Area(s): N/A

Transitional Plan:
Zoning: Recreation 2 (Activity Grounds)
Section: Waitemata
Hazards: No Known hazards

Proposed Plan:
Human Environment: Open Space
Natural Area: General, Managed, Ecological Linkage
Landscape Elements: Modified Broad Sensitive Ridgeline
Hazards: No Known Hazards
Roading Hierarchy: Local

Further Information Required: Assessment of environmental effects, redesign of lighting to comply with spill and glare requirements, elevation drawings of lighting standards, traffic impact assessment

Date Requested: 27.05.2002, 09.12.2002

Date Received: 24.09.2002, 30.10.2002, 17.12.2002

1.0 INTRODUCTION AND RECOMMENDATION

1.1 Nature of the Application

The applicant seeks consent to establish forty floodlights on fourteen 12m high standards (tapered octagonal galvanised steel poles), in order to light three playing fields at Crum Park, for the purpose of night time training. Floodlighting is not provided for in the operative Crum Park Management Plan.

The floodlighting is proposed to be located as follows:

Field One - Two 12 metre high standards, each with 4 floodlight mountings on a 3m wide arm, to be located on the north-western and north-eastern corners of the tennis court.

Field Two - Six 12 metre high standards, located on each corner of the field, and in the centre of either side of the field. The corner standards would be fitted with a 1.6m arm mounted with two luminaries, and the centre standard with a 3m wide arm and four luminaries.

Field Three - Six 12 metre high standards, located on each corner of the field, and in the centre of either side of the field. The corner standards would be fitted with a 1.6m wide arm, mounted with two luminaries, and the centre standard with a 3m wide arm and four luminaries.

It is proposed that the lighting facilitate night time training at Crum Park by the applicant, until 9.30pm.

1.2 Resource Management Issues Raised

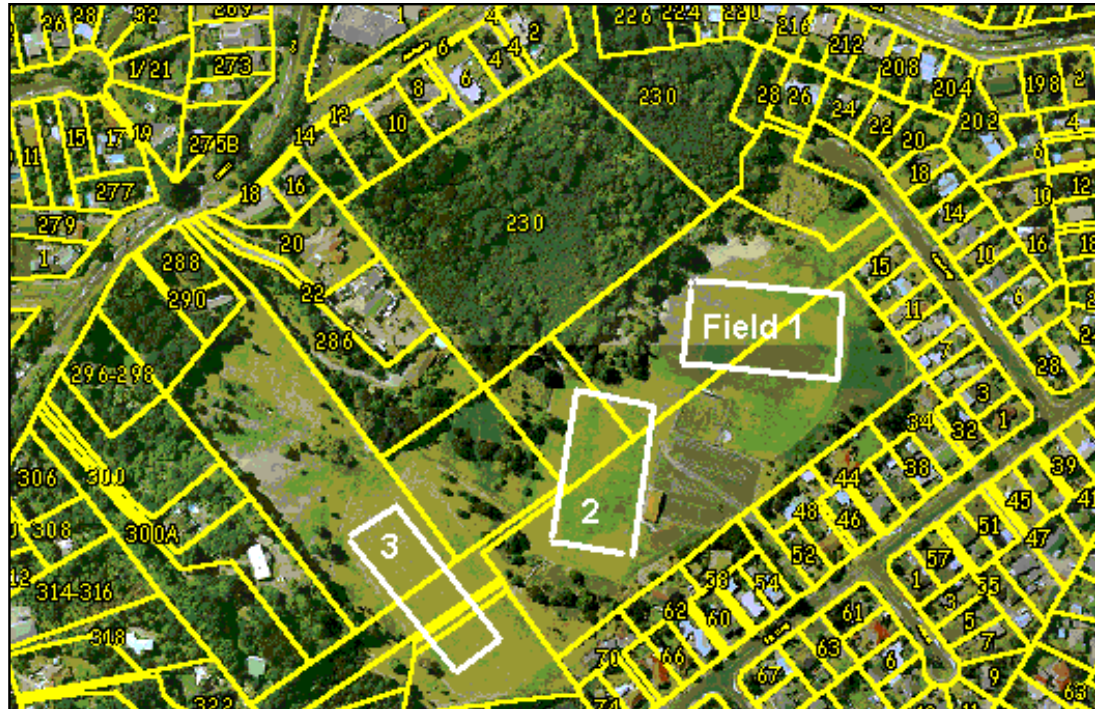
The Resource Management Act 1991 requires that, when considering an application for a resource consent, a consent authority shall have regard to the environmental effects of the proposed activity, together with any relevant objectives, policies and rules of the Transitional and the Proposed District Plan. The significant resource management issues associated with this proposal are light spill and glare onto the surrounding residential environment, visual amenity and landscape values, traffic generation and parking demand, character and use of the park, and noise generation.

1.3 Planner's Recommendation

The planner who has prepared this report recommends that **consent be declined** to the application for **floodlighting of fields 1, 2 and 3, until 9.30 pm**. It is considered that the adverse environmental effects that would be generated by the activity would be more than minor and will not be adequately avoided, remedied or mitigated by conditions. In addition, the proposed activity is contrary to the relevant objectives and policies of both the Transitional and Proposed District Plans.

However, it is recommended that, subject to any contrary or additional evidence submitted at the Hearing, **consent be granted to floodlighting of fields 1 and 2, and training with associated lighting limited to 8.45pm**. It is considered that the environmental effects that may be generated by the activity would be minor or could be adequately avoided, remedied or mitigated by the imposition of conditions, and that the relevant objectives and policies of both the Transitional and Proposed District Plans will be satisfied.

2.0 LOCATION PLAN



Legal Description: Pt Lot 27 DP 16661
Lot 4 DP 30902
Lot 4 DP 39732
Lot 1 DP 52745
Lot 5 DP 44455
Lot 2 DP 54291
Lot 91 DP 55683
Lot 7 DP 57080
Lot 3 DP 44455
Lot 53 DP 57516
Lot 56 DP 57516
Lot 1 DP 59406
Lot 1 DP 69613

Human Environment: Open Space

Natural Environment: General, Managed, Ecological Linkage

Landscape Elements: Modified Moderate Sensitive Ridgeline

3.0 PROPOSAL

The applicant seeks consent to establish fourteen 12 metre high standards to support forty floodlights on fields 1, 2 and 3, at Crum Park, Green Bay. The proposal would allow for night time training for the Bay Olympic Soccer and Sports Association. Two of the fields (fields 1 and 2), the tennis court and softball diamond are already lit by two 10 metre high lighting standards, which would be removed as part of this proposal. This existing lighting currently operates in winter months during week days until approximately 8.30 pm.

Field 1, being located at the north-eastern end of Crum Park, closest to Ragley Street, would be lit with two 12m high standards of tapered octagonal galvanised steel poles, located at each of the northern corners of the tennis court. Each standard would be mounted with a 3m wide arm supporting four Philips luminaries, of 640mm in width and 387mm in height. These lighting standards would be located 110 metres from the residential property at 13 Ragley Street, and 62m from 48 Hilling Street, being the closest two adjacent sites. The existing two floodlights would be removed as part of the proposal.

Field 2, located in the centre of Crum Park, to the west of the car park, would be illuminated with six lighting standards. Each corner of this field would have a 12m standard with two Philips floodlight mountings on an arm 1.6m wide. The Philips luminaries are 640mm in width and 387mm in height. On either side of the centre of Field 2, a lighting standard would be installed with four Philips luminaries, on a 3m wide arm. The individual luminaries would have the same dimensions as the two luminary fittings. The lighting standards would be located 15m from the closest residential property at 62 Hilling Street.

Field 3, being located on the upper south-eastern terrace, would have six lighting standards installed, with two luminaries per standard on each corner of the field, and four luminaries on each side of the centre of the field, as per the installation for Field 2. The luminaries on Field 3 however would be Siemens fittings, with a 665mm width and 760mm height and would be fitted with glare shields. The lighting standards would be located at their closest points 13m from 78 Hilling Street, 17m from 300a Titirangi Road, and 45m from 286 Titirangi Road.

The applicant seeks to use the proposed floodlights for night-time training up until 9.30 pm, from Monday to Friday inclusive. The Bay Olympic Sports & Soccer Association has experienced continued membership increase and the floodlighting would allow for the applicant to cater for the youth, senior men and senior women's teams. Training typically involves a squad of 11-15 players, as currently occurs on the site. The following table details the current and projected training needs of the applicant:

	Monday	Tuesday	Wednesday	Thursday	Friday
Field 1					
Current	2Y	2SM	2SM & 1SW	2SM	1Y
Projected	2Y	2SM	1SM & 2SW	1SM	2Y
Field 2					
Current	Nil	3SM	2SM & 1SW	3SM	1Y
Projected	1Y	2SM	1SM & 2SW	1SM	2Y
Field 3					
Current	Nil	Nil	Nil	Nil	Nil
Projected	2Y	2SM	1SM & 2SW	1SM	1Y

Key

Y Youth Teams (15-17yrs)
SM Senior Men
SW Senior Women

4.0 REASONS FOR THE APPLICATION

Consent is required under those provisions of the Transitional and Proposed District Plans for the following reasons:

4.1 Proposed District Plan

Non Complying Activity consent is required for structures not provided for in an operative management plan under the Reserves Act 1977 (Open Space - Building Height - Rule 2.4);

Non Complying Activity consent is required for structures not provided for in an operative management plan under the Reserves Act 1977 (Open Space - Height in Relation to Boundaries - Rule 3.3);

Non Complying Activity consent is required for structures not provided for in an operative management plan under the Reserves Act 1977 (Open Space - Building Coverage - Rule 5.3);

Limited Discretionary Activity consent is required for lighting exceeding 10 lux spill up to an additional 15 lux spill, which is shielded in such a manner that light emitted is projected below a horizontal plane running through the lowest point on the fixture where light is emitted; and complies with AS/NZS 1158 (1996). The proposed floodlights would result in a maximum of 13.9 lux, with glare shields to be fitted. (Open Space - Glare - Rule 10.2).

4.2 Transitional District Plan

Discretionary Activity consent is required for structures exceeding a maximum height of 10m - proposed light standards having a height of 12m (Recreation 2 - Ordinance 10.2:4.1(a));

Non Complying Activity consent is required for floodlighting activity as it is not provided for in Recreation 2 zone.

4.3 Overall, the application is considered to be a Non Complying Activity. The proposal complies with all other development controls under the Transitional and Proposed District Plans.

4.4 No other resource consents are required in respect of this application.

5.0 THE SITE, HISTORY AND NEIGHBOURHOOD DESCRIPTION

5.1 Site & Neighbourhood Description

Crum Park is an 8.5 hectare reserve site on south-east facing land which slopes below Titirangi Road towards Green Bay. The park is sited within the area of land bounded by Golf Road, Hilling Road, Godley Road and Titirangi Road. The park has a varied topography, resulting from an extensive engineering project undertaken by Council from 1968 to 1969, modifying the landform to create the level playing fields.

The park provides three playing fields, two on the main terrace, and the third on an upper terrace in the south-western corner of the park. The main entrance to the park is from Hilling Street, with a two-way driveway between residential properties, leading to a sealed car parking area for 83 vehicles. An enclosed tennis court is located to the north of the car park, with a single storey changing shed and toilet block located to the west of the car park. Pedestrian access to the park is also obtained from Ragley Street, bounding the park to the east, with a children's playground located in the north-eastern corner.

Two of the fields (fields 1 and 2), the tennis court and softball diamond are already lit by two 10 metre high standards, which would be removed as part of this proposal. It is not certain when these lights were established. This existing lighting currently operates until approximately 8.30 pm during winter months, and is controlled by club users, who also lock the car park gates.

The main character of the park is of open sports fields surrounded by planted batters, with mixed exotic and native trees and a backdrop of regenerating native bush. The batters between the sports fields act as viewing slopes for people watching sports games. The park combines three main uses - active sports activities of touch rugby, soccer, softball, lacrosse and tennis; the passive activities of walking, children playing, picnics and casual games; and the visual amenity that the park offers to the surrounding residents and the neighbourhood as a whole.

The park is adjoined on all boundaries by residential development. The park displays an amphitheatre-like topography, with numerous residential properties having views of the site from as far away as Golf and Titirangi Roads. The properties bounding the park to the south, on Hilling Street, are typically located on a lower elevation than the park. On Ragley Street to the east, those properties on the northern side of the road are elevated above the park and obtain views over the park. At the northern end of Ragley Street, views of the park are obscured by existing vegetation. On the northern and western slopes of the park, regenerating native vegetation, and site topography, limits views of the site from adjoining residential properties.

The park is subject to an operative parks management plan, adopted in September 1998 by the New Lynn Community Board.

5.2 Site Development History

Crum Park has an extensive history of community involvement in developments proposed on the reserve. The following summarises the key events.

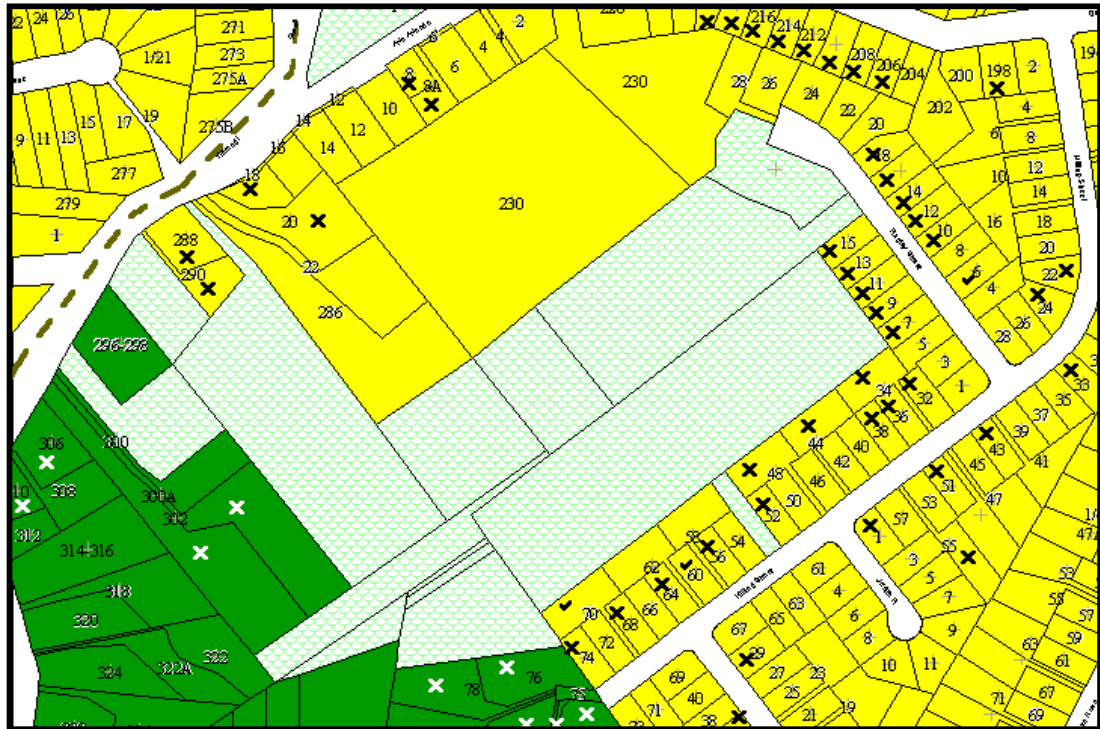
In 1980 the Green Bay/Titirangi Soccer and Sports Association (Soccer Club) obtained planning consent from the then Waitemata City Council to erect clubrooms on Crum Park. No effect was given to this consent, which subsequently lapsed. In 1990 a new clubroom proposal for a two-storey building was submitted to Waitakere City Council and approved in principle by the Community Services Committee. In April 1992 the Council's Planning Hearings Committee consented to the clubrooms subject to a number of conditions. Local residents lodged an appeal with the Planning Tribunal against the decision. Subsequent mediation between the parties resulted in an order for a modified consent being issued by the tribunal on the 18th December 1992.

Shortly after, Council began work on a Draft Management Plan and circulated a survey list indicating a range of recreational facilities, which could be provided on the park. Following extensive consultation, conflict remained regarding the clubrooms. A mediation process was facilitated between the representatives of the local residents group and the Green Bay Titirangi Soccer and Sports Association. Substantive agreement regarding the function and use of the clubrooms could not be reached during the mediation. The Green Bay Titirangi Soccer and Sports Association subsequently decided to construct a facility at Olympic Park, subject to Council approval. This approval was obtained from Council, and the new clubrooms constructed at Olympic Park. The Green Bay Titirangi Soccer and Sports Association continue to have "home ground" status at Crum Park, with Olympic Park providing their clubroom headquarters and competition grounds.

6.0 ISSUES IDENTIFIED THROUGH THE SUBMISSION PROCESS

A107-A332

The application was publicly notified on 22.11.2002, and the period for submissions closed on 20.01.2003. 110 submissions were received. Five submissions supported the application, one submission conditionally supported the application, and 104 submissions opposed the application. Attached at pages A107 to A332 are copies of the submissions that were received. A map showing the location of the submitters within the immediate vicinity is shown below.



MAP IDENTIFYING SUBMITTERS

Key:

- x Oppose
- ✓ Support

Those submitters outside the immediate plan area have not been shown.

6.1 Submissions

6.1.1 Submissions in Support

Five submissions in support were received, and are summarised in the following table:

Submission No.	Name	Address	Reason
74	Mr & Mrs P Woodhams	70 Hilling Street	No problems experienced in past with soccer club, improve security, 9.30 pm not unreasonable finish time, trees provide screening.
97	T Cathro - Western Softball Trust	372 Swanson Road	Attracts more players to clubs, and helps players achieved higher standards.
98	M Roberts	66 Hilling Street	Supports development of sports activities in West Auckland - too few facilities & proposal should be encouraged.
100	E & E Greathead	60 Hilling Street	No reasons given
107	M Dalzell	6 Ragley Street	Club gives to community and residents should give something back to club.

6.1.2 Submissions in Opposition

104 submissions in opposition were received, as summarised in the following table:

Submission No.	Name	Address	Reasons
1	H & C Stephens	18 Hilling Street	Poles & lights 'eyesore', noise generated by soccer, distract from residents ability to sleep and destroy night time sky environment, destroy nightlife of protected bird life in park.
2	E Talbot	75 Hilling Street	Opposes lights on Fields 1 & 2. Glare, noise, traffic, lights being left on.
4	W Hart	11 Ragley Street	Existing lighting is sufficient, not needed in summer, affect bedroom which faces the park.
5	K Davies	12a Harwood Street Sandringham	See submission 1 reasons.
6	J Wilson	44 Millstream Drive Henderson	As above
7	T Davis & P Reidy-Davis	288 Titirangi Road	As above
8	C Grayson	8a Ava Avenue	As above
9	RJ Frewin	24 Hilling Street	As above
10	R Tebott	300a Titirangi Road	As above

Submission No.	Name	Address	Reasons
11	KR & CJ Proebstel	20 Ava Avenue	As above
12	D Payne	8 Ava Avenue	As above
13	D Priestly	48 Hilling Street	As above
14	Mrs Macfeur	59 Hilling Street	As above
15	C Edmonds	52 Hilling Street	As above
16	G Jones	56 Hilling Street	As above
17	A Jamieson	1 Judith Place Green Bay	As above
18	R Goodliffe	1 Kitchener Road Milford	As above
19	G Hensen	51 Hilling Street	As above
20	J Neilson	38 Hilling Street	As above
21	B Legge	32 Hilling Street	As above
22	D McGall	36 Hilling Street	As above
23	JK & KJ Enright	44 Hilling Street	As above
24	B & M Bailey	164 View Road Henderson	As above
25	C Morton	56 Savoy Road Glen Eden	As above
26	V Tebbutt	300a Titirangi Road	As above
27	F Moore	302 Titirangi Road	As above
28	R Hodge	9 Ragley Street	As above
29	G Bentley-Reaney	306 Titirangi Road	As above
30	J Reaney	306 Titirangi Road	As above
31	M Aitken	214 Golf Road	As above
32	L Tebbutt	300a Titirangi Road	As above
33	M Carter	68 Hilling Street	As above
34	L Zhou	76 Hilling Street	As above
35	Y Wilson	290 Titirangi Road	As above
36	M Adams	198 Golf Road	As above
37	M Meader	64 Hilling Street	As above
38	C Talbot	75 Hilling Street	As above
39	B Orams	8 Parker Road Oratia	As above
40	SJ Sampson	15 Ragley Street	As above
41	E Murray	18 Ragley Street	As above
42	C Ryan	55 Hilling Street	As above
43	G Manning	340 Titirangi Road	As above
44	G Dundridge	33 Hilling Street	As above

Submission No.	Name	Address	Reasons
45	C Maine	29 Dolbear Street Green Bay	As above
46	R Hart	14 Ragley Street	As above
47	N & L Wouldes	74 Hilling Street	As above
48	M Crawford	212 Golf Road	As above
49	D & P Gothorp	22 Hilling Street	As above
50	R Wilson	9 Hilling Street	As above
51	Y Moore	302 Titirangi Road	As above
52	A Tebbutt	300a Titirangi Road	As above
53	C Warner	56 Savoy Road Glen Eden	As above
54	B Standing	3/3 Avenger Place Glen Eden	As above
55	H Probert	39 Frank Evans Place Henderson	As above
56	P & S Davenport	6 Dolbear Street	As above
57	N King	56 Savoy Road	As above
58	D Lorigan	7 Judith Place Green Bay	As above
59	L Mayo	14 Ragley Street	As above & noise, lighting is excessive for soccer training needs.
60	A Hollands	36 Dolbear Street Green Bay	Refer Submission 1.
61	K & J Reece	34 Hilling Street	As above
62	A McCorry	13 Ragley Street	As above
63	B Bekker	4/8 Tuscany Way	As above
64	L Harvey	64 Captain Scott Road Glen Eden	As above
65	G & W Hart	11 Ragley Street	As above
66	J Roberts & E Vaoutumala	7 Ragley Street	As above
67	LE Mayo	2/93 Astley Avenue New Lynn	As above
68	R Mayo	14 Ragley Street	As above
69	N Cooper	41 Renoir Street	As above
70	L Cooper	41 Renoir Street	As above
71	B Webb	18 Ava Avenue	As above
72	N & G Moore	187 Godley Road	As above
73	R Wilson	44 Millstream Drive	As above
75	D James	16a Portage Road	As above

Submission No.	Name	Address	Reasons
76	A James	10 Ragley Street	Visual impacts of poles & lights, reduce usable area of park for other residents, destroy character of park, noise generation, artificial daylight.
77	J & A Wilks	6 Hilling Street	Damage aesthetics of park, intrusive light, affect wildlife.
78	N Wallace	16 Hilling Street	Permanent eyesore, no attempt to blend into environment, spoil the look of the park permanently, noise amplified.
79	Friends of Crum Park	16 Hilling Street	Destroy balance between active & passive users of park, destroy open space & natural beauty.
80	G Hart	11 Ragley Street	Bedroom faces park, noise & bad language, potential for night games.
81	G Murray	14 Lisburn Avenue Glendowie	Refer submission 1
82	R McEwan	310 Titirangi Road	As above
83	B. Louden	218 Golf Road	As above
84	N Durrant	220 Golf Road	As above
85	W Wirihana	44 Millstream Drive	As above
86	S Anderson	77 Hilling Street	As above
87	G & D Andrews	78 Hilling Street	As above
88	C Beatty	206 Golf Road	As above
89	M Cunis	206 Golf Road	As above
90	D Groves	208 Golf Road	As above
91	J Barber	210 Golf Road	As above
92	G Barber	210 Golf Road	As above
93	A Mayo	14 Ragley Street	As above
94	R Hodge	9 Ragley Street	All opposed, but particularly field 1, precursor to undesirable late night activity, light & noise disturb sleep and reduce quality of life.
95	A Goodliffe	12 Ragley Street	Noise and lighting reducing ability to sleep, use of Waitakere field by non- Waitakere City club, reduce peacefulness of park.
96	E Goodliffe	12 Ragley Street	As above
101	C Christian Wood	201a Godley Road	As above
102	C Wood	81 Hilling Street	Privacy, noise, permanent eyesore.
103	C & A Weir	43 Hilling Street	Refer submission 1
104	J Benn	16 Ragley Street	Effects on bird life, detract from beauty of park, noise, detract from ability to sleep.

Submission No.	Name	Address	Reasons
105	L Bates	16 Ragley Street	Noise, lights detract from look of park, keep park natural, disturbs nocturnal wildlife.
106	Z Kis	5 Dolbear Street	Refer submission 1
108	J Murray	18 Ragley Street	Huge poles & lights on park even when not in use, noise, glare, ambient light.
109	J Whitten	16 Dolbear Street	Refer submission 1
110	L Murray	18 Ragley Street	Refer submission 1

6.1.3 Conditional Submissions

1 conditional submission in support was received, as summarised in the following table:

Submission No.	Name	Address	Reasons
99	E.J. Greensmith	205a Godley Road	Supports additional lighting being provided subject to: <ul style="list-style-type: none"> • lighting playground; • side shades on light; • larger or more rubbish bins provided; • light poles go by or in drains or edge of banks; • Applicant allows other people use the lights at cost; • Applicant pays for a petanque court; • Applicant pays for a wooden handrail beside the wooden steps straight ahead of car park.

7.0 STATUTORY REQUIREMENTS

7.1 The Weighting of District Plans

The Resource Management Act 1991 requires the consideration of both the Transitional and Proposed District Plan prior to the Proposed Plan becoming operative. In relation to this application the approach taken by both plans could be considered to be significantly different with the Transitional Operative Plan not allowing for the activity within the zone. However as determined by case law the regard to be given to the different plans can be weighed up in relation to what stage in the process of becoming operative a proposed plan is. In this case the Proposed Plan is in the final stages before becoming operative with only a few outstanding references. There are no outstanding references affecting this specific site, it's zoning, related development controls. Any provisions of the Proposed Plan, which has been prepared under the auspices of the Resource Management Act 1991, relevant to this proposal have been resolved via the District Plan submission and appeal process. Therefore the Proposed Plan is considered to have greater weight in this particular case.

7.2 Non-Complying Activities

The proposal requires consideration as a non-complying activity under the provisions of the Resource Management Act 1991. Section 105(2A) of the Resource Management Act 1991 sets a threshold test which all resource consent applications for non-complying activities must first pass before a consent authority has jurisdiction to grant consent, having regard to the matters specified in Section 104. In short, the proposal must be able to establish and operate without generating more than minor adverse effects on the environment, or must not be contrary to the relevant objectives and policies of either the Proposed District Plan or the Transitional District Plan.

Section 104 of the Resource Management Act 1991 sets out those matters to be considered when assessing an application for resource consent. 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 the Transitional and Proposed District Plan. All considerations are subject to the provisions of Part II of the Resource Management Act 1991, which sets out the purpose and principles that guide this legislation.

The Proposed District Plan has been prepared with an “effects based” emphasis, in keeping with the Resource Management Act 1991. As such, consideration of the application in relation to each of the assessment criteria relating to the various infringements would ensure that all the relevant matters contained in Section 104 of the Resource Management Act 1991 would have been addressed. In addition, a brief summary is presented below of the main effects on the environment generated by the application.

8.0 EVALUATION IN ACCORDANCE WITH SECTION 104 OF THE RESOURCE MANAGEMENT ACT 1991

8.1 Assessment of Environmental Effects (104(1)(a)): Actual and Potential Effects on the Environment

8.1.2 Water Quality and Quantity

There would be no adverse effects in relation to water quality/ quantity arising from the proposed activity as it would be located within the urban area of the City, would not generate any additional run off, and would not be near a water body or stream.

8.1.3 Native Vegetation, Vegetation and Fauna Habitat

There would be no adverse effects in relation to vegetation and fauna habitat as a result of the proposed activity as the site is within the urban area, is already modified and it is not proposed to remove any vegetation or work within the drip line of any vegetation. Concerns have been raised by submitters with regard to the intrusive nature of the proposed lighting on nocturnal bird life in Crum Park. This issue has been discussed with Council's Customer Field Advisor: Ecology, Ms Ruth Andrews, who has advised that as the proposed floodlights would be directed onto the fields, and designed to minimise spill and glare, light spill into the surroundings would be minimal. The proposal has also been discussed with Mr Ken Catt of the Royal Forest and Bird Protection Society (Waitakere Branch) who has advised that the proposed lighting would have little effect on nocturnal wildlife, and may in fact attract wildlife. Furthermore, sufficient darkness hours would be provided from the time of lights out at 9.30 pm for nocturnal wildlife. It is therefore considered that the proposed floodlighting would have negligible effects on fauna and fauna habitat.

8.1.4 Land / Soil

There would be no adverse effects on soil/ existing landform as a result of the proposed activity as the site is within the urban area is not known to Council to be affected by hazards is already modified and it is not proposed to undertake any earthworks outside the foundations of the poles.

8.1.5 Air

As the site is within the urban area and the proposed activity does not include air emissions of any kind, there would be no adverse effects on air quality.

8.1.6 Ecosystem Stability

As the site is within the urban area and the existing environment is already modified there would be no adverse effects on the stability of ecosystems as a result of the proposal.

8.1.7 Outstanding Natural Features; Landforms, Geological Sites

The subject site is not identified in the Proposed District Plan as being within an area identified as containing "outstanding natural features" within the City (refer Maps 3.5D & E). The proposed activity would not therefore adversely affect any identified outstanding natural features.

8.1.8 Natural Character of Coast and Margins of Lakes, Rivers and Wetlands

There would be no adverse effects in relation to the natural character of the coast and margins of lakes rivers and wetlands arising from the proposed activity as it would be located within the urban area of the City and would not be near the coast, water body or wetland.

8.1.9 Outstanding Landscapes

The subject site is not identified in the Proposed District Plan as being within an area of "outstanding landscape" within the City (refer Map 3.6B). The site is within the urban area of the city and the environment is already extensively modified. Therefore the proposed activity would not adversely affect any identified outstanding landscapes.

8.1.10 Amenity Values - Health and Safety, Landscapes, Local Areas and Neighbourhood Character

8.1.10.1 Neighbourhood & Park Character, Amenity Values

Crum Park is classified as a "Local Park" in the Waitakere City Council Parks Strategy (1999), which are medium sized parks that typically contain one or two sports fields, areas for casual recreation, landscape planting and native ecosystems. Two other classification of parks are provided, with "City Wide Parks" providing for significant recreation opportunities such as Parris Park; and "Neighbourhood Parks" being small areas of open space with some landscaping and playground areas.

Council's Leisure Strategy (1994) has identified that people make use of leisure resources such as parks in four broad ways:

- (1) Casual usage such as jogging in a park, taking children to the playground;
- (2) Contemplative usage such as enjoying the view of the park, absorbing the quietness or enjoying a feeling of spaciousness and "communing with nature";
- (3) Casual involvement in organised activities such as aerobics at a community centre;
- (4) Organised club activity such as competitive cricket, soccer, rugby etc.

Contemplative usage is where residents use parks and reserves as part of the ambience of their homes. Local residents have an intense and proprietorial interest in the ambience and atmosphere of Crum Park, whilst the applicant, and other sports users, have an intense and proprietorial interest in Crum Parks' use as a playing field. Local people also use the park for passive recreation such as walking and jogging, children's games and walking the dog.

The proposed floodlights would change the character of Crum Park by introducing structural elements surrounding the formal playing fields. However, the installation of the lights would not change the intended use, or reasonable expectation of use of the park. Crum Park provides for formal sporting activities on three playing fields. The applicant currently undertakes training until 8.30pm on Fields 1 and 2, with the park generally being vacated by 9.00 pm. The current proposal however seeks to enable training until 9.30 pm, therefore the park would not be vacated until around 10pm, presumably at the same time at which the lights would be switched off. The proposal would therefore involve an increase in the intensity of use of the park, in terms of the number of people attracted to the park and length of time which the fields are occupied, resulting in noise generation and demand on the field resources. It is considered that the cumulative effect of the use of all three fields would lead to a decrease in visual and aural amenity for the surrounding residents. For this reason, it is considered that the use of the lighting, and therefore training on the fields, should be limited to 8.30 pm, with the park to be vacated by 9.00 pm, and with lighting only to be provided on Fields 1 and 2. A reduction in the number of fields to be lit, along with a reduction in the hours of operation, would ensure that the proposal is consistent with the current use of the fields. It is also worthy noting that the lighting proposal, which would result in an increase in intensity of use during the winter months, in terms of the actual sports activity to be undertaken within the park, is no different than if sports teams used the fields during summer months until say 8.30 - 9.00 pm at night, during the hours of daylight. This use would be a permitted activity. Therefore, in terms of the intensity of use of the field which would result from the proposed floodlighting, would be no different than that which could reasonably be expected to occur during summer months.

The applicant has submitted a projected training schedule for the park, which is detailed in Section 3.0 of this report. This details the use over all three fields, with up to 6 teams training per night. On Wednesday nights, it is proposed to have two teams per field, which is typical of soccer training (not the entire field is needed for one team). Accordingly, there is no reason why Fields 1 and 2 cannot be utilised in the same manner, on other nights, to mitigate the loss of use of Field 3.

Field 3 is considered to be the most appropriate field to exclude from the floodlighting proposal, as it is the most topographically separated and is surrounded by residential properties; whereas Field 2 is bounded only to the south by residential properties, with those properties immediately adjoining Field 2 being either supportive or neutral in respect of this proposal. Subject to these restrictions in the scale and intensity and use of the park, it is considered that the floodlighting proposal would result in no more than minor effects on the character and amenity of the parking and surrounding neighbourhood.

Submitters have commented that the proposal would detract from their ability to use the park for passive recreation. The usable area of Crum Park (ie. cleared, flat land) is already dominated by formal sports fields. It is therefore a reasonable expectation that the park will be used for formal sports activities. The provision of floodlighting would allow the applicant to train to a similar time as that achieved in the summer months. Furthermore, it is a reasonable presumption that few people would use the park for passive activities during winter months and hours of darkness. It is therefore considered that the parks character and use is already dominated by formal sports grounds, and that the use of the fields until 8.30pm would not significantly detract from other more passive uses of the field and surrounding park land.

Overall, it is therefore considered that the proposed lighting would improve the usability of the fields for formal sporting activities. Subject to limitations on hours of training, and the number of fields to be lit, the installation of the lights would not be inconsistent with the character of the park in providing for formal sporting activities.

8.1.10.2 Landscape Impacts

A348-A352

The proposed floodlighting has been assessed by Council's Landscape Architect, Mr Gordon Griffin, with regard to potential effects on landscape values and visual amenity. Mr Griffin's report is attached at pages A348 to A352.

Crum Park is a high quality open space reserve which has been shaped to establish two recreation areas on two separate levels, fields 1 and 2, the tennis courts and car park being at a lower level, and field 3 being on a terrace about 15 metres higher than the other fields. The land-form of the area comprises two terrace areas associated with the sports fields, with sloping land forming a backdrop, rising to the north, north-west and round to the south-west, and falling to the south east of the lower terrace area.

There is high quality native bush on the adjacent land, north of field 1 that extends round to the west, mostly above the sports fields and provides high amenity, separation and privacy to the park. A *Cryptomeria japonica* hedge is present along the southern boundary of Field 3. Vegetation along the south-east provides some screening and the falling land also gives separation relative to residential sites south-east of the lower sports fields and car parking area. There is some new planting (mostly of pohutukawas), in the vicinity of the Ragley Street entry to the park. There is a residential area beside the south-east boundary, except for its southern end, this area is below the park with a planted buffer giving screening and separation. There are residential areas north of the park on Ragley Street that overlook the park.

The two existing light standards adjacent to the tennis court are 10 metres high and provide an indication of the potential effects. These existing light standards are appropriate in form and scale and relate well to the structured nature of their location (the tennis court, car park and levelled rectangular playing fields). The standards are however a light silver colour, as are the backs of the lights, which accentuates their visual impact.

Landscape and visual impacts result from changes in the components, character or quality of the landscape. The visual effects of a proposal can be positive, negative or neutral. In this case change will result from a slight modification to landform 10 additional light standards (given that two 10m high standards are existing).

The visual effects generated by a proposal depend on a number of factors. In this case these include:

- The character and quality of the landscape in which the floodlighting would be placed.
- The quality of the proposal itself, including scale, colour, form, texture etc.
- The area or extent from which the proposal is visible (the visual catchment).
- The number of viewers who will see the development, their location and situation in relation to the view (the viewing audience).
- The degree with which the proposal contrasts with or is consistent with the qualities of the surrounding landscape (context).
- The extent to which screening or other ameliorative techniques can reduce the visual impact (mitigation measures).

There is a distinction between the *visibility* of a landscape feature or development proposal and any visual effects. Due to any combination of the above factors, a development may be highly visible, but may have minor visual effects, or vice versa. One of the key strategies to minimise the visual effects of developments is to avoid sitting them in inappropriate locations.

The context of an installation is also very important. This includes the backdrop, as any development is generally more prominent if it is seen against the sky or the sea or if it contrasts with a backdrop. If a development is relatively small in scale, and complements the landform, and the colours and textures of the surrounding landscape, then its visual impact will be lessened.

Mr Griffin considers that visually, the proposed floodlights, positioned formally in relation to the sports fields are an appropriate element within this context, which is a local park with established sports playing fields. Lighting standards have visual contrast by virtue of their form and height, which gives them focus. This focus may be accentuated by their colour, if silver or some other reflective or light colour that contrasts them relative to the backdrop they are seen against. Their impact is accentuated also, when they are turned on, but night lighting can also be an attractive city feature.

By day the lighting columns and backing to the lights are not in use and it is desirable to down play their visual impact and to fit them harmoniously into the landscape while accepting them as structural elements. This could be better achieved by using a colour that is appropriate to the materials and that relates to the land and associated vegetated backdrop.

The sports fields have been established by cutting, filling and levelling and so are set down relative to the south-west, west and north, and set above the area to the east. A buffer of planting near the east boundary gives screening relative to the adjacent residential area. The greatest public exposure, and views into the park are from Ragley Street properties, north-east of field 1. There would be no lighting standards on the north side of field 1 so there would be a large distance of separation relative to Ragley Road and the dwellings that overlook the park. For field 2, the three proposed columns on the west side would be placed in front of a high, sloping, vegetated bank to the west and south-west, so would be seen against a higher backdrop, achieving good amenity. The three proposed columns on the eastern side would be appropriately placed, as structural elements associated with the car park, tennis courts and changing shed/ toilet block.

With regard to the proposed lighting on Field 3, the vegetated and evenly graded bank to the south-west would provide a good backdrop. To the south-east, 10 metre high *Cryptomeria japonica* (Japanese cedar) hedge would give a good buffer and backdrop (and provide screening relative to 78 Hilling Street), and the proposed lighting standards would have good amenity, complementary to the location. The proposed lighting standard at the eastern end of the field would be close to and above the dwelling at 70 Hilling Street, and create potential adverse dominance effects.

Mr Griffin has recommended that consent be granted to the proposal, with the floodlights being appropriate in form and function to the nature of the park. The residential area that has greatest overview of the park is well separated from the proposed lighting, so would not be dominated by the lighting standards and existing tree planting will increase screening relative to this area in the future. It is further recommended that a dark, non-reflective colour be used for the columns and for the backing to the lights, that relates to the landscape so that the lighting standards are not visually obtrusive relative to the green nature of the park they sit within. A condition of consent would be placed to this extent, requiring the applicant to submit a colour scheme for approval by Councils Landscape Architect, prior to the issue of building consent.

8.1.10.3 Dominance

The proposed standards of 12m in height are in excess of the 5.0m maximum height permitted in the Open Space Environment. However, the height of the proposed standards is directly related to the ability to comply with the light spill and glare requirements of the zone, as a standard of lesser height would have a more angled luminary, and therefore an increased light spill and glare.

The open nature of the park would not be significantly detracted from by the installation of the proposed lighting on the 12.0m high standards. The light standards are slim line structures, which when viewed against a backdrop of the battered slopes or vegetated embankments, would not be visually obtrusive, or dominate the character of the park. In discussions with the applicant, it was agreed that the standards should be finished in a recessive colour such as dark green, with all other fixtures (arm, glare shields etc) also to be finished in a recessive colour where possible. This would ensure that the poles are sympathetic to the surrounding natural environment, and would be enforced via a condition of consent as discussed above.

Much of the park is also screened by landform and or vegetation from nearby housing areas. There is one section of Ragley Road that overlooks the park. As noted above, trees, including pohutukawas have been planted that in time will provide some foreground screening of the park for many of these Ragley Road properties.

It is therefore considered that subject to the standards and where possible the light fittings being finished in a recessive colour appropriate to the surrounding environment, that the lighting of fields 1 and 2 with eight standards which would be viewed cumulatively over a distance of approximately 280 metres would not dominant the character of the park or any adjoining properties.

8.1.10.4 Glare & Lux Spill

Fields 1 & 2 are proposed to be lit with low glare Philips floodlights with asymmetric distribution. Field 3 is proposed to be lit with Siemens fittings with symmetrical distribution with glare shields. All lights are to be mounted on 12m high standards.

A353-A356

Premier Consultants Limited, acting as independent consultants to Waitakere City Council, have peer reviewed the lighting proposal submitted by Anvil Design Group, for the applicant. The original proposal did not comply with the District Plan standards for spill light, and therefore the applicant was required to re-design the proposal. The review and report by Premier Consultants Limited is attached at pages A353 to A356.

Crum Park has been described by Premier Consultants as a “dark surroundings”, or having a low level of ambient light. As such, any additional lighting will tend to be more noticeable compared to an area where there is high ambient lighting. The surrounding properties are at various heights in relation to the proposed lights, but the residents of many of the properties will have a direct line of sight of the proposed lights. The surrounding residents would see a bright spot or glow, against a dark background. This would be noticeable but would not cause a nuisance or discomfort to surrounding residents, as the glare and spill levels would be directed to the fields.

A detailed analysis of the potentially worse affected parties was undertaken by the applicant for the following properties:

- 70 & 76 Hilling Street
- 10, 12, 14, 16 & 18 Ragley Street
- 286 & 302 Titirangi Road

The maximum expected luminance, with glare shields fitted on field 3 lights, is calculated at 13.9 lux (lux being the recognised unit of density of light), occurring along the property boundary of Hilling Street to the south of Field Number 1. However, there is existing vegetation that will screen this spill light from the residents, and in the opinion of Premier Consultants, would generate no more than minor effects on these Hilling Street residents.

Glare is very subjective, and will affect people in different ways. It is particularly more of a nuisance in areas where ambient light levels are low, such as at Crum Park. In the original proposal, an excessive amount of glare was present, resulting in a request to the applicant to redesign the proposal. This redesign has resulted in purpose built glare shields being proposed for Field 3 (using older Siemens light fittings), which would need to be adjusted onsite to ensure a 100% cut-off is achieved to comply with the maximum luminous intensity stated in AS 4282 Table 2.1, when viewed from any of the surrounding residential properties. The direction of light in relation to adjoining sites, would not be aimed in a random direction, with reflective glare to be controlled. It is considered that these glare shields would prevent nuisance or discomfort to nearby neighbours, and mitigate glare from the lights to generate no more than minor effects.

However, the ambient lighting levels of the park will be altered. The current proposal seeks to undertake training until 9.30pm, with lights presumably to be switched off at 10pm. It is considered that the cumulative effect of the proposed lighting until 10.00 pm, over three fields, with associated increased in the intensity of use of the fields, noise and traffic generation, would result in more than minor effects on the surrounding residents, and detract from their ability to sleep and to their enjoyment of a quiet night time surroundings. It is therefore considered appropriate that the training cease at 8.30 pm, with the lights to be switched off 15 minutes later to allow time for training gear to be stored or removed from the fields. This would still provide for at least 2 hours of training on each field, which is more than sufficient to cater for the projected training needs of the applicant, as detailed in their projected training schedule, and discussed previously in Section 8.1.10.1. It is considered that 8.30 pm is a more appropriate time to cease training, with lights off at 8.45pm, as it is consistent with the current use of the field, and is a compromise between the needs of the club and the desires of surrounding residents to have uninterrupted sleep and maintain the ambience of the park.

It is considered that this reduction in the hours which the lights are operated, combined with the existing screening present along the residential boundaries, and separation distances, would ensure no more than minor effects would result from the proposal.

Premier Consultants have recommended that consent be granted to the proposal, subject to conditions as follows:

1. Placement and the aiming of the lights shall be as indicated on the amended documents and drawings submitted for review.
2. That glare shields shall be fitted to all Siemens lanterns as shown on Anvil Design Drawing E23 Rev. A.
3. That glare shields shall be adjusted onsite to ensure a 100% cut off is achieved to comply with the maximum luminous intensity stated in AS 4282 Table 2.1 when viewed from any of the surrounding residents properties.
4. An automatic switching device (time clock or similar) shall be installed to switch off the lights on or before 8.45 pm.

In addition, Premier Consultants have recommended that monitoring of the lights take place following installation to ensure that the required design parameters have been met. To this end, a condition of consent would be placed requiring monitoring of the lux spill, glare and other design parameters of the lights, prior to the commencement of operation of the lights. This monitoring shall be carried out by a Council representative (such as Premier Consultants Limited), at the expense of the applicant. Further monitoring would be required when the lights are maintained or bulbs replaced, to ensure that the design parameters are maintained.

8.1.10.5 Noise

The proposed floodlights would result in an increase in the intensity of use of Crum Park for training activities, particularly during winter. Crum Park is currently used by the applicant up to four nights a week on fields 1 and 2, until approximately 8.30 pm. The floodlighting proposal would allow all three fields to be utilised for training until 9.30 pm. Consequently, the number of people attracted to the site, and the associated noise generation from vehicles entering and exiting the site, and noise generated by the training activities themselves, could be expected to increase. It is important to note however that use of all three fields during summer months during daylight hours, until approximately 8.30 - 9.00 pm, can occur as of right, subject to Parks allocation of use of the fields.

The proposal for lighting of three fields, with up to 6 teams playing on the park, could result in more than minor adverse effects on the aural privacy and amenity of the surrounding residents. Whilst the applicant has stated that soccer training is not a “noisy” activity, it is the writers experience that soccer training does generate noise from players and coaches communicating across the field, and noise generated by traffic entering and exiting the site, and car doors shutting. It is therefore considered that the cumulative effects training activities over three fields, would detract from the aural privacy and amenity of the surrounding residents. For this reason, it is recommended that the use of the fields be restricted to fields 1 and 2, and that training ceases at 8.30 pm, to ensure that the surrounding residents are still afforded a quiet night time environment. Restricting training activities to Fields 1 and 2 is comparable to those activities which currently take place on Crum Park, and limits the spatial effects of training activities to the lower terrace. Subject to these limitations on the location and timing of training activities, it is considered that no more than minor adverse noise effects would result on the surrounding residential environment, when compared to the permitted baseline of summer training activities.

8.1.10.6 Traffic Generation and Parking Demand

The floodlighting proposal would result in all three fields being available for night time training from Monday to Friday inclusive. The applicant has indicated that based on the fields being open, and available for their use (which is subject to a Sports Field / Parks Use Agreement with Parks & Green Assets Section of Waitakere City Council, reviewed on an annual basis), that the fields would be used in the following manner:

	Monday	Tuesday	Wednesday	Thursday	Friday
Field 1					
Current	2Y	2SM	2SM & 1SW	2SM	1Y
Projected	2Y	2SM	1SM & 2SW	1SM	2Y
Field 2					
Current	Nil	3SM	2SM & 1SW	3SM	1Y
Projected	1Y	2SM	1SM & 2SW	1SM	2Y
Field 3					
Current	Nil	Nil	Nil	Nil	Nil
Projected	2Y	2SM	1SM & 2SW	1SM	1Y

Key

Y Youth Teams (15-17yrs)
SM Senior Men
SW Senior Women

The net effect of the proposed floodlighting on field usage is therefore as follows:

- Monday = 3 additional youth teams
- Tuesday = 1 additional senior team
- Wednesday = 3 additional senior teams
- Thursday = 2 less senior teams
- Friday = 3 additional youth teams

The applicant has advised that while a playing team can comprise a squad of up to 15 players, it is rare that all 15 players attend every practice. The number of team members attending practice can vary from as few as 8-9 squad members up to the full complement.

A357-A359

The traffic generation and parking demand associated with the increased usage of the fields has been assessed by Council's Principal Transport Engineer, Mr Reg Cuthers, with regard to the parking capacity onsite, within Crum Park, and the potential effects on the local roading network. Mr Cuthers comments are attached at pages A357 to A359. The Crum Park car park is accessed from Hilling Street. There are 83 marked parking spaces on site. Based on the information/training timetable provided the projected parking demand generated by this activity are as follows:

- Monday 20 spaces
- Tuesday 54 spaces
- Wednesday 81 spaces
- Thursday 27 spaces
- Friday 20 spaces

The above assumes that the youth team would require 4 car parking spaces per team, Senior Women would require 9 car parking spaces per team and the Senior Men would require 9 car parking spaces per team. Mr Cuthers initially expressed concern with this application due to the potential for traffic generated by the additional lighting of field three having an impact on the surrounding neighbourhood. However based on the above information the impact of the additional parking demand can entirely be accommodated on site and Mr Cuthers has advised that he supports the proposal.

Given that it is recommended for visual, aural and amenity reasons to limited the use of the park to fields 1 and 2 until 8.30 pm, and that the maximum number of parking spaces demanded by the training activities is within the number of spaces provided for onsite, it is considered that the increase in activity on the park as a result of the proposed floodlighting, is within the permitted baseline for car parking and negligible adverse effects would result outside of the site.

8.1.10.7 Park Management and Potential Conflict with Other Users of Crum Park

Use of Crum Park by the applicant is subject to a Sports Field/Parks Use Agreement with the Parks and Green Assets Section of Council. The agreement is to provide a fair and just means for the effective and sustainable management of the park and sports fields that has been allocated to Park User Groups. The period of agreement is either on a yearly or seasonal basis. The agreement identifies the training field and times allocated to the club for their training use. The use of the field is to be restricted to these hours to ensure the fields are not overused and to provide an even distribution of a limited resource.

The applicant, Bay Olympic Sports & Soccer Association, has home club status for Crum Park. Other annual users of the park are Westforce Lacross and Western Magpies Softball. No one user group have precedence over another, nor are any future booking times guaranteed. Seasonal bookings are made at the start of each season. If conflicts occur with users, the parties are contacted and an arrangement made. It is therefore important to note that the provision of lighting at Crum Park, by the applicant, does not confer any permanent usage rights to the Bay Olympic Sports & Soccer Association. The applicant would still be subject to the Sports Field/Parks Use Agreement with the Parks and Green Assets Section of Council. Therefore the timetable submitted by the applicant is dependent on this Parks Use Agreement and represents a maximum usage of the fields.

The proposal has been reviewed by Councils Project Manager Sport Facilities, Surita Heyden, and the Service Manager - Parks and Green Assets, Grant Jennings. The Parks Department records indicate that winter training currently takes place until 8.30 pm. The proposal for training to 9.30 pm has been considered by Parks Department, who have recommended that training be allowed until 9.00 pm, with the park to be vacated by 10.00 pm. However, for the reasons outlined in Section 8.1.10.1 of this report, it is considered that training until either 9.00 pm or 9.30 pm, would result in adverse cumulative effects on the surrounding residents, and it is recommended that training cease at 8.30 pm, with lights out at 8.45 pm.

366-A370

Parks Department has given their support of the proposal, subject to the following conditions, as attached at pages A366 to A370.

1. The proposed floodlights shall be made available for other users to hire when not being used by the applicant. *(This has been discussed in Section 8.4.4.3 of this report, and any other users would be subject to the same conditions as recommended in this application).*
2. Bay Olympic Sports and Soccer Association shall pay all operating costs and install a separate power meter for the lighting.
3. The applicant shall liaise with Waitakere City Council Parks Department before construction commences, with at least 14 days notice to be given of commencement of construction date.
4. The final location of cable trenches must be agreed to by Waitakere City Council Parks Department and marked on site.

5. The reinstatement of the park surface shall be inspected and signed off by Waitakere City Council Parks.
6. Any damage to existing services will be charged to the applicant.
7. As built drawings shall be provided to the Service Manager - Parks & Green Assets.
8. All costs of maintenance shall be borne by the applicant.
9. A Certificate of Compliance & Safety shall be provided to the Service Manager - Parks & Green Assets, on an annual basis.
10. If the club choose to relocate in future, the floodlights must be removed. However Council requires first refusal for taking over the floodlights.

Submissions received on this application have commented on the behaviour and language of players using Crum Park. All users of the park are subject to a Code of Behaviour, requiring respect for Council property, respect for and good behaviour towards other users of the park, local residents and members of the public. If the applicant contravenes this code of behaviour, then the club may lose rights to use the park, at the discretion of the Parks Department. It is the responsibility of the club to ensure that standards of behaviour are met.

Overall, it is therefore considered that the use of Crum Park by the applicant for night time training would result in no more than minor effects on the safety and functioning of Crum Park, subject to conditions of consent.

8.1.11 Heritage

There would be no adverse effects in respect of heritage items as the proposed activity would not be located near, or impact on any identified heritage item.

8.1.7 Summary

The proposed floodlighting would result in the improved usability of Crum Park during winter months, building on the existing sports facilities present at the park. The proposal is consistent with parks strategy and existing use of the park, subject to a limitation on the hours of use of the floodlighting and a reduction in the number of fields to be lit. The floodlighting has been designed to minimise glare and light spill, and would ensure no more than minor effects on the ability of surrounding residents to sleep or enjoy the night time ambience of the park subject to the lights being extinguished by 8.45 pm. All traffic generated to the site would be able to have their parking demands catered for onsite. Overall, the lighting proposal would benefit the wider community through improved use of the fields, and possibly benefit other users when the applicant is not using the fields.

It is the report writer's opinion, that the potential adverse effects of the proposed activity are no more than minor, and can be adequately mitigated through appropriate conditions of consent and a reduction in the intensity and scale of the use through limitations on hours of use and the number of fields to be lit. Further, having regard to the meaning of the word 'effect', the potential adverse effects are such that this activity can meet the requirements of section 104(1)(a).

8.2 District Plan Considerations (104(1)(d)): Relevant Objectives, Policies, Rules and other Provisions of a Plan or Proposed Plan

8.2.1 Proposed District Plan

8.2.1.1 Rules and Assessment Criteria

The following assessment criteria are considered to be relevant to this application:

Building Height Assessment Criteria 2(a) to 2(d)

- *The extent to which parks buildings are of a height which avoid adverse effects on neighbourhood character and the extent to which parks buildings detract from the open space character of reserves.*

The proposed floodlights would be mounted on standards of 12 metres in height, distributed around the perimeter of Fields 2 and 3, and in a similar location to those existing lights on Field 1. The character of Crum Park is dominated by a feeling of openness, attributable to the amphitheatre-like topography of the site, the small scale nature of buildings on the park, and the natural and visual values associated with the vegetated slopes. The proposed floodlights, being of a slim line nature and viewed against a background and context of the vegetated slopes and embankment leading up to Field 3, would not detract from the open character of the park. Furthermore, the lights are considered to be consistent with the sports fields already existing on the park, providing for organised activities. The proposed floodlighting on Field 3 however is topographically removed from the lower fields 1 and 2, and has a more bush like and natural character as it is not located near any other parks structures (such as the tennis courts, changing sheds etc). Subject to the deletion of any lighting on Field three, it is considered that the proposal is consistent with the intent of this assessment criteria.

- *The extent to which parks buildings are of a height which does not physically dominate or intrude into the privacy of adjoining sites.*

The standards upon which the floodlights would be mounted are slim line in nature, similar to a street lamp. The closest residential property would be 15m from the standard, and due to the nature of the "building", and vegetative screening which is present around the park, would not result in the diminishment of the privacy of any adjoining sites. The proposed lighting on Field 3 however could potentially dominate For Field 3, one lighting standard at the eastern end, close to and above the dwelling at 70 Hilling Street would be placed on higher land and would potentially have some dominance of this site. Furthermore, the topographical difference between Fields 1 and 2, and Field 3, would result in the lighting on Field 3 being more dominant due to the elevated nature of this end of Crum Park. Subject to the deletion of the lighting on Field 3, it is considered that the proposal is consistent with the intent of this assessment criteria.

- *The extent to which parks buildings are of a height which avoids, where possible, interruption of views from sites in the vicinity.*

The surrounding residential properties gain expansive views over Crum Park, from a variety of topographical locations. In general, properties look down or through the park, with residences in Ragley Street obtaining the most direct views through the park. Due to the topography of the park, none of the standards would interrupt views per se, but views of the park would be altered. The cumulative effects of fourteen standards distributed over three fields, and separated topographically, may adversely affect the view of the park from surrounding residences. Therefore, subject to the proposed floodlights being reduced to only Fields 1 and 2, being a total of 8 standards, which would be required to be finished in a recessive colour sympathetic to the surrounding natural environment, it is considered that the lighting would not be visually obtrusive, and would be viewed against a backdrop of the vegetated embankment leading up to Field 3. It is therefore considered that views of the park would not be significantly detracted from.

Glare Assessment Criteria 10(a) to (d)

- *The extent to which glare from outdoor lighting fixtures causes discomfort to any person, detracts from resident's ability to sleep or degrades the level of visual amenity and the dark night-time sky environment.*

The proposed floodlighting would utilise asymmetrical luminaries of Fields 1 and 2 and glare shields on the Siemens light fittings on Field 3, both of which would ensure a 100% cut off of the lights when viewed from the adjoining properties. The level of illumination proposed is considered by Premier Consultants to not result in a nuisance to surrounding residents, or detract from their ability to sleep. A reduction in the hours of use of the lights, and limiting their installation to fields 1 and 2 would ensure that the dark night-time sky environment is maintained after 8.45 pm.

- *The extent to which outdoor lighting is so selected, located, aimed, adjusted, designed and screened so as to ensure that:*
 - *Glare from the light is not directed into adjoining sites;*
 - *Glare is not aimed in a random direction;*
 - *Reflective glare is controlled to extent that it practicable.*

The floodlighting proposal has been specifically designed to ensure that random glare or light spill is not directed into adjoining sites. A condition of consent would be placed requiring monitoring of the lights to ensure that they have been installed in accordance with the design parameters, prior to use of the lights for night time training.

- *The extent to which adequate screening is provided from activities that emit glare from outdoor lighting fixtures.*

Glare shields will be fitted to those luminaries which do not provide asymmetric lighting (Field 3), with additional screening being provided from vegetation around the periphery of the park. Fields 1 and 2 would be provided with asymmetric lights which cut off all glare, with vegetative screening present along the southern boundary of the park, and part of the eastern boundary adjoining Field 1. Recent planting along the Ragley Street road frontage would provide additional screening in time as vegetation matures. The proposal is considered to be consistent with this assessment criteria.

8.2.1.2 Policies and Objectives

Glare:

Policy 10.3 states that *“activities should be managed in a way that any associated artificial lighting of roads, driveways, signs and sites and the exterior of buildings do not detract from the ability of occupants of surrounding buildings to achieve uninterrupted and adequate levels of sleep”*.

Artificial lighting, particularly in residential areas, can be of such a level of glare that it reduces peoples ability to sleep or interrupts sleep. There are two components to glare - the general loss of a dark night sky from the cumulative effects of lighting, and the nuisance caused by single sources that emit a high level of glare. In this instance, the proposed lighting has been designed to ensure that glare is minimised by the use of asymmetric luminaries or cut-off shields. This ensures that the bulb is not visible from adjoining properties. The overall ambient light levels in Crum Park will increase. This however will be mitigated by a reduction in the number of fields proposed to be lit, and a reduction in the length of time the floodlights operate, to a time comparable with that which could be expected during summer months. This would ensure that the surrounding residents do not experience an unreasonable level of visual or aural amenity detracting. Overall, the proposal, subject to a reduction in the number of fields to be lit, and hours of operation, is considered to be consistent with the intent of this policy.

Building Height

Policies 9.5 seeks that structures are of a *“height, scale and form that is appropriate with the scale of buildings located within the City’s landscapes.”*

The proposed floodlighting standards of 12m in height, with up to a 3m wide arm supporting the luminaries, while being structures of a height not seen elsewhere in the immediate vicinity, would not be visually obtrusive or significantly detract from the visual qualities of Crum Park. The lights would be viewed against a backdrop of vegetation or embankments, and if finished in a recessive colour such as dark green, would blend well with the natural environment. Crum Park provides for organised sports activities, and the proposed floodlights are considered an appropriate structure to have in such a park. The proposal is therefore considered to be consistent with the intent of this policy.

Policy 11.8 seeks that *“structures are of a form, height and scale which avoids physical domination of surrounding sites and buildings, which does not adversely affect the landscape character and other amenity values of the area, and minimises encroachment on views.”*

The proposed floodlights would be located a minimum of 15m from the closest residential boundary, and screened by existing vegetation. Finishing of the standards and fixtures in a recessive colour such as dark green would minimise the scale of the structure, and assist in blending with the surrounding vegetation and topography. Views of the park, or through the park, would not be obscured by the floodlights, and when viewed over a context of approximate 270 metres, would result in no more than minor effects on landscape character or amenity values.

8.2.2 Transitional District Plan

As discussed in Part 7 of the report the Proposed Plan is considered to be the dominant document and discussion of the proposal in relation to the objectives, policies and rules of the District Plan has therefore been limited to those of the Proposed Plan.

8.3 Auckland Regional Policy Statement (104(1)(c))

The Auckland Regional Policy Statement 1999 contains objectives and policies that are designed to avoid, remedy or mitigate adverse effects on the natural and physical resources of the Auckland Region. Strategic Objective 2.5.1.2 seeks *“To maintain and enhance the overall quality of the environment of metropolitan Auckland, including its unique maritime setting, volcanic features, cultural heritage values, and public open space”*. In this instance, the proposal would result in the provision of floodlighting to provide for night time training on sports fields at Crum Park. Crum Park is a locally significant public reserve, which offers a range of leisure activities for residents. The floodlighting would improve the usability of the Park, and still maintain the open space qualities for which it is also valued. It is considered that the proposed floodlighting would not be inconsistent with the Auckland Regional Policy Statement.

8.4 Any Other Matters the Consent Authority Considers Relevant (104(1)(i)).

8.4.1 Other Issues Raised by Submitters Not Covered Elsewhere in Report

One submissions in conditional support of the proposal, by EJ Greensmith (submission 99), seeks that the applicant provide more or larger rubbish bins, lighting of the playground, a petanque court, a handrail, and allow use of the lights by other park users. All of these requests, with the exception of allowing the use of the lights by other parks users, do not relate to any potential adverse effects of the proposal, and therefore cannot be required as mitigation for adverse effects.

The potential for undesirable night time behaviour as a result of the floodlighting, has been raised by R Hodge (submission 94). It is typical that lighting of public reserves improves safety and security, and would in fact deter any undesirable behaviour.

8.4.3 Monitoring

The performance of the activities under this consent will be subject to Council's standard monitoring procedures. These procedures include scheduled inspections to ascertain compliance with conditions of consent, together with periodic inspections as and when required to establish whether conditions are being complied with on an ongoing basis. In particular, attention is likely to be directed toward the implementation of conditions relating to hours of operation of the lighting, finishing of the lighting standards in an appropriate colour, and certification that the lighting has been installed in accordance with the design parameters which is also to be verified following any maintenance or light replacement works in the future.

8.4.4 Any Other Relevant Non-Statutory Documents

8.4.4.1 Crum Park Reserve Management Plan (1998)

The New Lynn Community Board adopted the Crum Park Reserve Management Plan in September 1998 following extensive consultation with the local community. The Crum Park Reserve Management Plan outlines Councils general intentions for use, development and maintenance of their reserves, in accordance with the Reserves Act 1977. The aims of this legislation are to ensure that park development and enjoyment are based on sound principles, and that, through involvement in the planning process, the needs of the public are clearly identified.

The Crum Park Reserve Management Plan identifies the sites development and history, the current uses of the site, the natural environment, cultural context, and management issues identified through the management plan consultation process. The key issues identified were the existing and proposed buildings on the park, improvements to the children's playground, drainage and vegetation clearance, retaining and acquiring land, landscape development, code of behaviour for all park users, signs, maintenance standards and security, and floodlighting. The Crum Park Reserve Management Plan states that any further floodlighting proposals are subject to a resource consent, and that the management plan does not allow specifically for further floodlighting unless resource consent approval is obtained.

8.4.4.2 Waitakere City Council Parks Strategy (1999)

The Parks Strategy outlines the approach for managing and developing Waitakere City Council's parks over the next 20 years. It provides a vision for how we want our parks to look in the future and sets out the key steps to achieve this.

One of the issues identified in the strategy is the safety of parks, with visibility into and through parks being poor and resulting in people feeling vulnerable when entering or using parts of the park. The proposed floodlighting would help alleviate any such concerns, and provide for other more passive uses of the park, such as walking, to be undertaken at night time with the security of lighting that otherwise would not be provided for.

Traditionally, one of the main functions of parks has been to provide space for active formal sports such as cricket and rugby. Analysis on sports field use shows that the number of people playing formal sports is declining as a proportion of total park users. People playing formal sports are still significant users, but their needs have to be weighed up against those of others. In this instance, a compromise has been sought between the time which the applicant wishes to train until and the intensity of use of all three fields, and taking into consideration the potential adverse effects on the surrounding residents.

8.4.4.3 Waitakere City Council Leisure Strategy (1994)

The Leisure Strategy is Council's plan to improve recreation and leisure opportunities in Waitakere City, with the focus on Council services, and identifying changing community needs.

Crum Park is a reserve which provides for a range of leisure opportunities, such as casual usage, contemplative usage, and organised club activity. The floodlighting proposal has been assessed by Council's Leisure Services Manager, Mr Danny O'Donnell. Mr O'Donnell has advised that from a leisure perspective, the addition of floodlights to Crum Park meets Council's leisure objectives through:

1. Obtaining greater community participation in leisure and recreational activities through better use of facilities;
2. Increasing the available leisure and recreational services and benefits to residents;
3. Supporting and strengthening partnerships with other leisure providers in the City.

However, Mr O'Donnell has commented that consideration should be given to allowing the proposed floodlights to be made available for community use when the club is not using them to ensure that other users of the park are not limited from night time use of the Park. This recommendation has also been made by the Parks Department, and will be imposed as a condition of consent. Subject to this condition, it is considered that the proposal is consistent with the Waitakere City Council Leisure Strategy.

9.0 PART II OF THE RESOURCE MANAGEMENT ACT 1991

It is considered that the proposal, as amended by a reduction in the number of fields to be lit, and the hours of operation, would be consistent with Sections 5, 6, 7 and 8 of the Resource Management Act 1991.

The purpose and principles of the Resource Management Act 1991 have primacy over all other considerations that are set out in section 104 of the legislation. In summary, sections 5, 6 and 7 require that resources must be sustainably managed in such a way that any adverse effects on the environment can be avoided, remedied or mitigated. Furthermore, the Resource Management Act 1991 requires that amenity values and the quality of the environment are to be maintained and enhanced.

Section 5 of the Act, requires the promotion of sustainable management of natural and physical resources. The proposal for floodlighting at Crum Park would allow this physical and natural resource to meet the reasonably foreseeable sporting needs of future generations.

Section 7(b) of the Act requires the efficient use and development of natural and physical resources. The proposed floodlighting would build on the existing resources of Crum Park to provide for a more efficient use of the land resource including the extended use of the playing fields.

Section 7(c) requires the maintenance and enhancement of amenity values. Whilst the proposal will not serve to enhance the amenity values or the quality of the neighbouring residential environment, the relevant values and quality will nevertheless be maintained on the basis of the conditions proposed.

Overall it is therefore considered that the proposed use of Crum Park is consistent with the parks function and character and is compatible with the amenities of the surrounding environment, subject to conditions of consent. The sustainable management of the social and cultural environment would be enhanced by the provision of and the diversification of recreational activities on this citywide reserve. To develop the resource in the manner suggested would be beneficial and in accordance with Sections 6 and 7 of the Resource Management Act 1991.

10.0 EVALUATION IN ACCORDANCE WITH SECTION 105 OF THE RESOURCE MANAGEMENT ACT 1991

The threshold test in Section 105(2A) of the Resource Management Act 1991 states that a consent authority must not grant consent to a non-complying activity unless it is satisfied that the adverse effects on the environment will be minor (105(2A)(a)) or the activity will not be contrary to the objectives and policies of a plan or proposed plan (105(2A)(b)). As discussed in Section 7.0 of this report very little weight shall be given to the objectives, policies and rules of the Transitional Plan as the Proposed Plan is considered to be the dominant document.

It is considered that the threshold test for a non-complying activity has been met as the proposal satisfies section 105(2A) in that subject to appropriate conditions of consent requiring mitigation the adverse effects on the environment of the proposal will be no more minor and the proposal is not contrary to the relevant objectives and policies of the Proposed District Plan. Jurisdiction to grant consent has therefore been established.

11.0 CONCLUSION

Consent is sought to the installation of forty floodlights on fourteen 12m high standards, on Fields 1m, 2 and 3 at Crum Park, Green Bay. The site is zoned Open Space under the Proposed District Plan.

It is considered that the proposal to light fields 1, 2 and 3 until 9.30pm **does not meet** the criteria for granting consent as the potential adverse environmental effects are **more than minor** and **cannot** adequately be mitigated through the imposition of appropriate conditions of consent. It is considered that the establishment and operation of the floodlighting activity as proposed **will** lead to a decline in the amenity values of the area in which it seeks to locate.

It is considered however, that the proposal, as amended by a reduction in the number of fields to be lit (Fields 1 and 2 only), and the hours of operation (until 8.45pm) would **meet** the criteria for granting consent as the potential adverse environmental effects are **no more than minor** and **can** adequately be mitigated through the imposition of appropriate conditions of consent. It is considered that the establishment and operation of the reduced floodlighting **will not** lead to a decline in the amenity values of the area in which it seeks to locate.

The wider issues of night time training, noise generation, amenity values, park user conflicts and traffic and parking relating to the use of the grounds for sporting activities have been approached as a balancing exercise on the basis that private land owners should not be required to suffer amenity detraction for the public good, unless the use which may cause detraction was one contemplated as a neighbour by the district plan, in which case the resident must be prepared to accept the potential next door activities, but detraction, if any must be reasonable. In this instance the applicant has sought night lighting with associated training until 9.30 pm. In considering the proposal, and potential effects on surrounding residents, it is considered reasonable that floodlighting for the purposes of night time training be allowed until 8.30 pm, which is consistent with the current training time, and training which could be undertaken as of right during the summer months. It is considered that the use of Crum Park for this type of activity is to be expected for a citywide resource that provides for formal sporting activities, and subject to limitations on its hours of use, is considered to be a use that could be reasonably anticipated within the park.

As noted, the proposal requires consideration as a non-complying activity under the provisions of the Resource Management Act 1991. Section 105(2A) of the Act sets a threshold test which all resource consent applications for non-complying activities must first pass before a consent authority has jurisdiction to grant consent, having regard to the matters specified in Section 104. In short, the proposal must be able to establish and operate without generating more than minor adverse effects on the environment, or must not be contrary to the relevant objectives and policies of either the Proposed District Plan or the Transitional District Plan.

The assessment contained previously in this report demonstrates that the proposal would generate no more than minor adverse effects on the environment. Jurisdiction to grant consent has therefore been established. However, it is noted that for a consent authority to grant consent to a non-complying activity application, there should generally be some exceptional element to the proposal. If such unique circumstances do not exist, then the proposal would effectively compromise the integrity of the Proposed District Plan, and public confidence in the consistent administration of the Plan may be undermined. It is considered that the proposal would be unique as the issue of floodlighting in the Crum Park Operative Management Plan was deferred to be dealt with via a resource consent application, should floodlighting ever be proposed.

It is considered that the issues raised by the submitters **can** be adequately addressed through the imposition of appropriate conditions.

Subject to any additional and/or contrary evidence being presented at the hearing, it is concluded that **the application as reduced to lighting of Fields 1 and 2 until 8.45pm merits consent** in accordance with Sections 104 and 105 of the Resource Management Act 1991.

RECOMMENDATIONS

1. That pursuant to Sections 104, 105, and 113 of the Resource Management Act 1991, and subject to additional or contrary information being presented at the hearing, **consent be declined** to the application by Bay Olympic Sports & Soccer Association **to erect fourteen standards with forty floodlights on Fields 1, 2 and 3 at Crum Park, Green Bay for use for night time training until 9.30 pm,** being Pt Lot 27 DP 16661, Lot 4 DP 30902, Lot 4 DP 39732, Lot 1 DP 52745, Lot 5 DP 44455, Lot 2 DP 54291, Lot 91 DP 55683, Lot 7 DP 57080, Lot 3 DP 44455, Lot 53 DP 57516, Lot 56 DP 57516, Lot 1 DP 59406, Lot 1 DP 69613 for the following reasons:
 - (i) The cumulative effects of lighting fields 1, 2 and 3 until 9.30pm would result in more than minor effects on the night time character of Crum Park, and the residents reasonable expectations for uninterrupted sleep;
 - (ii) The cumulative effects of training over three fields would adversely affect the visual amenity and aural privacy of the surrounding residents;
 - (iii) The proposal does not meet the relevant policies and objectives of the District Plan, and would create more than minor adverse effects on the environment;
 - (iv) The proposal does not meet the requirements of Section 105(2a) of the Resource Management Act 1991, in that the adverse effects on the environment will be more than minor.

2. That pursuant to Sections 104, 105, 108 and 113 of the Resource Management Act 1991, and subject to additional or contrary information being presented at the hearing, **consent be granted** to a reduced proposal by Bay Olympic Sports & Soccer Association **to erect eight standards with 24 floodlights on Fields 1 and 2 at Crum Park, Green Bay for use for night time training until 8.45 pm,** being Pt Lot 27 DP 16661, Lot 4 DP 30902, Lot 4 DP 39732, Lot 1 DP 52745, Lot 5 DP 44455, Lot 2 DP 54291, Lot 91 DP 55683, Lot 7 DP 57080, Lot 3 DP 44455, Lot 53 DP 57516, Lot 56 DP 57516, Lot 1 DP 59406, Lot 1 DP 69613 for the following reasons:
 - (i) The proposal would improve the usability of limited sporting resources within Waitakere City;
 - (ii) Is consistent with Council's Parks Strategy and Leisure Strategy in that it will promote greater participation in leisure and recreational activities;
 - (iii) The proposal will increase the available leisure and recreational services and benefits to residents;
 - (iv) The proposal would maintain the amenity values and character of Crum Park and the surrounding neighbourhood through limiting the intensity of use to that consistent with current activities undertaken on the park during winter months.

- (v) Is consistent with the relevant policies and objectives of the District Plan, and would create no more than minor adverse effects on the environment;
- (vi) The proposal meets the requirements of Section 105(2a) of the Resource Management Act 1991, in that the adverse effects on the environment will be no more than minor.

Consent shall be subject to the following conditions:

- (1) The development shall proceed in accordance with the plans and information submitted with the application by Anvil Design Group and Steven Dietsch, and all referenced by Council as RMA 20020784, and all further information submitted with the application, as amended by the exclusions of any lighting on Field 3.
- (2) All reticulated services, including power, shall be provided underground.

Lighting Conditions

- (3) Placement and aiming of the lights shall be as indicated on the amended drawings and documents by Anvil Design Group dated 18.9.2002.
- (4) Should the Siemens lanterns proposed for Field 3, be utilised on either Field 1 or 2, shields shall be fitted to all of the Siemens lanterns as shown on Anvil Design Drawing E23 Revision A. Amended glare and light spill calculations shall be provided to confirm that the proposal remains within the design parameters of Fields 1 and 2.
- (5) Further to condition (4), the glare shields shall be adjusted onsite to ensure a 100% cut off is achieved to comply with the maximum luminous intensity stated in AS 4282 Table 2.1 when viewed from any of the surrounding residential properties.
- (6) Prior to the commencement of operation of the lights, an independent party shall monitor the floodlighting to ensure that all design parameters are complied with. The cost of such monitoring shall be borne by the applicant. The applicant shall advise Council when the lighting has been installed, and monitoring shall be undertaken at the instruction of Council.
- (7) Following any replacement of lamps within the lights, the applicant shall provide evidence from a suitably qualified lighting engineer that the lights, aiming and glare shields still comply with the approved design. Evidence of this compliance shall be provided to Council within 1 week of any replacement or maintenance work.
- (8) An automatic switching device (time clock or similar) shall be installed to switch the lights off no later than 8.45 pm. Details of this system shall be provided at the time of building consent application, to the satisfaction of the Manager Resource Consents.
- (9) The applicant shall nominate a 24 hour contact person in the event that the floodlights are not switched off at the required time, and advise of such to the Service Manager - Parks and Green Assets. The applicant shall submit evidence of a contract with an appropriate service provider to ensure that a 2 hour rectification response time is achieved for any malfunctions in the light system.
- (10) The floodlights shall be able to be individually controlled – i.e. if only one field is required, then not both fields 1 and 2 shall be lit.

Parks Conditions

- (11) The applicant shall be responsible for all maintenance of the lights, power supply and other necessary infrastructure.
- (12) The floodlights shall be made available for other users to hire when not being used by the applicant, at the users cost. Any other users of the floodlighting shall be subject to the same conditions as that set out in this consent.
- (13) The applicant shall pay all operating costs and install a separate power meter.
- (14) The applicant shall liaise with Waitakere City Council Parks and provide at least 14 days notice prior to the commencement of construction date.
- (15) The final location of cable trenches shall be agreed to by Waitakere City Council Parks Department and marked on site.
- (16) The reinstatement of the parks surface shall be inspected and signed off by Waitakere City Council Parks Department.
- (17) Any damage to existing services will be charged to the applicant.
- (18) As built drawings shall be provided to the Service Manager – Parks and Green Assets prior to final sign off of the project.
- (19) All costs of maintenance shall be borne by the owner.
- (20) A Certificate of Compliance & Safety shall be provided to the Service Manager - Parks and Green Assets, on an annual basis.
- (21) The park shall be vacated by 9.00pm following training.
- (22) Should the applicant decide to relocate in future, the floodlights must be removed. Council however requests first right of refusal for taking over the floodlights.

Landscape Impact Conditions

- (23) The octagonal galvanised steel light standards and light fittings and fixtures (where possible) shall be finished in a dark recessive colour appropriate to the surrounding environment (i.e. dark brown or green), with a colour proposal to be submitted at the time of building consent application, to the satisfaction of Manager Resource Consents. The standards shall be finished in this colour prior to erection onsite.

General Conditions

- (24) The provision of the proposed lighting does not guarantee preferential use of the sports field to the applicant. Use of the fields shall be subject to the standard Sports Field/Parks Use Agreement with the Parks and Green Assets Section of Council.
- (25) No competitive night games shall be permitted on Crum Park. The lighting shall be used only for the purpose of night time training.
- (26) At all times the activity shall comply with the noise controls of the relevant Human Environment of the Proposed District Plan.

ADVICE NOTES

The New Lynn Community Board, as the property owner of Crum Park, has yet to provide their approval to the proposed development. No work shall take place until such time that this approval is obtained. It should be noted that the granting of this consent does not in any way guarantee consent of the landowner.

Obtain building consent to the proposed works and comply with all other Council bylaws.

Report prepared by: Melanie Jesson, Resource Planner, Cato Bolam Consultants.



5 1.00 PM NEW LYNN WARD

GLEN ROAD & KASHMIR ROAD WASTEWATER UPGRADE (CONTRACT NO. 01EWC 085) OBJECTION BY MR KENNETH THOMAS, OWNER OF 25 KASHMIR ROAD, GLEN EDEN, LOCAL GOVERNMENT ACT 1974: SECTION 708 - WORKS ON PRIVATE LAND, SCHEDULE 16 - CONDITIONS OF UNDERTAKING WORKS ON PRIVATE LAND

BACKGROUND INFORMATION

- A371-A374* Mr Thomas is the owner of 25 Kashmir Road being the land described as Lot 1 DP 112085, Certificate of Title 63A/561, as attached at pages A371 to A373 ("the Property"). The Property is a vacant lot, and Mr Thomas lives adjacent to this at 47A Withers Road, map attached at page A374, both located in the New Lynn Ward.
- A375-A386* The Property is affected by Council's intention to construct wastewater lines on the basis set out in the report from EcoWater's Contract Manager Parkin Low dated 10 February 2003, as attached at pages A375 to A386, the intended pipe alignment and manhole depths being more particularly shown on Drawing No. E1 issued on 14/5/01, as attached at page A381.
- A382-A386* The Property is one of a number of private landholdings affected by the proposed contract works. A "Consent to Enter and Construct" has been obtained as required in section 708(2) of the Local Government Act 1974 from the owners of 1/21, 2/21, 3/21 and 23 Kashmir Road, as attached at pages A382 to A386.

LEGISLATIVE REQUIREMENTS

Council is empowered to carry out works on private land in accordance with section 708 of the Local Government Act 1974 which reads as follows:

SECTION 708 WORKS ON PRIVATE LAND

- (1) Subject to this section and to the provisions of the Public Works Act 1981 as to compensation for injurious affection to land, the council may cause to be constructed on or under private land or under any building on private land ... such works as it considers necessary for -
- (a) The supply of water by territorial authorities under Part XXIII of this Act:
....
 - (d) Sewerage and storm water drainage by territorial authorities under Part XXVI of this Act:
....
 - (g) Land drainage and rivers clearance under Part XXIX of this Act:
 - (h) The supply of energy under Part XXX of this Act.
- (2) The Council shall not cause to be constructed on or under any private land or under any building on private land any works specified in subsection (1) of this section -
- (a) Except with the prior consent in writing of the owner; or
 - (b) Where that consent has not been obtained, except after compliance by the council with the requirements of the Sixteenth Schedule to this Act.
....

In this case the works are mandated under clause (1)(d), and, in relation to Mr Kenneth Thomas, the purpose of the current process is to achieve strict compliance with section 708(2)(b) and the Sixteenth Schedule of the Local Government Act 1974, in the light of events which have occurred.

SIXTEENTH SCHEDULE - CONDITIONS OF CONSTRUCTING OR UNDERTAKING WORKS ON PRIVATE LAND

1. Before the council constructs or undertakes on or under any private land or under any building on private land any works of any of the kinds specified in section 708(1) of this Act, otherwise than with the prior consent in writing of the owner, the following conditions shall be complied with:
- (a) A description of the works, accompanied by a plan in the case of any works to be constructed, showing how they affect any such land or building shall be deposited for public inspection at some place within the district in which the works are to be undertaken;
 - (b) The council shall give notice in writing to the occupier of the land or building, except where there is no occupier or where after all reasonable steps have been taken the occupier cannot be found, and also to the owner when known, of the intention to construct the works, and shall refer in the notice to the plan and description, and state where they are on view; Provided that upon a change of occupier it shall not be necessary to give notice to any subsequent occupier before the work is done;
 - (c) If within one month after the notice is given the occupier or owner serves on the council a written objection to the proposed works, the council shall appoint a day for hearing the objection, and shall give to the objector reasonable notice of the day, time, and place of hearing so as to enable him to attend the hearing;
 - (d) The council shall hold a meeting on the day so appointed, and may, after hearing any person making any objection, if present, determine to abandon the works proposed, or to proceed therewith, with or without such alterations as the council thinks fit.

2. Any person who is aggrieved by a determination of the council under clause 1(d) of this Schedule to proceed with the works proposed (with or without alterations) may appeal to a District Court against that determination within 14 days after the date thereof. Pending the decision of the Court on the appeal, the council shall not proceed with the works.
3. On the hearing of the appeal, the Court, whose decision shall be final, may confirm or amend or set aside the determination of the council.

MR THOMAS' OBJECTION

Mr Thomas acquired the Property in December 1996, which remains a vacant lot, and lives adjacent at 47A Withers Road. A feasibility study for the works was completed in June 2001 and written consents to enter sought from the affected properties in December 2001, however when works were about to commence in September 2002 it was discovered that Mr Thomas had not received notice as correspondence was delivered to 25 Kashmir Road, a vacant lot.

A387-A396

Subsequently, Council communicated with Mr Thomas several times on the matter, as attached at pages A387-A396, however it was decided that a hearing was needed to resolve the matter.

Mr Thomas objects to the works at 25 Kashmir Road unless Council can guarantee that it will not affect any possible future development he may undertake, of which he has no details at present.

FUNCTION OF HEARINGS COMMITTEE

Pursuant to the Sixteenth Schedule of the Local Government Act 1974 as set out above, Council is required to hear the person making any objection, if present, and to determine either:

- (a) To abandon the works proposed, or
- (b) To proceed therewith, with or without such alterations as the Council thinks fit.

It is not the function of the Committee to determine any questions of compensation or other contentions which may arise, nor does this report attempt to definitively address such matters.

RIGHT OF APPEAL

If the Council determines to proceed with the works proposed (with or without alterations) the objector may appeal to the District Court within 14 days. Pending the decision of the Court on the appeal, the Council shall not proceed with the works.

On the hearing of the appeal, the Court, whose decision shall be final, may confirm or amend or set aside determination of the Council.

ASSESSMENT

A395-A396

Given that the current proposed works are supported by the Design Consultant (Tse Group) and Council's EcoWater Solutions technical staff (Peter Kovacevich) in the public interest, they should proceed without alteration as proposed and identified in Drawings 401 and 402 dated 19/12/01, as attached at pages A395 to A396.

Council's EcoWater Solutions technical staff advise that Mr Thomas will actually be in a better position with the proposed new piping as it cuts into his property closer to the boundary than the existing piping which will be abandoned.

Peter Kovacevich and Fee Chin, EcoWater Solutions will be at the Hearing to answer questions.

RECOMMENDATIONS

1. That the information be received.
2. That the Committee hear and resolve upon the objection.
3. That Mr Kenneth Thomas be advised of his entitlement to appeal to the District Court against that determination within 14 days, in accordance with the Sixteenth Schedule to the Local Government Act 1974, and that Council not proceed with any works pending the expiration of that period, or in the event that a formal appeal be lodged, pending the decision of the Court on the appeal.

Prepared by: Sharleen Grounds, Solicitor.



6 3.00 PM HENDERSON WARD

LIMITED DISCRETIONARY ACTIVITY APPLICATION

1.0 SUMMARY OF PROPOSAL

To construct a 6,400m² discount department store by creating a fourth level to the existing Westcity Building requiring consent for a 125 space shortfall in car parking, failure to provide a pedestrian canopy to Edsel Street and the removal of a 12m high Black Peppermint Gum.

2.0 APPLICATION DETAILS

Planner:	Bronwyn Allerby
Site Address:	Westfield Westcity, Henderson
Applicant:	Westfield New Zealand
Date Received:	12 December 2002
Resource Consent No:	20022348

Building Consent No: N/A

Legal Description: Lot 1 DP 82228, Lots 1-3 DP 60339, Lot 2 DP 62224, Pt allot 7 Parish of Waipareira, Lots 1 & 2 and Pt Lot 1 DP 1130, Lot 1 DP 80626 and Lot 27 DP 33

Address for Service: Haines Planning
4 Newton Road
PO Box 68 856
Newton
Auckland

Site Area: 5.035 hectares

Unit Site Area(s): N/A

Transitional Plan:
Zoning: Commercial B
Section: Henderson

Proposed Plan:
Human Environment: Community
Natural Area: General
Landscape Elements: 15.0m Riparian Margin with ecological linkage opportunities
Hazards: Property affected by flooding and a 225mm main truck sewer line crosses the property.
Roading Hierarchy: District Arterial (Great North Road & Edsel Street)
Collector Road (Railside Avenue and Local Road (Edsel Street & Catherine Place)

Further Information Required: Yes

Date Requested: 23 December 2002

Date Received: 20 December 2002, 30 January 2003

Site Visit: 23 December 2002

Any Affected Persons: N/A

3.0 REASON FOR APPLICATION- RELEVANT DISTRICT PLAN RULES

Extent of Infringement and Type of Activity Proposed

3.1 Transitional Plan

Controlled Activity Consent for the construction of any new building or any addition exceeding 50m² in gross floor area to an existing building pursuant to Ordinance 4.4.2. The proposal includes the addition of 6400m² gross floor area for a new Discount Department Store at Level 4 of the existing building.

3.2 Proposed Plan

Limited Discretionary Activity for failure to provide a canopy across the full width of the roadside of the building sufficient to provide weather protection for pedestrians and connection to canopies on adjoining sites or premises pursuant to Rule 5.2 of the Community Environment.

The proposal only includes a canopy to the Railside Avenue frontage of the site and not the Edsel Street frontage.

Limited Discretionary Activity for the removal of a 12.0m high Black Peppermint Gum in accordance with Rule 2.3 of the General Natural Area.

Controlled Activity Consent for car parking not meeting the required performance standards of 1 space per 25m² of gross floor area (gfa) at ground floor or mezzanine level and 1 space per 35m² of other gfa. The proposal results in a net increase in floor area of 6,400m² which equates to a total of 188 required car parks (based on 6,000m² of gfa at level 4 and 400m² of gfa at mezzanine level). The application proposes 58 additional car parks resulting in a shortfall of 130 spaces.

Overall the application is considered to be a Limited Discretionary Activity. The proposal complies with all other development control rules under the Transitional and Proposed District Plans.

Note that given the alterations to the car parking are internal to the building, landscaping requirements in regards to car parking areas (Rule 9 of the Community Environment) are not considered to be required or relevant. It is noted however that some additional on site landscaping is proposed as part of the development.

4.0 SITE AND PROPOSAL

4.1 Site Description

The site is the Westcity Westfield Shopping Mall, Henderson located within the block bounded by Great North Road, Railside Avenue and Edsel Street. Catherine Place provides pedestrian access off Great North Road. The site contains a large (29,225m²) pedestrian shopping mall containing retail shops and chain stores, a Big Fresh Supermarket, food courts and a cinema complex, on a total of four different levels.

Henderson Creek crosses the property parallel to the eastern boundary (Edsel Street) with an uncovered car park located between the creek and the road. Uncovered ground level car parking is also provided off Railside Avenue (the western boundary). Further car parking is located within the building, at all levels, accessed off Edsel Street adjacent to the southern boundary and Railside Avenue. A total of 1437 car parks are provided on the site.

Within the at grade car park accessed off Railside Avenue are a number of trees including a 12.0m high Black Peppermint Gum, a 15.0m high Silver Dollar Gum, located in the centre of the car park and two 3.0m high Olive trees and six 5.0m high Magnolia trees located to the edge of the car park adjacent to the building and within the service yard. The perimeter of the site (in the vicinity of the proposed additions) is partially planted with Coastal Flax, Hebe and Renga-renga Lilies.

Although the site is identified on Council's Hazard register as being affected by flooding this relates to the Henderson Creek, located at the opposite end of the site, separated from the location of the proposed addition, by the bulk of the shopping mall.

4.2 Proposal

The proposal is to construct a new Discount Department Store on top of the existing level three car park, fronting Railside Avenue and Edsel Street. The proposed Discount Department store would have a floor area of 6,000m² with an additional 400m² at mezzanine level. The proposal also includes the construction of a new retail shop within the building having an area of 84m², with internal alterations to provide internal pedestrian access to and from these new areas and the car park in a safe and convenient manner. This involves the reduction/alteration of the floor areas of three existing retail shops.

The proposal results in a net increase in floor area of 6,400m² which equates to a total of 188 required car parks (based on 6,000m² of gfa at level 4 using a ratio of 1 space per 35m² gfa and 400m² of gfa at mezzanine level using ratio of 1 space per 25m² of gfa). The application proposes 58 additional car parks resulting in a shortfall of 130 spaces.

A traffic report submitted with the application (Westfield Westcity Proposed Discount Department Store Traffic Impact Assessment Traffic design Group November 2002) identifies that the additional retail area is likely to generate up to 399 new vehicle movements at peak hour (being Saturday midday), which is within the design parameters for the approved Resource Consent which established Stage Two of the existing building, including the car parking and traffic flows/controls on site.

The existing service yard, fronting Railside Avenue, would be slightly enlarged (by utilising/removing some of the car parks from the existing Level 2 car park) and a goods lift installed to link the new loading dock to the store on Level 4. The applicant has advised that vehicle delivery characteristics for Discount Department Stores is low, with the likely traffic generated from the proposal in the order of one truck delivery per day. The service area is clearly demarcated and separated from the car parking and pedestrian areas on site.

The proposal includes a canopy over the road side of Railside Avenue, for the length of the building to the corner of Railside Avenue and Edsel Street, being a distance of 109 metres. However the canopy does not extend around the corner onto Edsel Street, nor continue along this road frontage. The canopy would be constructed at a minimum height/clearance of 2.5m and a width of 2.0m

The proposal involves the removal of two large trees (a Black Peppermint Gum and a Silver Dollar Gum) located in the ground level car park, fronting Railside Avenue. The Silver Dollar Gum is identified on Council's list of Removal Vegetation Appendix and can be removed as of right, however the Black peppermint Gum at 12.0m height, requires Resource Consent. It is also proposed to remove the Olive Magnolia trees. It is proposed to plant flax species (*Phormium cookianum*) along the Railside Avenue frontage to fill in the gaps of the existing landscaping and off set the effects of the vegetation removal.

The proposed addition is located clear of and would have no impact on the main trunk sewer line which crosses the property.

5.0 ENVIRONMENTAL ASSESSMENT

The Proposed Plan has been prepared with a clear “effects-based” emphasis. Consideration of the proposed development in relation to each of the Plan’s assessment criteria would ensure that all the relevant matters to which Council has limited its discretion have been addressed. The assessment criteria of the Proposed Plan also cover the issues arising from consideration of the assessment criteria of the Transitional Plan.

A397-A485

An assessment of the issues arising from the development is provided below, based on the relevant assessment criteria from the Proposed Plan. A copy of the relevant assessment criteria is attached at page A397 to A485.

Building Bulk, Location, Design - Henderson and New Lynn

Although the proposed additions are to level four of the building, the proposed additional floor area and establishment of a Discount Department Store would increase the pedestrian and traffic volume to the site. Furthermore, as the Henderson Town Centre develops RAILSIDE AVENUE, in particular is likely to have higher pedestrian numbers, particularly given the proposed upgrading to the Henderson Railway Station and future bus and rail links. As such it was considered vital to the proposal and future amenity of the site and Henderson Town Centre, that a canopy be provided to RAILSIDE AVENUE. Following consultation with the applicant, revised plans were submitted showing a canopy along the full length of the RAILSIDE AVENUE frontage. At present existing canopies along RAILSIDE AVENUE do not extend to the edge of the applicants site. However by providing a canopy along the subject site at this point in time, a continuous canopy along this block of RAILSIDE AVENUE could be accomplished over time as future development occurs on neighbouring sites.

The proposed canopy provides a 109m long stretch of sheltered footpath and therefore a sheltered pedestrian link to the commercial areas located on the opposite corner of Edsel Street and Railway Avenue, around Catherine and Pioneer Streets.

In addition to the proposed canopy fronting RAILSIDE AVENUE, the proposal also provides additional ground level landscaping to this frontage, effectively filling in the gaps that exist at present. As such in addition to providing weather protection in the form of a canopy the additional landscaping provides visual amenity to the site.

The proposed addition does not impact on the existing main pedestrian entrance to the mall, being that off Catherine Place. The proposal does however provide pedestrian access via new walkway along the edge of the car parks and loading bay, around the rear of existing internal shops to connect to an existing pedestrian walkway within the mall, providing safe and efficient access into the mall.

The applicant has not provided details of the proposed colour scheme for the building. It is considered imperative given the size of the additions, that the proposal, including the canopy maintain, if not enhance, the amenity of the site and as such a condition of consent would require that the final colour scheme of the proposed additions be subject to the approval of the Manager Resource Consents.

The proposal utilises and slightly expands the existing loading bay / service area, fronting RAILSIDE AVENUE. The use of this area is considered to maintain the existing amenity of the site and is well separated from other areas of the property, including car parking and pedestrian areas. As such the effects of the proposed additions to the loading bay / service area are considered to be de minimus.

Car Parking

As discussed based on the additional floor areas and car parking ratios of the Proposed District Plan, the proposal results in a shortfall of 130 spaces. However based on the same ratios, the existing 29,225m² pedestrian shopping mall has a surplus of 279 spaces. Council's Transport Assets department have reviewed the proposal and confirm that the additional parking demand, in terms of Proposed District Plan requirements, can be accommodated by the proposed and existing car parking spaces on site.

The proposal provides a clearly demarcated pedestrian access from Railside Avenue adjacent to the loading area. This pedestrian access way will be physically separated from the loading area and car parking areas, by fencing and being at a raised level. The pedestrian access way links to the existing pedestrian access via a new walkway to the rear of three existing level 2 shops and one proposed new level 2 shop. As such the proposal provides for efficient and safe pedestrian access.

As discussed the additional service vehicle deliveries to the site are likely to be low, in the order of one truck delivery per day. As such the increased demand on the loading bay / service area is considered to be negligible.

All car parking, loading bays/service areas and manoeuvring areas are to be constructed to Council standards, of maintenance free materials, adequately drained and well marked out, enforced via consent conditions, should the application be granted.

Given that parking demand, as calculated using the Proposed District Plan parking ratio's, can be met on site and that the alterations to the loading bay / service area, both in terms of physical alterations and traffic generation are negligible, the impacts of the proposal on parking, pedestrian safety and the roading network is considered to no more than minor.

Vegetation Clearance

The proposal has been reviewed by Council's Customer Field Advisor for Vegetation who comments that the effect of the removal of the Peppermint gum would be lessened by the presence of a vegetated area immediately across Railside Avenue, along the boundary with the rail corridor. Species present within that vegetated area include Liquidambar, Karaka, Phoenix Palm, Rewarewa, Kahikatea, Psuedopanax, Totara, Kauri, Titoki and Puka. There is limited space for replanting any sizeable replacement species on the subject site given its intensive development. However, it is considered that the planting proposed (being the flax along the Railside Avenue and Edsel Street frontages) would be sufficient to mitigate the loss of the Peppermint gum. The tree is not considered to be a notable example of the species nor form a significant part of a natural ecosystem. As such the effects on the environment from the proposed removal of the Peppermint Gum are considered to be de minimus.

6.0 STATUTORY ASSESSMENT

6.1 Section 94(1A)(a) of the Resource Management Act 1991 provides for resource consents to be processed on a non-notified basis if the activity to which the application relates is a limited discretionary activity and the plan expressly permits consideration of the application without the need to obtain the written approval of affected persons. The Proposed District Plan does expressly permit that limited discretionary activities need not be publicly notified and that written consents are not required. This application has been processed on this basis.

In addition, the proposal would generate no more than minor adverse effects on the environment and it is considered that there are no persons who would be adversely affected by the proposal.

7.0 POLICIES AND OBJECTIVES

The Proposed District Plan Assessment Criteria, developed to address the issues covered in the relevant objectives and policies, have already been discussed in section 5.0.

A397-A485

The proposed development is considered to be consistent with these assessment criteria. For this reason the proposed development is also considered to be consistent with the relevant Objectives and Policies. However a brief assessment of the most relevant policies is provided below with these policies as attached at page A397 to A485.

Policy 4.1 seeks to locate retail activities in such a way that the adverse impacts of vehicle use can be minimised. The proposal adds a fourth level to an already established retail shopping mall, located near the hub of the Henderson Town centre, close to alternative forms of transport including rail and bus networks.

Policies 10.11 and 11.21 seek to ensure that parking, loading and manoeuvring of vehicles associated with retail activities are provided on site to meet the demand of the activity in a safe and efficient manner. The proposal meets the required car parking based on the ratio's included within the Proposed District Plan, for the entire gross floor area of the Shopping Mall. The proposed addition would utilise the existing, slightly enlarged, loading bay / service area, fronting Railside Avenue.

Policies 11.10, 11.15, 11.17 and 11.21 seek to protect and enhance the amenity of the Henderson Town Centre, including providing for pedestrian and visual amenity. The proposal includes a canopy and landscaping to the Railside Avenue road frontage, and clearly demarcated pedestrian access, clear of loading and parking areas, to the building, providing for weather protection, pedestrian safety and enhancing visual amenity.

8.0 MONITORING

The proposal will be monitored in accordance with the conditions specified in this report, and the requirements contained in the District Plan.

RECOMMENDATIONS

That pursuant to Sections 104, 105, 108 and 113 of the Resource Management Act 1991, and subject to additional or contrary information being presented at the hearing, being satisfied that no body or person is adversely affected, consent be granted to the application by Westfield New Zealand Limited to construct a 6,400m² discount department store by creating a fourth level to the existing Westcity Building requiring consent for a 125 space shortfall in car parking, failure to provide a pedestrian canopy to Edsel Street and the removal of a 12m high Black Peppermint Gum (as more accurately defined in Sections 3 and 4 of this report) at Westfield Westcity, Henderson being for the following reasons:

- (i) Subject to the provision of a suitable colour scheme, consistent with the existing development, the proposal is considered to maintain the amenity of the Henderson Town Centre.
- (ii) The proposed canopy and landscaping provides amenity to Railside Avenue and in particular weather protection to pedestrians using this area.
- (iii) The proposal provides sufficient car parking to serve the site, based on ratios provided within the District Plan, and provides for safe and efficient pedestrian access to the site.

- (iv) The proposal has been considered in terms of the relevant assessment criteria, meets the relevant policies and objectives of the District Plan, and would create no more than minor adverse effects on the environment.

Consent shall be subject to the following conditions:

1. The development shall proceed in accordance with the plans as detailed below prepared by Westfield New Zealand and all referenced by Council as RMA 20022348 and the information, including further information, submitted with the application.
 - Westfield West City Level 4 – New DDS 7004,V1 SK 58-b, 28 January 2003
 - Westfield West City Level 3 – New DDS 7004,V1 SK 62-b, 23 January 2003,
 - Westfield West City Level 2 – New DDS 7004,V1 SK 61-D, 28 January 2003
 - Westfield West City Elevations/Section – New DDS 7004,V1 SK 65-B, 28 January 2003
2. A proposed colour scheme for the new Level 4 Discount Department Store, is to be provided for the approval of the Manager Resource Consents, prior to the occupation of the new store. The proposed colours are to be consistent with the existing building and associated colour scheme.
3. Car parking, loading bays/service areas and manoeuvring areas are to be constructed to Council standards, of maintenance free materials, adequately drained and well marked out, to the satisfaction of the Manager Resource Consents.
- A397-A485* 4. The Replacement Shrub Planting and New Shrub Planting specified in attachments pages A397 to A485 of the Application for this consent shall be undertaken prior to the occupation of the new Discount Department Store. The replacement and new plants shall be of good quality nursery stock and maintained to the satisfaction of Council for a period of 3 years from the date of planting. Any of the replacement or new plants which die within this period shall be replaced and maintained as per the stated conditions.
5. A consent compliance monitoring fee of \$133.50 (inclusive of GST) shall be paid to the Council. This fee is to recover the actual and reasonable costs incurred ensuring compliance with the conditions of this consent. If on inspection, all conditions have not been satisfactorily met, a re-inspection shall be required at a further cost of \$89.00 per hour (inclusive of GST).

The monitoring fee shall be paid as part of the resource consent and the resource consent holder shall be advised of any further monitoring fees if they are required.

Reporting prepared by: Bronwyn Allerby, Team Leader Resource Consents.

