



**AGENDA FOR AN ORDINARY MEETING OF A HEARING BY COMMISSIONER TO BE HELD  
IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,  
ON MONDAY, 18 OCTOBER 2004, COMMENCING AT 9.30 AM.**

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**TABLE OF CONTENTS**

<b><u>ITEM</u></b>	<b><u>PAGE NO.</u></b>
<b>NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991 BY ELIZABETH HAINES TO ESTABLISH AND OPERATE A GOLF DRIVING RANGE AT 80 HOBSONVILLE ROAD</b>	<b>1</b>

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RESOURCE MANAGEMENT ACT 1991 BY ELIZABETH HAINES TO ESTABLISH AND  
OPERATE A GOLF DRIVING RANGE AT 80 HOBSONVILLE ROAD**

**MASSEY WARD**

**RMA 20032623**

**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: Matthew Wright

Site Address: 80 Hobsonville Road

Applicant: Elizabeth Haines

Date Received: 24 December 2004

Building Consent No: None submitted to date

Legal Description: Lot 10 DP 66045

Address for Service: Elizabeth Haines  
C/- Paul Kavangh QC  
Shortland Chambers  
PO Box 4338  
AUCKLAND

Site Area: 4.18ha

District Plan:

Human Environment:	Countryside
Natural Area:	General, Non-Riparian Margin
Landscape Elements:	None
Hazards:	None Known
Roading Hierarchy:	Strategic Arterial

Further Information Required: Yes

Date Requested: 12/01/04, 04/02/04, 23/04/04,04/05/04, 07/09/04,01/10/04

Date Received: 20/01/04, 24/02/04, 01/04/04, 21/04/04, 26/07/04, 30/09/04

## 1.0 INTRODUCTION AND RECOMMENDATION

### 1.1 Nature of the Application

The applicant seeks consent to establish and operate a golf driving range, including retail sales associated with the activity (pro-shop and café) and associated buildings and car parking. Proposal involves the erection of buildings including fencing 8.0m in height setback 3.0m from site boundaries, lighting standards 20m in height, fascia and freestanding signage, and water tank that in total increases building coverage to 3.3%. Earthworks cover 9,587m<sup>3</sup> over 10884m<sup>2</sup>, and come within 1.0m of the western and eastern boundaries. Traffic generated by the activity would measure roughly 220 traffic movements per day onto State Highway 16. Proposed lighting would not meet performance standards related to permitted activities. The application is assessed as a Non-Complying Activity under the Operative District Plan.

### 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 District Plan. The significant resource management issues associated with the proposal are related to rural-residential amenities, visual amenities, landscape character, parking, traffic generation, and the impact of introducing a non-residential (retail) activity within a Countryside Environment.

### 1.3 Planner's Recommendation

The planner who has prepared this report recommends that, subject to any contrary or additional evidence submitted at the Hearing, **consent be declined** to the application to establish and operate a golf driving range. It is considered that the environmental effects that may be generated by the activity would be more than minor and could not be adequately avoided, remedied or mitigated by the imposition of conditions, and that it would be contrary to the relevant objectives and policies of the District Plan.

## LOCATION PLAN



**Operative Plan Human Environment:**  
**Operative Plan Natural Area:**  
**Legal Description:**

Countryside  
General, Non-Riparian Margin  
Lot 10 DP 66045

### 3.0 PROPOSAL

The applicant seeks consent to establish and operate a golf driving range. This entails the erection of buildings / structures, and car parking to facilitate the proposed use. This non-residential activity would be in addition to the residential dwelling located on the site.

Buildings associated with the proposed use include a 32 driving bays attached to the main building that accommodates office, pro-shop and café facilities. These structures are single-storey, with the golf driving ranges extending across the site with a minimum 10m setback retained. These buildings are setback 75m from the Hobsonville Road frontage.

The additions buildings in combination with the existing dwelling increase building coverage to 3.3% (1387m<sup>2</sup>).

Signage is proposed to the fascia of the building, with a free-standing sign situated along the road frontage. The latter would be illuminated from a ground mounted light.

Setback 3.0m from site boundaries, protective fencing (8.0 high) coloured black with 85% porosity.

The proposal has been supported by a Visual and Landscape Assessment undertaken by Boffa Miskell Limited and includes a Landscaping Plan that primarily relates to boundary treatments (within and outside of the proposed fence), and landscaping to the front of the property and around the car parking areas.

The driving range is intended to operate between 7.00 am - 9.00 pm Monday to Sunday. Lights associated with the development would not be operated after 9.30 pm (to allow for ball collection). Lights would be mounted within the car parking areas and along the driving range south of the existing watercourse. Car Park Lighting measures 6m in height (4 in total) with Range Lighting measuring 20m in height (5 in total). The proposal seeks compliance with standards as specified in the District Plan. A Lighting Report has been prepared by Premier Consultants Limited.

On-Site parking is proposed for 44 vehicles that will utilise the existing eastern driveway, albeit widened. The western driveway would be removed. A Traffic Report in support of the application has been provided by TPC Limited. This includes that during peak times at weekends (summer), up to 20 outbound movements and 29 inbound movements would occur.

On-site wastewater disposal will be provided to cater for both the existing dwelling and driving ranges. Primary and reserve disposal will be located in the south-eastern corner of the site.

Stormwater would be treated on-site and then discharged to the watercourse that dissects the property. Stormwater treatment would utilise a combination of rain gardens, detention tanks and grassed swales.

Earthworks proposed to establish the activity centres on the creation of the parking areas, the surrounds of the proposed buildings, infrastructure and greens located north of the watercourse. In total, 5,892m<sup>3</sup> of cut and 3653m<sup>3</sup> of fill are proposed. Earthworks would come within 1.0m of the eastern boundary. Maximum Cut and Fill would measure just over 2.0m.

The applicant has also provided a Noise Report from Hegley Acoustic Consultants that seeks compliance with standards as specified in the District Plan.

It should be noted that this proposal has been significantly amended as the original proposal including undertaking works within No.82A Hobsonville Road, the piping of the watercourse that dissects the property, and earthworks across the entire site. No works are proposed within No.82A Hobsonville Road

#### 4.0 REASONS FOR THE APPLICATION

4.1 Consent is required under the following provisions of the District Plan for the following reasons:

##### **Countryside Environment**

The application is considered a Controlled Activity Consent pursuant to Rule 3.2 Yard as the proposed fencing is setback 3.0m from the eastern, western and northern boundaries.

The application is considered a Discretionary Activity Consent pursuant to Rule 4.2 Building Height as the proposed lighting standards to illuminate the driving range measure 20m in height (5 in total).

The application is considered a Discretionary Activity Consent pursuant to Rule 4.3 Building Coverage as the proposed buildings being utilised for a Non-Residential Activity measure 3.3% of the subject site.

The application is considered a Non-Complying Activity Consent pursuant to Rule 7.5 Non-Residential Activities as the proposal entails the erection of new buildings with a retail component - golf shop, café.

The application is considered a Discretionary Activity Consent pursuant to Rule 8.3 Traffic Generation, Access and Parking where access to the site is gained from a major road (SH16).

The application is considered a Discretionary Activity Consent pursuant to Rule 11.3 Signs as the proposed freestanding and fascia signs measure 16.5m<sup>2</sup>.

The application is considered a Discretionary Activity Consent pursuant to Rule 10.2 Air Discharges, Dust, Glare & Vibration as the proposed lighting would project above the horizontal plane.

The application is considered a Discretionary Activity Consent pursuant to Rule 13.4 Infrastructure as the proposed water tank measures 3.0m, with an area of 7m<sup>2</sup>.

##### **General Natural Area**

The application is considered a Discretionary Activity Consent pursuant to Rule 3.4 Earthworks with 4773m<sup>3</sup> of cut and 3653m<sup>3</sup> of fill are proposed. Earthworks would come within 1.0m of the eastern boundary. Maximum Cut/Fill would measure over 2.0m. A Management Plan has been supplied with the application.

4.2 Overall, the application is considered to be Non-Complying Activity. The proposal complies with all other development controls under the District Plan.

4.3 Consent is also required from the Auckland Regional Council for stormwater discharge, and sediment and erosion control. Consent has been obtained for wastewater disposal.

#### 5.0 THE SITE AND NEIGHBOURHOOD DESCRIPTION

The subject site, 80 Hobsonville Road, is located on the northern side of Hobsonville Road and measures 4.18 hectares.

The site lies outside of the Metropolitan Urban Limits.

The property contains a two-storey weatherboard dwelling in the south-western corner of the property accessed via a semi-circular driveway with two entry points from Hobsonville Road. An ancillary building is located to the west of the dwelling that provides garaging and stables.

The remainder (vast majority) of the property is in grass and slopes moderately down to the watercourse that dissects the property (east-west) and is a first order tributary of the Rawiri Stream. Vegetation along the margins of the watercourse includes seven trees (two Rimu, two Totara, one Puriri and two Kahikatea). Vegetation Removal that has occurred by in recent months that has not received Council approval. This is currently subject to on-going investigation and action. Existing vegetation also includes a macrocarpa hedge south of the dwelling and exotic trees.

The site beyond the watercourse rises steadily towards its northern boundary.

The site adjoins by rural properties in excess of 4 hectares in area. No.82A Hobsonville Road lies adjacent to the northern boundary and contains stables associated with the grazing of animals. Access is provided by an access strip that runs alongside the eastern boundary of the subject site. This separates the subject site from No.82 Hobsonville Road that contains a single-storey residential dwelling located with the southern portion of the site. Both of these properties contain limited screening.

To the west lies No.78 Hobsonville Road that also contains a residential dwelling, with its residential curtilage surrounded by mature vegetation. Beyond this, boundary treatments between the two sites remain minimal.

The level of development and general landscape character of the nature of these is typical of the landscape character of the immediate surroundings bounded by both Brigham Creek Road and Trig Road. Sites are located within rolling countryside with extensive and panoramic views afforded of the rolling landscape, Auckland Central Business District and Waitemata Harbour. The subject site enjoys a wide visual catchment given the area's topography and absence of vegetation.

The immediate surroundings are generally open in character. Views of this rolling landscape and also afforded from Hobsonville Road and from residential dwellings located on the southern side of Hobsonville Road. Directly opposite the subject property, lies a driveway serving a number of residential dwellings. Their orientation is primarily focused on Waitemata Harbour away to the south.

The immediate neighbourhood is subject to change with the motorway extension (SH18 Designation) would be located about 500m to the north. Preliminary plans show that the section of the motorway to the north-east of the site would be approximately at grade, with views to the subject site. Directly north of the subject site the motorway would be in a small cutting, but with views to the site. To the north-west the motorway would be approximately at grade with views to the site.

## 6.0 ISSUES IDENTIFIED THROUGH THE SUBMISSION PROCESS

A222-A223 The application was publicly notified on the 16 August 2004 (a map of persons notified as attached at pages A222 to A223, and the period of submissions closed on the 14 September 2004. Section 37 of the Act was invoked, as parties required to be served notice was not undertaken at the appropriate time. The following groups, with the agreement of the applicant, were able to lodge submissions by the 24 September 2004.

- West Harbour / Hobsonville Ratepayers Association
- Whenuapai Residents and Ratepayers Association
- Royal Forest and Bird Protection Society of New Zealand
- Transit New Zealand

A224-A334 84 Submissions were received. Please refer to pages attached at A224 to A332 for copies of the submissions received. A map showing the location of submitters (where possible) as attached at pages A333 to A334.

## 6.1 Submissions

### 6.1.1 Support

73 submissions were received in support of the application.

No	Name	Address	Comments
2	K Miles	4/21 Clifton Road Takapuna	Outdoor Recreation, promotes exercise
3	H Harpur	450 West Coast Road	Outdoor Recreation, promotes exercise
4	K Jamieson	644 Westpark Marina	Alternative Recreational Pursuit
5	Hans Christian	2/303 Pt Chevalier Road AKL	Outdoor Recreation, Close Proximity
6	Carol McDonald	36 Telstar Place Beachhaven NS	Opportunity to play golf, lovely surroundings
7	Paul Whybrow	19 Telstar Place Beachhaven NS	Opportunity to play golf
8	P Howard	2/6 Kaipatiki Road Glenfield NS	Facility for Locals and Community
9	N L & D C Carbines	1 Constable Lane	Recreational Opportunity
10	D & S Reeves	97 Ferry Parade	Much Needed Opportunity
11	N Fistonich	572 Swanson Road	Beneficial Recreational Opportunity
12	C & Allen Bell	193 Luckens Road	Local Facility, would not cause detriment
13	S Beattie	286 Swanson Road	Reduce travel, no damaging effects
14	V Prescott	25 Ferry Parade	Local Facility
15	S Terry	89 Barrys Road	Supporting Local Community
16	T Steel	5 Gendo Avenue	Recreational Opportunity, Brick St Driving Range has closed
17	Te Whare Raapoi & Te Ara Takahanga	5/29 Lucienne Drive	Possibility of discounted services to disabled clients to a facility not available in the area
18	M Swenson	21 Scott Roa	Good Idea
20	Jim & Mary	173 Kauri Road	Good for the Area
21	M Pederson	C/- Barfoot PO Box 84019 Westgate	Approval
22	C Howlet	22 Scott Rd	Approval
23	P Hyrn	C/- Barfoot PO Box 84019 Westgate	Approval
24	J & D Madsen	71 Jaemont Place	Recreational opportunity - overseas visitors

No	Name	Address	Comments
25	M Swenson	11 Outlook Road Greenhithe	Recreational Opportunity
26	P Stanaway	21 Wharf Road	Recreational and Educational Opportunity
27	S Brooker	14 Outlook Road Greenhithe	Jobs, support young achievers- Have regard to noise, lighting & hours of operation to neighbouring properties
28	K Stark	10 Harbour Lights Close	Help Local Golf
29	A & J Knowles	9 Outlook Road	Opportunity, None at present
30	P Bryen	23 Ferry Parade	Recreational Facility, reduce need to travel
31	J Jarvie	23 Ferry Parade	Ideal Location, National Pastime, Reduce need to travel, opportunity
32	I R Nielson	20 Ferry Parade	Entertainment and Employment
33	J Armann	5 The Terrace	Asset for the Community, Opportunity as a Green Belt Area
34	Melanie Rudd	25 Ferry Parade	Asset, Awesome Gift
35	C Prangley	14 Outlook Road	Opportunity, reduce need to travel
36	P & T Tuaeve	107 Westharbour Drive	Recreational Opportunity
37	C & H Hudson	152 Colwill Road	Recreational Opportunity
38	S Blackwell	21 Wharf Road	Progress, Jobs, Enhancement
39	P & Michelle Turner	107 West harbour Drive	Opportunity, Jobs, Affordability, Likely Change to Area
40	F Guthrie	PO Box 84275 Westgate	Recreational Opportunity
41	C Tuaeve	Sunpark Drive Massey	Jobs, Much needed Facility
46	C & K Sutton	125 Hobsonville Road	Overdue, would not detract from West Harbour. Land should be re-zoned
49	P & M McIntyre	123 Pooks Road	Much needed facility
50	N Vitasovich	12 Kahala Place	Approve
51	S Kim	23 Mansion Court	Asset
52	D George	61 Bannings Way C/- PO Box 118 Westpark Marina	Asset
53	P Inwood	16 Marquerita Place	Approve
54	Y George	61 Bannings Way C/- PO Box 118, Westpark Marina	Asset
55	C Lewes	10A Sturges Road	Asset
56	G Lewis	99 Wiseley Road	Approve
57	S Noonan	23 Nixon Road	Approve

No	Name	Address	Comments
58	P Richards	8 Evans Road	Retain Open Space, jobs and leisure facilities
59	Gail Lewen (Vector)	101 Carlton Gore Road PO Box 99882 Newmarket	No Objection
60	J Jowsey	403 Hobsonville Road	Approve
61	K Miller & M Casley	45A Totara Road	Local Opportunity
62	J Spearman	6 Clark Road	
63	A Somers	71c Konini Road	Much needed recreational facility, fit in aesthetically and culturally
64	K O'Connor	2 Kintara Drive Massey	Benefit Mental health
65	I Ercey	206 Parker Road	Recreational Opportunity
66	P Foster	14A Chesterton Terrace	Asset, Jobs, Merge in with Rural
67	M Howard	19 Hetherington Road	Local Venue, Jobs and Recreational Value
68	D B Murton (Hobson Motor Inn)	Box 56 Westpark Marina	Support
69	P Howard	154 Swanson Road	Cultural Significance, Allow for Role Models
70	W Gough	118 Hobsonville Road	Asset
71	J Cochrane	6/8 Flynn Street Birkdale	Recreational Opportunity
72	R Nanlarow	79 La Rosa Street Green Bay	To increase Waitakere's presence
73	Westharbour Wines	118 Hobsonville Road	Opportunity
74	P Rohns	32 Pooks Road	Sports Venue
75	M Taylor	12 Lesa Annis Place	Jobs, Much-needed Facility, little impact on the environment
76	S Hartman	11 View Road	Blend in with surroundings, well-used
77	M Walker	9 Aquarius Avenue	Service to Community
78	C Thompson	45 Glendene	Local Venue
79	M Hayden	42 Glengarry Road	Useful Facility
80	C Thornhill	77 Victory Road	Worthwhile Venture

#### Comment Themes

- Recreational and Leisure Opportunities.
- Much-needed Community Facility, current lack of opportunity.
- Employment Opportunity.
- Appropriate Use, retains open character.
- Provides youth facilities.
- Reduces the need to travel.

### 6.2.2 Conditional Approval

No	Name	Address	Comments
27	S Brooker	14 Outlook Road Greenhithe	Jobs, support young achievers - Have regard to noise, lighting & hours of operation to neighbouring properties

### 6.2.3 Oppose

No	Name	Address	Comments
1	G C & D Laurenson	110 Hobsonville Road	Premature, until a comprehensive structure plan is developed
42	R A Crawford	127A Hobsonville Road	Traffic, Driveway opposite, Difficulties, especially after 5.00 pm
43	W Crawford	127A Hobsonville Road	Traffic, Driveway opposite,
44	Ying Mei Hao	133A Hobsonville Road	Traffic, Driveway opposite,
45	Xiao Xing Wang	133A Hobsonville Road	Traffic, Driveway opposite,
47	J & B Lockhart	17 Trig Road	Adverse effect on residential amenity, proposed fences overshadow and over dominate, stormwater treatment inappropriate, adversely affect rural character, over maximum building coverage, visually dominate, earthworks excessive, effects under estimated, contrary to policies and objectives of District Plan, cumulative effect
48	P Howlett	7 Trig Road	As above
81	Lu Mei Pen Ku	55 Trig Road	
82	Kud Yu Ping Hsu	55 Trig Road	
84	David Fitzpatrick (Acting on behalf of W & B Smith, S Batchelor, P Howlett & J & B Lockhart	78, 82A Hobsonville Road 7 & 17 Trig Road C/- PO Box 5844, Wellesley St, AKL	As above

#### Common Themes

- Stormwater Treatment and Disposal inappropriate.
- Over –development of site, detracts from rural character.
- Lighting would cause a nuisance and visually dominant neighbourhood.
- Earthworks excessive, likely to be contrary to the Auckland Regional Policy Statement.
- Proposed Fences, and Landscaping to high would result in overshadowing and dominance.
- Adversely affect residential amenities.
- Underestimates users of facilities, therefore, impacts.
- Contrary to the assessment criteria, policies and objectives of the District Plan.
- Extension of the Urban Area, Contrary to the Auckland Regional Policy Statement.

- Commercial intrusion into the Countryside Environment.
- Adverse Cumulative Effects.
- Contrary to Part II of the Resource Management Act.
- Would present difficulties re: access / egress from residential properties opposite.

Responses received from Lu Mei Pen Ku and Kud Yu Ping Hsu were received after the closing date of submissions. Having regard to section 37 of the Act, regard has been had to any person who may directly affected by the extension, and the interests of the community in achieving adequate assessment of effects. Acceptance of the submission would not result in delay. It is therefore recommended that these submissions are accepted

#### **6.2.4 Other Matters**

*A372-A382* The application was lodged with the written approval of 82 Hobsonville Road (November 2003). Substantial changes have occurred since their approval was received. No submissions have been received. This is attached at pages A372 to A382. For the purposes of this report, consideration has been given to the effects on this property.

#### **6.2.5 Organisations**

##### **6.2.5.1 Auckland Regional Council**

Oppose the Application as the site lies outside of the Metropolitan Urban Limits as identified in the Auckland Regional Policy Statement, and is depicted in the Growth Concept of the Auckland Regional Council as appropriate for urban expansion. Policy 2.5.2(5) of the Auckland Regional Policy Statement states that use of rural land is managed that future options to accommodate urban development are not prematurely foreclosed or compromised. The proposed use fits in with the definition of urban development in the Auckland Regional Policy Statement and this proposal would set a precedent for similar activities, that cumulatively compromise options for future urban development.

##### **6.2.5.2 Transit New Zealand**

*A335-A338* No response to formal consultation received. However, correspondence received and are attached at pages A335 to A338 that Transit New Zealand were in support of the application subject to meeting specified recommendations.

##### **6.2.5.3 Residents and Ratepayers Association's**

Response received from Whenuapai Ratepayers & Residents Association in support of the application as it would be an appropriate use of the site

##### **6.2.5.4 NZ Historic Places Trust**

No comments received to date.

#### **6.2.6 Iwi Consultation**

##### **6.2.6.1 Rewati Marae, Te Runanga O Ngati Whanua, Te Hao O Ngati Whanua, Te Kawerau A Maki**

No comments received to date

### 6.2.6.2 Ngati Whatua O Orakei Maori Trust Board

No response to formal consultation received. However, correspondence provided by the applicant that states does not oppose the application subject to the following recommendations:

- Landscaping should be appropriate native species.
- Fish Passage retained.
- In the event of archaeological discoveries, work to cease with Iwi representative contacted.

## 7.0 STATUTORY REQUIREMENTS

### 7.1 Non-Complying Activities

The relevant policies and criteria which apply under the District Plan and the Resource Management Act 1991 are set out in more detail elsewhere in this report. This should be referred to as the legal framework within which the application should be addressed.

As noted, the proposal requires consideration as a non-complying activity under the provisions of the Resource Management Act 1991. Section 104D 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 the Operative District Plan.

The matters to be considered when assessing an application for resource consent are set out in Section 104 of the Resource Management Act 1991. Amongst other things, these matters require consideration of any actual and potential effects on the environment arising from the proposal, together with an assessment as to whether the application is consistent with relevant objectives, policies and rules of the 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.

However it should be noted that for council to grant consent to a non-complying activity application there should generally be some exceptional or unusual element to the proposal. If such unusual circumstances do not exist, then the proposal would effectively compromise the integrity of the District Plan and public confidence in the consistent administration of the plan may be undermined.

Council also has discretion to consider any precedent issues that may arise for a non-complying activity. According to the Court of Appeal decision in *Dye v Rodney District Council*, an adverse precedent effect can arise where the grant of a non-complying consent would influence the approach taken by Council to similar consent applications.

The 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**

In order to make a decision in terms of Section 104B of the Act it is necessary to undertake an analysis and assessment to determine whether the purpose and principles of the Act are being met (Part II) having regard to the matters set out in Sections 104, 104A - 104D as relevant, the Fourth Schedule and any other statutory considerations.

Section 104(1) of the Act requires that Council have regard to any actual or potential effects on the environment, any relevant objectives, policies, rules or other provisions of a plan or proposed plan and any relevant regional policy statement and regional plan or proposed plan, and any other matters the consent authority considers relevant and reasonably necessary to determine the application.

When considering an application Council must not have regard to any effect on a person who has given their written approval to the application (Section 104 (3)(b)) and may disregard an adverse effect of an activity on the environment if the Operative Plan permits and activity with that effect (Section 104(2)).

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

*A339-A371* Note: All specialists reports referred to are attached at pages A339 to A371.

#### **8.1.1 Background**

The site currently lies outside of the Metropolitan Urban Limits.

The Auckland Regional Growth Strategy 1999 identifies the area south of the State Highway 18 motorway as an area for future urban development up to 2050. In addition, the Northern & Western Sectors Agreement 2001 identifies the Hobsonville Corridor, the area between Westgate and Hobsonville south of the S18 motorway, for 50% urbanisation between 2011-2021, with the remaining 50% after 2021.

Although the Regional Growth Strategy and the Northern and Western Sectors Agreement do not have statutory status, the Local Government (Auckland) Amendment Act 2004 intends to introduce the objectives of the Regional Growth Strategy into the Regional Policy Statement and into the District Plans of Auckland territorial authorities. The timeline for this is March 2005 for notification of changes to the Regional Policy Statement and the local District Plans.

Waitakere City Council is engaged in a process that is intended to lead to certain areas of the City that are identified for urban development according to the Northern and Western Sectors Agreement being included within new Metropolitan Urban Limits under the Local Government (Auckland) Amendment Act 2004. Some of these areas, which may include areas in the vicinity of this property, may therefore be available for urbanisation before the 2011 - 2021 dates proposed in the Northern and Western Sectors Agreement.

Waitakere City Council had undertaken preliminary concept design work for the Hobsonville Corridor area, and the property in question could ultimately be envisaged being developed for residential or mixed-use urban uses. However the timing of such a development would probably occur after 2021.

In summary, the situation is therefore one whereby the current planning framework must be applied, but this should be done in conjunction with a view of the long-term uses of the land in question.

### 8.1.2 Permitted Baseline

In terms of determining adverse effects on the environment and whether a person would be adversely affected by the proposed activity, Section 94A and 94B gives Council the discretion to make permitted baseline comparisons ie. a comparison between the environment as it exists at the time the application is considered and (the effects) of activities that are permitted by the Operative Plan even if hypothetical, as compared with the effects of the proposed activity. Case law has established that any such hypothetical developments must be not be "fanciful" in terms of what could reasonably be expected to establish there.

Section 104D confers a discretion on Council; to consider what activities may take place as of right under the Operative Plan.

The applicant has not advocated or put forward a permitted baseline discussion.

The planting of shelter belts is a common characteristic within this environment. Consent is not required for shelter belts. Proposed mitigation of the fencing, and the activity as a whole is provided by shelter belt planting that is expected to screen the development in the long term. The proposed "shelterbelt" planting is therefore not considered fanciful, however, its establishment relates to mitigating the proposed fencing and overall use of the site (Non-Complying Activity).

It is therefore inappropriate to have regard to the permitted baseline, in evaluating this application.

### 8.1.3 Water Quality and Quantity

#### Stormwater

The proposed development will increase the impermeable surfaces to a total of 2,955m<sup>2</sup>, this being 7.1% of the total subject site area. This remains within permitted levels as specified within the District Plan (10%). Roughly 50% of this impermeable surface will be sealed parking and manoeuvring areas to service the Golf Driving Range and existing dwelling. The remaining impermeable area consists of the existing dwelling (305m<sup>2</sup>) and the proposed building associated with the driving range (1,125m<sup>2</sup>).

The watercourse that passes through the site is known as the Rawiri Stream and flows west to east. The Rawiri Stream flows into the Waiarohia Stream approximately 800m downstream from the subject site and ultimately into the Waiarohia Stream Catchment of which Waitakere City Council in consultation with URS Consultants Limited has produced a Comprehensive Catchment Management Plan (CCMP dated November 2001).

The habitats within the Waiarohia Inlet and surrounding area are predominately sheltered estuarine mud and sand flats with a build up of shell and other coarse sediments in some localised areas. The inlet and surrounding area contain the greatest area of mangroves in the upper Waitemata Harbour. Some saltmarsh is also present within the inlet although not extensive.

The proposed use of the property in addition to generating increases in impermeable surfaces will also change the hydrological characteristics of the stormwater runoff from this site will alter. Stormwater volume and flow rates will increase and the time between storm events and peak flows will shorten due to the faster concentration of the stormwater runoff. Impact on the receiving environment as a result of such stormwater is varied, but may include accumulation of contaminants in freshwater and estuarine organisms (bioaccumulation) as well as within the bed sediments of the streams and Waiarohia Inlet, stream bank stability, smoothing of downstream flora and fauna, increased flooding/ponding in both the upper and lower reaches of the stream, changes in food sources, etc.

The application has been reviewed by Council's Drainage Engineer.

Reports provided by Cato Bolam Consultants Limited proposes that the stormwater reticulation for the development will be designed to remove 75% of all suspended solids as per the requirements of Auckland Regional Council T.P. 10 'Stormwater Management Devices Design Guideline Manual'. Stormwater attenuation and reuse of the stormwater runoff from the roof areas and paved areas is also proposed to minimise the peak flows from the newly created impermeable surfaces from the 34.5mm storm event up to the 1 in 10-yr storm event.

Due regard has been given to the Waiarohia Stream Comprehensive Catchment Management Plan has been made with the stormwater management design and devices providing a complete approach to providing a Water Sensitive Urban Design. The use of Rain Gardens to provide a primary treatment system for the paved areas allows for both heavy metal and total petroleum hydrocarbons (TPHs) to be removed from the stormwater runoff while the attenuation of the peak flows is addressed by creating shallow depression basins within these rain gardens and limiting the flows by the use of slotted cesspit grates.

All roof water runoff is to be directed to one of two (2) stormwater detention tanks located at either end of the proposed main building. The runoff from the pro-shop, storage garage and ball wash facility is to be directed to a 25m<sup>3</sup> above ground storage tank. To attenuate the peak flow runoff from these areas for storm events up to and including the 1 in 10-yr event a total live storage volume of 13.4m<sup>3</sup> is required to be provided for within this tank. This allows approximately 11m<sup>3</sup> of stormwater runoff to be reused within the onsite ball washing facility. The reuse of stormwater runoff is a key feature of Water Sensitive Urban Design and will also have the benefit of reducing the amount of reticulated town water supply that will be used by the development.

The second stormwater detention tank will be located by the eastern end of the main building and will capture the stormwater runoff from the roof of the driving bays and ball wash driveway area. This tank is solely for attenuation purposes and as such has not been designed to provide a reuse volume.

All stormwater runoff from the impermeable surfaces is to be directed to a stormwater swale along the eastern boundary of the development. This swale provides both treatment and conveyance of the stormwater runoff from the proposed impermeable surfaces to the Rawiri Stream. The use of this swale to discharge the stormwater will help reduce both the flow and velocity of the stormwater discharge compared to a conventional piped system. The swale will also provide the final polishing of the stormwater runoff as recommended by the Waiarohia Stream Comprehensive Catchment Management Plan.

Council's Drainage Engineer has recommended conditions of consent if granted to ensure that the environmental effects are no more than minor and no additional pressure through stormwater generation / quality is placed on the receiving environment.

This assessment is done in the absence of an Auckland Regional Council Stormwater Discharge Consent required as a Controlled activity to discharge stormwater that originates from an impervious area greater than 1,000m<sup>2</sup> but less than 5,000m<sup>2</sup>. This is currently being processed, and would be required as a condition if granted prior to works commencing

### **Wastewater**

The proposed wastewater treatment and disposal system has been designed in accordance with Auckland Regional Councils Guidelines as per Technical Publication No 58 (Auckland Regional Council T.P. 58) a full review of this design will be carried out at the stage of Building Consent application by Councils wastewater treatment officer however there are no anticipated problems or issues that will arise from this proposed development.

## Erosion and Sediment Control

The application was supported by an Erosion and Sediment Control Plan. However, amendments to the proposal means that this plan no longer remains appropriate.

The imposition of such methods indicated, would need to be incorporated into a 'updated' Erosion and Sediment Control Plan to be considered by Council. It is also recognised, with regard had to consent required by the Auckland Regional Council.

It is, however, felt, that appropriate measures, if granted, would ensure that the proposed earthworks are contained within the site and would not adversely affect water quantity / quality.

Overall it is considered that with appropriate conditions in place the proposal would have no more than a minor effect on water quality/quantity and would not place additional pressure on the receiving environment, or result in flooding of adjoining residential properties.

### 8.1.4 Native Vegetation, Vegetation and Fauna Habitat

The proposed development does not seek the removal of native exotic vegetation or works within the drip line to vegetation protected by the Operative District Plan.

Works carried out in recent months around the watercourse have not received Council approval, or has been sought. Therefore it is inappropriate within this consent to mitigate/remedy vegetation clearance that may have been undertaken. The landscaping proposal relates only to the establishment of the golf driving range.

If consent were granted, landscaping required as mitigation would lie outside the parameters of any further action Council may seek with regard to vegetation clearance.

There would be no adverse effects in relation to vegetation and fauna habitat as a result of the proposed activity

### 8.1.5 Construction

The construction period entails temporary 'potential' effects associated with noise, sediment loss, dust and traffic

#### Traffic

An Earthworks Management Plan, that incorporates a Sediment and Erosion Control Plan have been lodged with the application.

This plan is out-of-date due to revisions to earthwork calculations.

Approximately 2239m<sup>3</sup> (an increase from 1200m<sup>3</sup>) of excess material would result from the proposed development and taken to an approved clean fill facility over a three week period, equating to 223 truck loads. The report by TPC Limited (whilst estimating 3000m<sup>3</sup> removed) calculates up to 2 trucks entering and leaving the property per hour. The report recommends the following:

- Movements associated with these vehicles avoid peak traffic periods at week days.
- No debris is transported to the road from the vehicle's tyres.
- No vehicles are allowed to stand/park on Hobsonville Road.

Hobsonville Road is classified as a Strategic Road, with vehicle movements as identified by the TPC Limited Report as 7,438 vehicles per hour (taken from 12:00 to 13:00 Saturday 14/06/03).

The traffic flows, generated by the construction, would not adversely impact upon the roading network given the extent of traffic movements generated during the construction period and the nature of Hobsonville Road, and would not have a discernible effect to adjoining properties.

In order to protect residential amenities in the wider locality, earthworks or construction shall be carried out within specified times. This would ensure that vehicle movements are contained within hours as specified in the TPC report, compliance with the relevant noise standards, and would not emit noise that causes a nuisance to adjoining residential occupants.

### **Dust**

The Earthworks Management Plan states that appropriate water sprays shall be used where required to suppress dust from excavations and carting operations.

It is considered appropriate that in order to protect the amenities of adjoining and nearby properties, a condition of consent is attached to ensure that all necessary action be taken to prevent a dust nuisance

### **Noise**

The applicant has stated that construction noise from site activities would comply with the provisions of NZS6803P:1999. Truck deliveries would be limited to Monday to Saturday between 7.30 am and 6.00 pm (notwithstanding recommendations made by the TPC Limited report) and the use of heavy machinery between 7.30 am and 7.00 pm Monday to Friday, and 8.00 am to 5.30 pm Saturday. No works are propose on Sunday or Public Holidays. It is considered through these measures, imposed as conditions of consent, that the noise generated by construction activity would have no more than a de minimis affect on adjoining and nearby properties.

### **Sediment Control**

The application has been reviewed by Council's Monitoring Officer who is satisfied with the general contents of the Sediment and Erosion Control Plan. However, to ensure that the consent the environmental effects as a result of the proposed earthworks are contained within the site, amendments may be required, especially given the timing of any proposed earthworks. An updated Earthworks Management Plan, following a pre-start meeting would be required. Regard would also be had to any consent granted by the Auckland Regional Council.

Construction may result in temporary and localised effects. Such effects would be adequately avoided, remedied, or mitigated by the conditions of consent, and are therefore considered to be no more than de minimis.

#### **8.1.6 Earthworks**

Earthworks relate to the cutting of building platforms (however works within building platforms are excluded consideration in the terms of earthworks rules in the District Plan), formation of the parking areas, areas to the north of the driving bays, infrastructure (stormwater swales), putting greens, and five mounted greens north of Rāwiri Stream.

Earthworks total 4773m<sup>3</sup> of cut and 3653m<sup>3</sup> of fill are proposed. Earthworks would come within 1.0m of the eastern boundary.

The Visual and Landscape Assessment prepared by Boffa Miskell Limited as part of its assessment refers to the retention of existing vegetation, limited natural landscape elements within the site with the main feature being the gully containing the watercourse that remains unaltered. Changes to landform visible from the surrounding area would be negligible

The proposal is also subject to a comprehensive planting program that entails planting adjacent to the proposed 8m high fence (both within and outside of), along the stormwater swale (to provide stormwater quality treatment), and within the car parking areas. A mixture of exotic and native species have been utilised, with the use of casurina outside of the proposed fence a quick growing species in order to mitigate the visual impact of the proposed fence and beyond.

The proposed earthworks has been significantly altered from that originally submitted to Council, with the current proposal retaining the current landform beyond the golf driving bays, notwithstanding the mounded greens and stormwater swale. Previously, the proposal included the piping of the watercourse and earthworks across the entire length of the site.

Earthworks are primarily concentrated within the southern portion of the site, with cuts over 2.0m high. The proposal would increase the undulation of the slope within this portion and essentially flattens and lowers this portion of the site.

The application has been assessed by Council's Landscape Architect.

The proposed cut to accommodate buildings and car parking is more consistent with earthworks undertaken for an urban development. The reduced levels would alter the existing landform, and would be noticeable along Hobsonville Road. The proposal would be a modification of the natural profile of the hillside, and as an encroachment of urban development in the countryside. Proposed planting would not restore the former rural qualities of the site.

Whilst the earthworks would have no more than a minor effect when taken individually, however, earthworks required to establish the activity exhibit an urban character which has discussed elsewhere in the report has a more than minor effect.

### **8.1.7 Natural Character of Coast and Margins of Lakes, Rivers and Wetlands**

As stated above, the Rawiri stream dissects the property. This is identified in the Operative District Plan as a Non-Riparian Margin.

The proposed development seeks to retain the watercourse in its natural state, and the remaining riparian planting. This aspect of the proposal is supported by Council's Ecologist.

### **8.1.8 Amenity Values - Health and Safety, Landscapes, Local Areas and Neighbourhood Character**

#### **• Town Centre Viability**

There is a desire for the town centres in the City to become or remain vibrant areas where people can go and carry out their shopping needs with associated land uses such as parking contained in one area. Retail Activities outside of town centres can potentially result in a fragmentation of retail activities, duplication in parking (as people are required to drive rather than walk) and potentially cause adverse social and economic effects by causing a significant decline in amenity in town centres.

The subject site lies outside of the Metropolitan Urban Limits and zoned within the Countryside Environment. The site lies 1.3km east of Westgate Community Environment, and 700m north of the Community Environment on Luckens Road.

The purpose of the use is primarily to provide a golf driving range, with a retail component ancillary to the proposed use. Located on a major road, the use would be the sole or main destination of the user's vehicle trip.

This, however, does not mean this form of development cannot be accommodated in the urban area and is reflected in driving ranges within the Auckland Region and most recently at Brick Street, Ranui.

The specialist nature and limited size and location of the proposed retail activity, subsidiary to the main purpose of the use, the integrity of Town Centre(s) would not be adversely affected.

- **Establishment of a Non-Residential Activity**

The proposed development introduces a non-residential activity (with a retail component). The proposed range is 250m in length and incorporates 32 bays, a reception area, pro-shop, office, storage, and café facilities. Associated with the proposed use is the erection of fencing and lighting standards.

A golf driving range is a far more intensive use of the site to the extent that it is considered an urban activity with demand generated by an urban population and introducing buildings, car parking and structures built elements more aligned to an urban environment and context. In comparison for example with a golf course, all the built elements and activity occur in a much more confined space with resultant height and intensity of activity.

Along the northern side of Hobsonville Road, lies a combination of uses that includes rural-residential blocks, horticultural activities, and educational facilities. Located on the opposite side of Hobsonville Road but within the Metropolitan Urban Limits lies predominantly residential neighbourhoods.

The proposed development in combination with the topography of the site introduces urban elements into what is otherwise a distinctively rural landscape and is at odds with the present zoning of the site, and its position outside of the Metropolitan Urban Limits. Other forms of non-residential activities along Hobsonville Road are contained within more linear patterns adjacent to Hobsonville Road, or are considered rural activities that do not generate the same level of adverse landscape effects.

The proposed buildings, car parking, and lighting standards would introduce urban elements on the most elevated and prominent part of the site. The scale of development would be incompatible with the landscape character. Specifically, the present interplay of open space and views component would be lost. The built element is too expansive and would not be compatible with the scale and appearance of buildings in the wider environment. Furthermore, the proliferation of the built element would be in the elevated foreground of the site.

Whilst the nature of the activity requires a large amount of open space, the need to enclose the site with fencing and landscaping, and to place other significant structures in the elevated and prominent part of the site conflicts with the existing characteristics of the landscape. It breaks up the unity of the wider open elevated rolling landscape with the proposed planting and structures that are of a form, height and scale that physically dominates surrounding sites and the wider landscape character, and which encroaches on views. This results in a loss in overall cohesiveness of this area, and leads to the fragmentation of the rural character and amenity of the area.

It is acknowledged that opportunities for this type of activity are limited within the urban environment, however this does not preclude such an activity as most obviously demonstrated with the golf driving range at Brick Street, Swanson.

It is acknowledged given its location on a Strategic Arterial Road, the absence of such a facility within Waitakere City, the potential for reduced travel distance for golfers to and from such a facility, and potential employment opportunities are all arguments in its favour of the facility.

However, the proposed development in this particular location would compromise the landscape character by, introducing structures and landscaping not compatible with the surroundings that would fragment the rural character of the area north of Hobsonville Road.

This is not to say that appropriately located it would not be a compatible transitional use from rural to urban as it does not fragment land titles and in some less prominent landscape might sit comfortably in a rural context.

As stated earlier, the proposed use might also be appropriately located within an urban environment. Change is anticipated in the area north of Hobsonville Road with the 'expected' shift northwards of the Metropolitan Urban Limits, and subsequent re-zoning of land. The exact nature of the change is uncertain, with a number of processes required to be undertaken, including public consultation. The proposed development is considered to lead, on an individual and cumulative basis, to both pressure for urban expansion, and the fragmentation of rural character and amenity. It would lead to ad hoc development and fragmented change to the landscape, and land use patterns and would be premature as it would undermine the outcomes of 'structured' planning yet to be undertaken and necessary for the orderly development of this area.

- **Visual Amenities and Landscape Character**

The application is supported by a Visual and Landscape Assessment undertaken by Boffa Miskell Limited. This report concludes as follows:

- The visual impact of the development would not be significant in the long term. Surrounding residential properties are orientated away from the development.
- Screen planting should provide adequate screening within five years, whilst in the short term would be relatively unobtrusive.
- The proposed linear screen planting and fence is reflective of the surrounding landscape and would not be out of character or scale with the existing horticultural and pastoral landscape, where windbreak planting is a typical feature.
- The SH18 designation introduces an urbanising element, thus lessening the impact of development in the long term

The application has been reviewed by Council's Landscape Architect.

The subject site is located in rolling countryside and affords extensive and panoramic views that include Auckland Central Business District, Waitemata harbour, and views of rolling countryside. Such views are more easily obtained from the southern portion of the site.

The site's eastern and western boundaries run perpendicular to the contours of the land, and do not relate well to the existing landform. This is not unique to this landscape.

The site is visible along stretches of Hobsonville Road, including adjacent to No.90 Hobsonville Road, where the site is visible on the skyline. Immediately in front of the property, existing buildings provide the foreground focus with views beyond. From adjacent sites, the site is viewed as a foreground element, with views across the wider landscape beyond. Various views along Trig Road and Brigham Creek Road are also afforded. Due to the rolling nature of the landscape and its open character, the subject site is afforded a wide visual catchment, and from within the windbreak screening referred to in the Visual and Landscape Report.

Council's Landscape Architect considers that the Visual and Landscape Assessment underestimates both the viewing audience and effects generated by the proposal.

The fencing and shelter belt planting conflicts with the existing characteristics of the landscape which are prominent, open, elevated and rolling. The proposal breaks up and divides an open and elevated site. Open views looking into the site which were formerly skyline views of rolling hills are changed by screening devices which interrupt these views of the hills and the sky. The receiving landscape is not able to accommodate the development as proposed, thus resulting in a significant adverse effect on the countryside character.

Reliance is also placed upon the orientation of adjoining residential properties. This excludes its rural context. Open views of the rolling countryside would be lost in light of the proposed screening

The mesh fencing is potentially a high impact feature that is not consistent with rural fences or with character of this locality. The proposal introduces a prominent structure with high visual impact which would interfere with views and the sense of visual flow across the landscape. The screen fencing places a visually dominating element into the landscape that erected against the existing contours of the site would be accentuated.

The proposed planting of Casuarina Trees, required to mitigate the visual appearance of the fencing (taking five years to effectively establish) would also run against the existing contours of the site and does not relate well to the wider landscape and the natural landform. It would effectively block panoramic views that reveal the wider landscape in a cohesive way.

The proposed buildings, fencing, car parking, and lighting standards would introduce urban elements on the most elevated and prominent part of the site. The scale of development would be incompatible with the landscape character. Specifically, the present interplay of open space and views component would be lost. The built element is too expansive and would not be compatible with the scale and appearance of buildings in the wider environment. Furthermore, the proliferation of the built element would be in the elevated foreground of the site.

Proposed Lighting standards are an encroachment of structures and lighting effects into the countryside environment, adversely impacting upon its character.

The short and medium term effects would be more than minor as the proposal introduces urban elements set within a rural landscape. Planting proposed in the southern portion simply reinforces the urban character. The proposed shelterbelt planting is not in sympathy with the characteristics of the countryside, and accentuates the visually obtrusive fence, which is in conflict with the natural landform. Whilst shelterbelts are consistent with this environment, its planting is dependant on mitigating the introduction of urban elements into the landscape. The planting restricts open panoramic views that reveal the wider landscape in a cohesive manner. Long-term effects would not diminish over time.

Ngati Whatua O Orakei Maori Trust does not support the planting of exotic species.

The immediate neighbourhood is subject to imminent change with the motorway extension (SH18 Designation) to be located about 500m to the north and would depend on the zoning changes that would accompany this shift. Preliminary plans show that the section of the motorway to the north-east of the site would be approximately at grade, with views to the subject site. Directly north of the subject site the motorway would be in a small cutting, but with views to the site. To the north-west the motorway would be approximately at grade with views to the site.

Whether the motorway urbanises this environment, thereby changing the context to which the golf driving range would be viewed is also unknown and would depend on the zoning changes that would accompany this shift. This has yet to be formulated or subject to public consultation. The motorway may travel through various landscape types without changing their individual character. Therefore, the motorway will not necessarily change the existing countryside character of this particular environment, for those people viewing it from the road itself, or from the surrounding environment.

The combination of fencing, landscaping, buildings, and the loss of views caused by the proposal would have a more than minor effect from in both the short and long term.

The building and other structures extend across the entire site introduce urbanising elements that would intrude and fragment the rural character of the surrounding area.

This is considered to lead, on an individual and cumulative basis, to both pressure for urban expansion, and the fragmentation of rural character and amenity outside the of the Metropolitan Urban Limits. Any ultimate transformation of this area, whilst anticipated, must occur in a planned and structured fashion in accordance with the relevant requirements of the revised zonings. If this is not done, this would lead to ad hoc and fragmented change to the landscape, and land use patterns.

The proposal introduces buildings, car parking and structures that are of a form, height and scale which physically dominates surrounding sites and buildings, which in turn adversely affect the landscape character and other amenity values of this area, and which will encroach upon views currently enjoyed. Whilst mitigation is provided to mitigate these urban elements which are fundamentally not in keeping with the underlying rural character.

- **Adjoining / Nearby Residential (Rural) Amenities**

The subject site physically adjoins both rural and rural - residential blocks.

The dwelling associated with No.78 Hobsonville Road and its immediate residential surroundings is screened by vegetation planting (shelter belts), however, the majority remains open with elevated views of the rolling countryside and Waitemata Harbour. These views would be lost by the proposed activity.

No.82 Hobsonville Road is separated from the subject site by the driveway serving No.82 A Hobsonville Road. Whilst the residential dwelling is orientated towards views of Waitemata Harbour, the property also enjoys elevated views. No.82A Hobsonville Road is a rural block that also enjoys views, although this would be partially transient in nature. These views would also be lost by the proposed activity.

Along the southern portion of Trig Road, the proposed fencing and landscaping would be seen clearly on the skyline, replacing the existing profile of the hillside. Whilst the "mature windbreak pines" screen the northern portion of the subject site the open rolling landscape ensures that the proposed site is prominent in the landscape, in particular its southern portion has a wide visual catchment from both rural and urban areas, and remains clearly visible above the skyline.

When viewed from Hobsonville Road open views across the southern part of the site would be lost by the introduction of proposed fencing on the eastern boundary. The site is clearly visible above the skyline, therefore with the proposed fencing / landscaping back dropped by the sky would become a prominent feature in the landscape.

The open, rolling landscape ensures that the proposed site is prominent in the landscape, in particular its southern portion with a wide visual catchment afforded from both rural and urban areas.

For all neighbouring properties (78, 82, 82A Hobsonville Road) the proposed activity introduces urban elements that would visually intrude on and physically dominate adjoining sites given the scale and character of the proposed activity and associated structures.

- Fences of 8.0m in height setback 3.0m from boundaries.
- Screen planting with a final mature height in excess of the proposed fencing.
- Light standards 20m in height.
- Night-time glare Monday to Sunday until 9.30 pm.
- Car Parking for 44 vehicles.
- Opening hours between 7.00 am and 9.00 pm Monday to Sunday.

In summary the proposal introduces buildings, car parking, lighting standards, vegetation screening and fencing of a scale and character which is intrusive and dominant in the largely rural context of this site. This has significant adverse effects on views, landscape character and rural amenity currently enjoyed by immediate neighbours.

Whilst mitigation measures are proposed they do not change the fundamentally urban nature of the proposed activity which remains at odds with the underlying rural character of the area.

As discussed elsewhere in the report, effects generated by the proposal in terms of noise, traffic noise, traffic generation and glare would not adversely impact adjoining and nearby residential amenities.

However, the introduction of this “urban activity” with its associated effects would adversely impact upon adjoining amenity, fragments present rural character and will encourage incremental / ad hoc urban development to a more than minor extent.

- **Signage**

Signage associated with the proposed non-residential activity entails a freestanding V-shaped sign located on the western side of the access point, with a plan area of 5.76m<sup>2</sup> (2.4m by 2.4m), and a height of 4.6m. The sign is inset 3.0m from the road boundary. The sign background would be cream coloured with dark green wording. The base of the sign would be landscaped. This sign would be illuminated by uplighters. A fascia sign, above the profile of the proposed building measuring 5m<sup>2</sup> is also proposed.

Hobsonville Road is a busy streetscape of traffic, signs (both traffic and commercial) buildings, and street lighting standards.

Council’s Roding Engineer has reviewed the application and considers that the signage would not cause detriment to matters of road safety. Council’s Lighting Expert has also reviewed the proposal and subject to conditions, considers that the proposed illumination associated with the freestanding sign would not result in detriment to matters of road safety.

The proposed signage, given the size of the subject site and surroundings properties, and the physical separation provided by Hobsonville Road provides clear separation to nearby residential properties and from other signage that ensures visual clutter through proliferation of signage is avoided.

The size, scale, form and height of the proposed signage is not considered reflective of other signage established in the locality. Existing signage is in keeping with the associated activity, whereas the proposed signage is more associated with its “urban - orientated” activity. This is also reflected in the proposed illumination of the freestanding sign.

Therefore, whilst some landscaping is proposed to soften the appearance of the proposed signage, by virtue of the proposed scale, lighting and character it remains out of keeping with the principally rural amenity values of the activities to the north of Hobsonville Road.

- **Lighting (Glare)**

It is proposed to provide night time use of the driving range with five lighting standards (20m high) mounted with a maximum of four luminaries. Additional lighting is provided with four lighting standards in the car parking areas and the use of an uplighter to illuminate the freestanding sign.

Lights associated with the development would not be operated after 9.30 pm (to allow for ball collection). The proposal allows some light projecting above the horizontal plane, therefore, it would not comply with the District Plan. A Lighting Report has been prepared by Premier Consultants Limited.

This report states the following:

- The proposed screening would ensure that the light spill would be contained within the subject site.
- It is not possible to meet the intent of the plan as sports lighting cannot completely avoid light above the horizontal. However, upward light is minimised.
- Car Park lighting provides security and safety, and meets AS/NZS 1158.
- The illumination of the sign is specifically designed to ensure minimum waste spill and good glare control.
- Complies with AS 4282 "Control of Obtrusive Effects of Outdoor Lighting".
- Consultation with Whenuapai Air Force Base.

The application has been reviewed by Council's Lighting Expert, and generally concurs with the findings of the report referred to above. The mesh fencing would effectively mitigate light spill. The use of AS 4282 is considered appropriate with glare adequately addressed through light pole positioning and the use of internal luminaire glare shields. The proposed illumination of signage would not result in detriment to matters of visual amenity or road safety.

Council's Lighting Expert is satisfied that subject to appropriate conditions, if granted that includes a Producer Statement or similar being submitted to certify lighting installed as per design, and a procedure to that the ensure tilt of the lights are not altered during maintenance that the proposed car parking lights would not adversely affect adjoining (rural) residential amenity or degrade the level of visual amenity nor the dark night-time sky environment.

Council's Lighting Expert has highlighted that 'future' urban development adjacent to the subject property would not necessarily comply with AS 4282, therefore, potentially adversely affecting 'future' residential amenities. In acknowledgement of the potential change, a review condition be attached, if consent is granted, that would ensure the protection of amenities of adjoining and nearby properties.

A335-A338 Transit New Zealand have stated as attached at pages A335 to A338 that the floodlights on the golf driving range, directed away from the state highway, are unlikely to create any significant adverse effect on the road's functioning.

Therefore, subject to imposition of recommended conditions of consent the environmental effects of the development with regard to glare would be less than minor.

- **On-Site Car Parking**

Parking is provided for 44 vehicles, with a dedicated loading space also provided. This will utilise the existing eastern driveway, albeit widened. The western driveway would be removed.

The Traffic report prepared by TPC Limited, concludes that total parking demand, including the utilisation of the café and pro-shop would be in the order of 30-32 spaces. It is noted that no account is made of staff levels. Employment generated by the proposal has been calculated at ten.

Submissions received consider that the level of activity has been underestimated.

The application has been reviewed by Council's Roading Engineer.

The parking generated by the proposed use would need to be contained within the subject site, in light of the existing (roading) environment, and to avoid overspill to the road network, including neighbouring residential streets, and Hobsonville Road.

The proposed parking across the site is considered sufficient to serve the proposed use and is considered appropriate to accommodate expected peak demands for the activity within the site and would not adversely affect the functioning of surrounding roads, or the residential amenities of nearby properties. Council's Roding Engineer considers that a conservative approach has been taken in providing this quantity of parking.

- **Traffic Generation (Road Safety)**

Hobsonville Road (road controlling authority being Transit New Zealand) has a formed width of 13.1m, a marked central flush median 2.6m wide, 3.4m wide eastbound lane, and a 3.6m wide westbound lane. Lane edges (inset) make up the remaining width.

The subject site would utilise the existing eastern driveway, albeit widened. This would lie directly opposite a shared access way that serves ten residential properties. The western driveway would be removed.

The applicant's traffic report states that visibility standards will be met given that Hobsonville Road is straight in the general vicinity, and that the accident record does not highlight any operational problems. Peak traffic generation by the proposed activity would occur at weekends (summer months) where 49 traffic movements in and out of per hour are predicted.

Should vehicles turn right in and out of the site, the presence of a flush median will allow turning vehicles to stand clear of passing traffic. This is expected to predominantly benefit vehicles entering the site. By being located opposite an existing shared driveway, opposing vehicle movements would occur. The report concludes that this would not create any operational problems as it would not occur frequently.

Submissions received highlight this particular conflict and the adverse effect introduction of a non-residential activity will have on access/egress into the shared driveway.

No formal submission were made by Transit New Zealand, however, correspondence received on 18 February 2004 confirms that the proposed development is unlikely to have any significant adverse effect on Hobsonville Road provided the proposal is developed in accordance with the plans submitted.

A review by Council's Roding Engineer indicated that peak traffic generation for the activity can be expected to that stated in the applicant's traffic report. Over a day the likely total traffic to and from the site is expected to be in the order of 300 movements. Which represents approximately 1% of the average daily traffic on Hobsonville Road.

As such the traffic generated can be easily accommodated by the existing road network and is not expected to have any noticeable impact on traffic flows on Hobsonville Road.

He considers the proposed access to be well sited, with good visibility in both directions, taking account of the actual operating speeds on the road which significantly exceed the posted speed limit.

The slip lane proposed to meet Transit New Zealand's requirements will ensure left turn entry and egress from the site can be accomplished with no interference to other traffic on Hobsonville Road. Right turn access to and from the site makes use of the flush median and can likewise be accomplished with no interference to through traffic on Hobsonville Road.

The only situation where traffic interference may occur is when traffic turning right into the proposed development is waiting on the median and impedes a vehicle from turning right to enter or leave the shared driveway on the opposite side of the road. The probability of this occurring is very low, during peak operating periods the flow of vehicles entering the development is projected to be no more than 30 vehicles per hour and it is reasonable to expect that these will be split between left turn entry and right turn entry. As such the likely frequency of vehicles right turning into the site is one every 4 minutes during the busiest periods. With the average time those vehicles spend waiting on the median being 6 seconds. This results in a 1 in 40 chance (2.5%) of the median being occupied during the peak period. Outside the peak operating times of the proposed activity the number of turning vehicles will be lower, however the length of waiting time on the median will be higher during heavy traffic times on Hobsonville Road. Overall it can be concluded that interference with traffic using the shared driveway at 127 to 133 Hobsonville Road will occur very infrequently. These effects would be expected to be less than minor, and would diminish once the motorway is operational between Westgate and Greenhithe has reduced traffic flows will make turning easier.

The proposed development would not therefore result in significant traffic volumes or safety issues being generated. The proposal, subject to recommended conditions of consent if consent is granted would ensure that the proposal does not adversely affect the free flow of traffic, detract from matters of road safety, nearby amenity, access/egress of adjoining and nearby properties, or the positioning of Hobsonville Road in the roading hierarchy.

- **Noise**

Potential sources of noise, other than construction, includes vehicle noise, people at the facility, hitting of golf balls, and the collection of golf balls.

A Noise Report was produced by Hegley Acoustic Consultants.

Golfers are expected to drive between 10,000 - 15,000 balls per day, with the golf balls collected by a small tractor or ATV, that would collect the balls once a week within operational hours. The cars in the parking areas would be required to leave the site by 10.00 pm in order that Noise Levels would be assessed only between the hours 7.00 am - 10.00 pm as specified by the District Plan.

The report concluded that the most apparent noise would be the golf balls being hit. However, due to their short duration, is not controlled under  $L_{10}$  noise level. The proposal, however, measures 63 dBA  $L_{max}$  noise level. The District Plan only specifies a time between 10:00am to 7:00pm where permitted levels are up to 70 dBA  $L_{max}$  noise level.

The use of an ATV would generate an adjusted noise level of 43dBA  $L_{10}$  noise level.

The applicant's report concludes that the proposed driving range would operate within permitted levels as specified in the District Plan for the Countryside Environment, and as such, noise levels on the adjoining properties would be negligible.

The application has been reviewed by Council's Field Advisor (Health).

Noise controls as stated in the District Plan do not naturally translate into the context of the proposed activity. The District Plan is primarily designed to control constant noise sources rather than short, intermittent noises that would be generated by this activity. However, the southern portion of the site is dominated by a high background noise environment due to traffic noise

Council's Field Advisor (Noise) concurs with the findings of the Noise Report, with regard also had to the existing background (noise) environment dominated by traffic noise.

Council's Field Advisor (Health) recommends conditions of consent based on the noise characteristic of the proposed activity as described by Hegley Acoustic Consultants to ensure that noise levels, as taken from site boundaries would be within permitted limits order to protect adjoining residential amenity.

The proposed development, subject to conditions if granted, would not emit noise that causes a nuisance to adjoining residential occupants and would retain the characteristic levels of quiet associated with this environment notwithstanding existing background noise dominated by vehicle traffic noise. The environmental effects are considered to be no more than de minimis.

### **8.1.9 Precedent Effect**

According to the Court of Appeal decision in Dye a 'precedent effect' is concerned with the influence that granting approval to an application may have on future applicants, and on Council, as consent authority, to grant approval to similar applications. Precedent effect is a relevant consideration under both Section 104B and Section 104(1)(c) of this Act precedents arise because Council is obliged to act in a consistent not arbitrary manner in its decision making. If one application results in a certain outcome then the community can expect similar outcomes for all other similar applications. If an applicant can demonstrate that its proposal has evident unusual qualities that set it apart from the majority then it may be able to demonstrate that no precedent effect arises if few similar very few similar circumstances will arise in the future then there will be no opportunity for any adverse decision making tends to arise.

Based on the test for precedent, it is considered that the subject site does not have sufficiently unusual characteristic and that the proposal would result in an adverse precedent effect.

In this instance, the effects on the environment of allowing the establishment of a golf driving range that introduces an "urban" activity, with associated "urban" elements on land that is both outside the Metropolitan Urban Limits and zoned Countryside Environment. The introduction of an urban activity, with associated urban elements would detract from the landscape character, and fragment the presently unified rural neighbourhood character of the surrounding area north of Hobsonville Road. The proposal if granted would create a precedent effect that would obligate Council to approve further similar development that would in turn lead to incremental urban growth that is not anticipated by the District Plan.

### **8.1.10 Summary**

It is acknowledged that opportunities for this type of activity are limited within the urban environment, that it would be located on a Strategic Arterial Road, that there is an absence of such a facility within Waitakere City, that it would lead to reduced travel, and provides employment opportunities.

The proposed development would however compromise local landscape character; introduce buildings / structures not compatible with its surroundings, fragment the rural and neighbourhood character, and results in incremental urban growth. It is considered that the actual and potential adverse effects of the proposed activity are more than minor.

## **8.2 Any Relevant Provisions of the District Plan 104(1) (b))(iv):**

The applicant proposes to establish and operate a golf driving with associated buildings / structures.

The Operative District Plan is "effects-based" in its approach to the management of natural and physical resources. The objectives, policies and rules reflect this emphasis.

The District Plan provides a range of objectives, policies, rules and assessment criteria to be considered in relation to yards, building coverage, height, non-residential activities, traffic generation, glare, signs and infrastructure in the Countryside Environment and earthworks in the General Natural Area. These are being used as a guide in considering the proposal and are discussed below under the headings of town centres/ retail impact, non-residential activities, parking/traffic generation/road safety, signs, lighting, and noise.

## **Town Centres / Retail Impact**

### **Policy 1.2**

Activities should be located within the urban area in a way that supports the reduction of vehicle trip length and numbers, and the promotion of passenger transport, therefore minimising discharges into the stormwater system and waterways of contaminants deposited onto impermeable surfaces from motor vehicles. Particular regard should be had for the location of medium density housing within and adjacent to central locations.

Council shall make available to developers and landowners the "Passenger Transport Supportive Land Use Guidelines" prepared by the Auckland Regional Council.

### **Policy 1.3**

Retail activities should be located in a way that minimises the adverse impacts on water quality of the discharge of contaminants from motor vehicles onto impermeable surfaces and into waterways. Retail activities should be encouraged to establish in locations which will minimise vehicle trip length and numbers, promote passenger transport, support major town centres as key transport destination points, and reinforce those areas identified for population intensification. Any location of retail activity outside of town centres should not compromise the achievement of these aims.

### **Policy 4.1**

Retail activities should be located in a way that minimises the adverse impacts of motor vehicles on air quality. Retail activities should be encouraged to locate in locations which will minimise vehicle trip length and numbers, promote passenger transport, support major town centres as key transport destination points, and reinforce those areas identified for population intensification. Any location of retail activity outside of town centres should not compromise the achievement of these aims.

### **Policy 11.17**

Retail activities should be managed to enable people and communities to provide for their social and economic wellbeing in a way that sustains and enhances the quality of commercial and community facilities and services, amenity values and general vibrancy of the City's town centres, having particular regard to the following:

- supporting urban consolidation and mixed use development in locations which are accessible by private and public transport modes, and discouraging development which could be better located in respect of accessibility;
- promoting the pedestrian orientated amenity values of town centres including pedestrian precincts, pathways and parks, landscaping, street furniture and shop display frontages;
- encouraging, where appropriate, the integration of new *retail activity* with existing retail and other community resources and activities in the same area, and in particular in *town centres* including site and *building design* integration and pedestrian and *road* linkages;

- establishing and enhancing the quality and *design* of *buildings*;
- recognising the importance that arises from the role of *town centres* as community nodes in the City;
- recognising that the development of inappropriate *retail activity* can create adverse effects on the function served by, and the *amenity* values of, *town centres*;
- ensuring that the development of new *retail activity* does not result in adverse social and economic *effects* by causing a significant decline in *amenity* in *town centres* of the positive contribution made by *town centres* to the social and economic wellbeing of people and communities in the city;
- enabling potentially incompatible *retail activities*, including those which will compromise pedestrian-orientated amenity values or residential amenities, to establish in locations where adverse *effects* can be remedied or mitigated;
- enabling competition between retailers and types of retailing.

A sequential approach to the location of *retail activity* is adopted which favours locations in *town centres* (particularly *major town centres*) where retailing is generally a *permitted activity*. There is only limited provision for permitted *retail activity* outside *town centres*. However proposals for *retail activity* in *working environments* at the edge of *town centres* and on *major roads*, are subject to *resource consent* or *plan change* procedures which require it to be shown that a *town centre* location would not better serve the *Plan's* objectives and policies.

The City's major centres play a key role in contributing to the quality of life in the City. They are the focus of many retail activities and other community, service and residential activities resulting in a mix of often independent land uses which contribute to a sense of place and identity.

Retail activities have been identified as having a major influence on the number and pattern of vehicle trips within the City. The wide dispersal of retail activities increases vehicle trips across the City. The consolidation of retail activities contributes to the reduction of trips by encouraging people to carry out multiple shopping tasks. The dispersal of retailing away from town centres could undermine the strategic direction and transportation objectives of the Auckland Regional Policy Statement.

While there is an emphasis to encourage retail activities into town centres, there are situations where certain types of retail activities would be appropriate in alternative locations.

In this case, the proposed retail elements of the proposal are ancillary to the primary activity. Driving range patrons would travel to the site primarily to play golf, not to shop. The retail activity on site is not therefore in direct competition with existing town centres and is unlikely to significantly undermine the long term viability and amenity of retail locations. For these reasons, the proposed development is considered to be consistent with these policies.

Submissions received in support of the proposal include the reduced need to travel both by its location, and the absence of activities within Waitakere City. Only recently has demand for such activities been met by golf driving ranges in adjoining authorities.

Therefore the proposed retail element of the activity would not result in adverse social and economic effects caused by a decline in amenity in town centres, and would provide a positive contribution to the social and economic well-being of people and communities in the city.

## Non-Residential Activities

### Objective 10

To maintain and enhance those natural and physical characteristics (amenity values) that contribute to the wellbeing of residents and workers, including maintaining:

- an acceptable level of quiet and freedom from nuisance created by noise, odour, dust and vibration;
- adequate levels of daylight and sunlight in dwellings;
- adequate levels of darkness for sleep;
- a safe environment;
- an accessible environment, which includes enhancing public access to and along the coast and waterways and between areas of public land;
- adequate levels of on-site privacy;
- healthy air quality.

This Objective is intended to achieve, at the very least, a minimum level of physical health and wellbeing for residents, workers and visitors. The Resource Management Act requires the District Plan to manage the effects of activities on the environment and humans. It also requires the Plan to have particular regard for the maintenance and enhancement of those natural and physical characteristics that contribute to people's appreciation of, amongst other things, its pleasantness. Any enjoyment or sense of pleasantness derived from the environment is fundamentally dependent on whether residents, workers and visitors find it a healthy place to be.

### Objective 11

To achieve a quality of settlement and associated activities within each of the City's Human Environments which is sympathetic to, and protects and enhances, the dominant natural and physical (including building) features which contribute to the amenity value and the neighbourhood character of an area, including maintaining and enhancing:

- the quality and character of different patterns of settlement within the City's intensively settled residential areas;
- the pedestrian-oriented amenity values of the town centres and the character of those areas as retail centres;
- the utilitarian nature and character of the industrial areas;
- the natural and physical features that give each rural and coastal village its particular and unique character;
- the pastoral/rural character of the northern parts of the City;
- the complex, mixed landscape of the foothills.

### Policy 11.8

Structures, (except within the Working and Community Environments), should be 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 these areas, and which minimises encroachment on views. In particular, relocated housing must be of a scale, form and finished quality, and located so as to maintain and enhance surrounding amenity values and neighbourhood character.

### Policy 11.10

Non-residential activities should be designed and managed in a way that:

- maintains the visual amenity values of the Environment they are in;
- maintains the amenity of the site and surrounding area when viewed from the street;
- adequately screens any associated car parking, vehicle access and storage areas from view, from residential sites.

### Policy 11.30

Non-residential activities in the non-urban areas of the city should be of a type, scale and intensity that will not, on an individual or cumulative basis, lead to adverse effect on the maintenance and enhancement of rural landscape and amenity values. In particular non-residential activities that may be more appropriately located in the urban area and which generate a significant number of trips from the urban area and/or cause other non-residential activities to group around them thereby leading to incremental urban growth, should avoid locating in non-urban areas.

Human communities, and individuals that make up these communities, are defined under the Resource Management Act as being an integral part of the environment. As such, the effects of activities on those elements, and characteristics of the environment that contribute to human enjoyment of it, are a concern under the Act.

The Ministry of the Environment considers amenity as a resource management issue comprising of two components - attributes and perceptions and expectations. Attribute factors are able to be measured and are tangible and the effects are able to be seen such as dust and noise whereas perceptions and expectations are based on the individual and what they consider to be residential amenity. Management of those two components is essential in order to protect the environment as well as allowing development to occur.

The separation of activities has occurred largely because of past planning controls and because the resulting amenity of these areas is the result of regulation. Allowing a greater mix of activities at local level would contribute to a reduction of vehicle trips and associated adverse affects on amenity. However, such a change must be carefully managed so that the mix of activities contributes to the enhancement of local neighbourhoods, and does not undermine their amenities.

The policies and objectives are concerned with protecting those aspects of the environment that are particularly valued by the community and recognising the varying character of each part of the City. However, Objective 11 is not concerned with maintaining the total landscape as it currently exists. That is, while those elements and characteristics might be protected, there is also considerable opportunity for change and flexibility that allows an area to evolve and respond to changing circumstances, albeit within a framework of what people value.

The Countryside Environment is acknowledged as neither an Outstanding nor Significant Landscape. However, they remain valued, with the key issue within these areas is to identify elements and characteristics that contribute to the amenity value of the area to which the community wishes to see protected.

The Countryside Environment, in general terms, contains gently rolling hills, pasture and cropping land, shelter belts, streams, 1-2 storey buildings, scattered housing and farm buildings. The dominant pastoral image remains.

It is recognised that this particular countryside environment is not in pristine condition, with Hobsonville Road and development to the south providing an urban context.

Hobsonville Road does however provide a clear barrier and distinction between the urban and rural areas of the City.

The proposal would not be consistent with the form and scale of buildings / structures in the locality with the receiving landscape unable to accommodate this form of development without adversely affecting its prevailing characteristics. Built development is accentuated by its open and elevated position. The present interplay of open space, views, framed by buildings and trees would be lost, with the built element extensive and would not be compatible with the scale and appearance of buildings in the wider landscape. The proliferation of the built element would also be more noticeable given its elevated and prominent location as viewed from both rural and urban areas. The buildings/ structures that extend across the entire site introduce urbanising elements that would intrude and fragment the neighbourhood character of the surrounding area.

This is considered to lead, on an individual and cumulative basis, to both pressure for urban expansion, and the fragmentation of rural character and amenity.

The proposal introduces buildings, car parking and structures that are of a form, height and scale which physical dominates surrounding sites and buildings, which in turn adversely affect the landscape character and other amenity values of these areas, and which encroaches upon views currently enjoyed. Whilst mitigation is provided, is to mitigate those urban elements that are in keeping with the underlying rural character.

The receiving environment is not able to accommodate development of this form without detriment to its landscape character.

The proposal by introducing urban elements would result in incremental urban growth not currently anticipated by the District Plan or reflected in its policies and objectives. As Objective 11 states, activities that are sympathetic, to, and protects and enhances the dominant natural and physical (including building) features which contribute to the amenity value and the neighbourhood character of an area, including maintaining and enhancing the pastoral/rural character of the northern parts of the City. This proposal is of a type, scale and intensity that will, on an individual and cumulative basis, lead to an adverse effect on the rural landscape and amenity values.

### **Parking, Traffic Generation, Road Safety**

#### **Policy 10.11**

Activities should provide for:

- the on-site parking and loading of motor vehicles;
- the location and design of access to car parking and loading areas, including areas for reverse manoeuvring to ensure that the safe and efficient functioning of adjacent roads, according to the positioning of that road in the Roading Hierarchy, is not adversely affected;

#### **Policy 10.14**

Activities should be of a scale and located and managed in a way that:

- any traffic generated by the activity, including heavy traffic, does not detract from the capacity of the road to cater safely for motor vehicles, pedestrians and cyclists, and the wellbeing of residents occupying surrounding sites;
- the safe and efficient functioning of the road network is not adversely affected.

### **Policy 10.16**

Driveways, carriageways and car parking areas should:

- be laid out in a way that provides for the safe circulation of vehicles and pedestrians;
- be of sufficient design quality to ensure the safe passage of motor vehicles, cyclists and pedestrians and discharge of stormwater;
- be designed to avoid edge fretting;
- allow safe, ready access to adjoining sites.

### **Policy 11.12**

Activities should be of a scale, and located and managed in a way, that does not increase the number of vehicle trips, including heavy vehicle trips, to a level that adversely affects the amenity values of the surrounding Environment or neighbourhood, taking into account the location of the site in relation to the roading hierarchy and the characteristic levels of quiet found in these areas.

The application has demonstrated with the submission of a traffic assessment report, and its findings concurred with Council's Roading Engineer that the proposal would not adversely effect the safe and efficient functioning of Hobsonville Road, and sufficient parking to accommodate peak parking demands within the site. The proposed access, whilst opposite an existing shared driveway detract from the capacity of the road to cater safely for motor vehicles, pedestrians and cyclists, and the wellbeing of residents occupying surrounding sites. Suitable stormwater treatment is also being provided, to the satisfaction of Council's Drainage Engineer.

### **Signage**

#### **Policy 10.3**

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.

#### **Policy 11.8**

Structures, (except within the Working and Community Environments), should be 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 these areas, and which minimises encroachment on views. In particular, relocated housing must be of a scale, form and finished quality, and located so as to maintain and enhance surrounding amenity values and neighbourhood character.

#### **Policy 11.11**

Signs should be designed so that they do not intrude visually on to the amenity of the surrounding area or detract from surrounding neighbourhood character, and the safety of vehicles and pedestrians on any adjacent roads and state highways.

Signs potentially have a considerable impact on visual amenity and landscape character.

The failure to protect building form and scale with no regard to the surrounding area would potentially detract from the dominant character of the area, encroaches upon views, and lead to domination of sites and a loss of overall cohesiveness that is characteristic of these areas.

The proposed signage, given the size of the subject site and surroundings properties, and the physical separation provided by Hobsonville Road provides clear separation to nearby residential properties and from other signage that ensures visual clutter through proliferation of signage is avoided.

However, the size, scale, form and height of the proposed signage is not considered reflective of other signage established in the locality. Existing signage is in keeping with the associated activity, whereas the proposed signage is more associated with its "urban - orientated" activity. This is also reflected in the proposed illumination of the freestanding sign. It should be noted though that the proposed signage and lighting would not unduly compromise matters of road safety.

The proposed signage, whilst its visual appearance would be softened by the proposed landscaping, would neither be visually appropriate to amenity values and neighbourhood character, with the freestanding sign of a height that would visually dominate the neighbourhood.

## **Noise**

### **Policy 10.2**

Activities should not emit noise such that it causes a nuisance to occupants of surrounding properties.

### **Policy 10.15**

Settlement within those parts of the City where existing noise levels exceed that compatible with human health should be avoided, provided that settlement may occur where any adverse effect on occupants of any site can be remedied or mitigated through the design of structures and the screening of the site from the noise source.

### **Policy 11.13**

Activities should be carried out in a way that maintains the characteristic levels of quiet of each Human Environment.

The application has demonstrated with the submission of a noise report, and its findings concurred with Council's Field Advisor (Health) that the proposal complies with the relevant noise standard specified for the Countryside Environment. The proposal proposed limited hours of operation, with recognition given to the existing background noise environment dominated by traffic noise. The proposal is not considered to cause a nuisance to the occupants of surrounding properties, and maintains the characteristic levels of quiet associated with this Environment.

## **Lighting**

### **Policy 10.3**

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.

### **Policy 10.21**

Activities including structures, trees, and lighting within the approach path of an airfield, shown on the Airbase Map, must be operated and/or be of height that is consistent with the safe operation of aircraft using the airfield.

The applicant has provided a Lighting Report that meets the intent of the Operative District Plan with regard to protecting adjoining amenities and the night time sky environment in terms of glare. Regard to AS 4282 "Control of the Obtrusive Effects of Outdoor Lighting" has been had. Council's Lighting Expert concurs with the recommendations of the lighting report that has involved consultation with Whenuapai Airbase.

## **Infrastructure Capacity**

### **Policy 1.4**

Settlement within the Foothills Environment, the Countryside Environment and the Titirangi and Laingholm areas of the City, should be designed and located, and be of a density that recognises their key positions in relation to protecting valued natural resources, including freshwater quality and quantity and the quality of coastal waters. Particular regard should be had for the cumulative impacts of settlement in these areas, the comprehensive design and management of settlement, and the relationship of individual sites with the surrounding catchments and natural and physical resources. Where development takes place, riparian management and other appropriate methods should be used which result in the protection and enhancement of the quality and quantity of water in water bodies on the site.

### **Policy 1.7**

Activities should be managed in a way that encourages the absorption of rainfall and surface water runoff on-site, avoids the creation or exacerbation of stormwater flooding problems off-site and minimises the runoff of surface water into stream catchments and waterways.

### **Policy 1.10**

Impermeable surfaces and stormwater infrastructure should be designed and managed in a way that avoids adverse impacts on water quality, including the life-supporting quality of water, arising from the discharge of stormwater into the City's watercourses.

### **Policy 1.11**

Activities should be carried out in a way that does not give rise to the reduction of in-stream water flows to the extent that naturally occurring freshwater aquatic ecosystems are adversely affected. Where aquatic ecosystems are already adversely affected by the reduction of in stream water flows, methods such as riparian management should be used to enable the quality of these ecosystems to be enhanced.

### **Policy 1.12**

Any point discharge to a waterway should be within the capacity of the receiving waters to absorb adverse effects in a way that harm to water quality and aquatic ecosystems is avoided. Where water quality and aquatic ecosystems are already adversely affected, methods such as riparian management and stormwater treatment should be used, to enable the quality of these ecosystems to be enhanced.

### Policy 1.14

Activities and structures involving the disposal, movement and storage of solid waste and sewage should be designed and managed in a way that avoids, mitigates or remedies any discharge or leakage of contaminants into the City's waterways.

Activities (including temporary activities) and structures should be managed in a way that avoids, remedies or mitigates adverse effects on the surface water in rivers and lakes. Activities should not present a flood hazard or generate excessive noise or pollution, and should not adversely affect:

- the natural character and amenity of the water body;
- the cultural significance of the water body;
- landscape values;
- native vegetation; or,
- habitat values.

### Policy 1.19

Activities (including temporary activities) and structures should be managed in a way that avoids, remedies or mitigates adverse effects on the surface water in rivers and lakes. Activities should not present a flood hazard or generate excessive noise or pollution, and should not adversely affect:

- the natural character and amenity of the water body;
- the cultural significance of the water body;
- landscape values;
- native vegetation; or,
- habitat values.

### Policy 11.7

Infrastructure should be designed and managed in a way that:

- will maintain, and not adversely affect the amenity values and neighbourhood character of the surrounding area, including streetscape character;
- placement on sensitive ridgelines in a way that visual intrusion above that ridgeline when viewed from a public place is avoided, or where unavoidable, remedied or mitigated;
- does not detract from the significance to tangata whenua of any ridgeline;
- minimises disturbance of natural and physical features;
- does not physically dominate adjoining sites.

The proposed development will increase the impermeable surfaces to a total of 2,955m<sup>2</sup>, this being 7.1% of the total subject site area. This remains within permitted levels as specified within the District Plan (10%).

Reports provided by Cato Bolam Consultants Limited proposes that the stormwater reticulation for the development will be designed to remove 75% of all suspended solids as per the requirements of Auckland Regional Council T.P. 10 'Stormwater Management Devices Design Guideline Manual'. Stormwater attenuation and reuse of the stormwater runoff from the roof areas and paved areas is also proposed to minimise the peak flows from the newly created impermeable surfaces from the 34.5mm storm event up to the 1 in 10-yr storm event.

Council's Drainage Engineer has reviewed the proposed development and is generally supportive of the application in light of the stormwater controls and mitigation provided by the applicant.

Due regard to the Waiarohia Stream Comprehensive Catchment Management Plan has been made with the stormwater management design and devices providing a complete approach to providing a Water Sensitive Urban Design.

All roof runoff has been adequately directed to one of two stormwater detention tanks. All stormwater runoff would be finally directed towards a stormwater swale.

Flooding is not indicated as a key issue within the Waiarohia Catchment on the basis that no habitable floors or garages flood.

The proposed development avoids the creation or exacerbation of stormwater flooding problems off-site and minimises, and provides stormwater quality treatment from the runoff of surface water into stream catchments and waterways.

The proposed infrastructure would not adversely affect amenity values and landscape character, or areas of native vegetation.

Rawiri Stream is within the capacity of the receiving waters to absorb adverse effects in a way that harm to water quality and aquatic ecosystems is adequately mitigated.

## **Earthworks**

### **Policy 1.5**

Activities (including structures) should be managed in a way that avoids further clearance and damage to native vegetation within the margins of the City's lakes, rivers, wetlands and the coast, provided that exotic vegetation may be removed where there is a programme to restore native vegetation to the riparian margins and coastal edges.

### **Policy 1.6**

Activities (including structures and impermeable surfaces), should be designed, located and carried out in a way that they do not impede or adversely affect the potential for the regeneration of native vegetation, or reduce the extent, range and linkages between areas of native vegetation within riparian margins and coastal edges.

### **Policy 1.9**

Activities should be carried out in a way that avoids modification to the structure and form of watercourses, riparian margins and coastal edges. Particular regard should be had for avoiding the piping and culverting of streams, and the effects of any earthworks.

### **Policy 3.2**

Activities involving the disturbance of soil or rock and exposure of soils should be carried out in a way that avoids, or where unavoidable, remedies or mitigates any adverse effects on the surrounding topsoil and soil structure.

### **Policy 9.12**

Activities should not give rise to modification of the form and structure of those landscape elements, and in particular, natural landscape elements, identified as essential to the City's outstanding landscapes, such that their contribution to the overall quality of the City's outstanding landscape is adversely affected.

The extent of the earthworks has been significantly reduced from that originally lodged by Council. Earthworks, other than for infrastructure provision (stormwater quality treatment) has been removed from the Rawiri Stream and its margins. The proposal seeks to retain this area in its natural state, with fencing erected to preclude golf balls landing in this area. No earthworks are being undertaken within the drip line or requires the removal of protected vegetation.

Earthworks are primarily concentrated within the southern portion of the site, with cuts over 2.0m high. The proposal would increase the undulation of the slope within this portion and essentially flattens and lowers this portion of the site.

The subject site is not identified as an outstanding landscape.

The reduced levels would alter the existing landform, and would be noticeable along Hobsonville Road. The proposal would be a modification of the natural profile of the hillside.

The proposed development as a whole retains its undulating nature, consistent with both the subject site and its surroundings and retaining remnants of the original landform.

Appropriate sediment and control measures, if granted, would ensure that the proposed earthworks are contained within the site and would not adversely affect water quantity / quality.

### **Natural Watercourses - Rawiri Stream**

#### **Policy 1.9**

Activities should be carried out in a way that avoids modification to the structure and form of watercourses, riparian margins and coastal edges. Particular regard should be had for avoiding the piping and culverting of streams, and the effects of any earthworks.

#### **Policy 1.11**

Activities should be carried out in a way that does not give rise to the reduction of in-stream water flows to the extent that naturally occurring freshwater aquatic ecosystems are adversely affected. Where aquatic ecosystems are already adversely affected by the reduction of in stream water flows, methods such as riparian management should be used to enable the quality of these ecosystems to be enhanced.

#### **Policy 1.12**

Any point discharge to a waterway should be within the capacity of the receiving waters to absorb adverse effects in a way that harm to water quality and aquatic ecosystems is avoided. Where water quality and aquatic ecosystems are already adversely affected, methods such as riparian management and stormwater treatment should be used, to enable the quality of these ecosystems to be enhanced.

### Policy 1.19

Activities (including temporary activities) and structures should be managed in a way that avoids, remedies or mitigates adverse effects on the surface water in rivers and lakes. Activities should not present a flood hazard or generate excessive noise or pollution, and should not adversely affect:

- the natural character and amenity of the water body;
- the cultural significance of the water body;
- landscape values;
- native vegetation; or,
- habitat values.

### Objective 3

To maintain the life-supporting capacity of the City's land resource.

The proposed development has been amended to avoid undertaking any earthworks within or in the vicinity of Rawiri Stream. The proposal will leave the stream in its natural state.

The watercourse is identified as a Non-Riparian Margin in the Operative District Plan.

Council's Ecologist supports the retention of the stream in its current condition.

The Waiarohia Stream Comprehensive Catchment Management Plan identifies a need to enhance the existing watercourse through riparian planting along the margins of the Rawiri and Trig Streams. The recommended minimum width of this planting is 15m either side of the streams. The development of the riparian margins has the potential to improve the natural value of the Rawiri Stream in terms of water quality and habitat. Currently the stream is fairly open and has very little riparian vegetation. Any development within this catchment has the potential to improve the current situation with regard to the stream.

The Resource Management Act 1991 requires that amenity values and the quality of the environment are to be maintained and enhanced. The proposal does not adversely affect the natural character of the watercourse, with no modification required. While it is recognised that the enhancement of the stream should be actively encouraged, it has been acknowledged by both Council's Ecologist and Drainage Engineer that the proposal as it stands would protect the Rāwiri Stream in its natural state without the need for further planting.

### 8.2.2 Plan Integrity

Plan integrity is a relevant consideration under section 104B and 104(1) and is closely related to the discussion of precedence in section 8.1.12 above. It involves consideration of whether a decision in favour of a proposal would challenge public confidence in the integrity of the plan.

Council has an obligation as a public authority to act in a non arbitrary manner when making decisions under the District Plan. Decisions which fly in the face of the ordinary meaning of the Plan give the Community no confidence that development will occur in accordance with the stated intent of the plan and makes it impossible for the Community to plan ahead with any certainty.

However, given the necessarily broad brush nature of all rules they are incapable of covering all eventualities and on occasion the situation will arise where a proposal may be at odds with a particular rule but still be in keeping with the general intent of the District Plan as expressed in the Objectives, Policies and assessment criteria of the Plan.

This situation is covered by the non complying activity category of resource consent application. Under these circumstances a decision in favour of the proposal that is at odds with the rule but in keeping with the intent of the District Plan as described in the Objectives Policies and Assessment criteria can be made without undermining public confidence in the District Plan (provided of course that environmental effects are no more than minor).

However if the circumstances of the application are not unusual and environmental effects are no more than minor and this situation is likely to arise time and again then in the interests of public confidence in plan integrity the application should be refused and a plan change should be introduced to provide for this situation instead.

As discussed in previous sections of this report adverse effects associated with the proposal are considered to be more than minor, there is nothing which sets it apart as unusual and the proposal is considered to be inconsistent with the Objectives, Policies and Assessment Criteria of the District Plan.

Whilst it is true that in the long term the new alignment of State Highway 18 to the North of the site and the Northern and Western sectors agreement with the Auckland Regional Council will in all likelihood lead to the transformation of the area into an urban landscape there is no certainty as to what form this is likely to take. To introduce the proposed development at this stage would be premature; for the time being the current planning framework must continue to be applied. Furthermore, while the proposal is unsuited to this context there may be other sites both rural and urban where the driving range would be less visually obtrusive and less intrusive in amenity terms.

### **Rules and Assessment Criteria**

The District Plan Assessment Criteria have been developed to address the issues covered in the objectives and policies and are a useful guide in assessing the effect of an activity. The proposed activity is assessed in relation to each of the relevant criteria as follows:

#### **Yards**

- 3(a) The extent to which buildings dominate landscape character.
- 3(b) The extent to which, buildings within 3m of a site boundary, or within 10m of an outdoor horticultural activity on adjoining site, amenity and health standards are maintained with particular regard being given to physical domination, privacy and shading effects on health of agricultural sprays.
- 3(c) The extent to which more than minor adverse effects can be adequately avoided, remedied, mitigated or offset through provisions of works and services on or off the site and/or through payment or provision of a financial contribution.

The proposed fencing, is applicable. Fencing is inset 3.0m from the western, eastern and northern boundaries with a lighting standard setback a minimum 9.3m from the eastern and western boundaries. Proposed landscaping is proposed to both the exterior (exotic species) and interior (native species) to mitigate the visual impact of the fencing. The proposed fence is 8.0m high, black with the netting 85% porosity.

This infringement is assessed as a Controlled Activity.

Council's Landscape Architect has assessed the application, with particular regard had to the Visual and Landscape Assessment undertaken by Boffa Miskell Limited. The proposed fencing cannot be considered in isolation to the overall proposal.

The fences are not solid structures and therefore would allow daylight / sunlight opportunities to be retained (albeit slightly diminished). Views, would also be retained but again diminished. However, in recognising the visual impact of development, extensive landscaping is proposed, that over time would continue to diminish views and daylight/sunlight opportunities. The impact of the fencing therefore needs to be viewed in conjunction with the proposed landscaping.

Council's Landscape Architect considers that the proposed fencing would modify the landscape character, impact upon views, and would dominate the landscape accentuated by the elevated location of the proposed development.

The fencing and planting would contrast with the existing natural landform, as it is planted against the existing contours of the land.

The fencing would be visible above the proposed casuarinas for a period of five years. The fencing is a high impact feature not consistent with either rural fences or with the countryside landscape character. This would effectively be a prominent structure with a high visual impact that would interfere with views and the sense of visual flow across the landscape.

The proposed planting would accentuate the rectangular form of the site which as noted above, does not relate well to the wider landscape and natural form. By removing open panoramic views that reveals the cohesiveness of the wider landscape would alter the landscape character.

The fencing, and shelter belt planting contrast with the particular characteristics of this environment (open, elevated, prominent and rolling) with the proposal both breaking up and dividing this open, elevated site. Views looking into the site which were formerly skyline views would be changed by screening devices which interrupt views of both the hills and sky. The receiving environment is not able to accommodate development of this form without detriment to its landscape character.

For these reasons, the proposed development is not considered to be in accordance with Assessment Criteria 3(a).

### **Building Height**

- 4(a) The extent to which the height of buildings will intrude on the surrounding landscape
- 4(b) The extent to which the height of buildings will physically dominate adjoining sites
- 4(c) The extent to which the height of buildings will intrude into the privacy of adjoining sites
- 4(d) The extent to which the height of buildings will interrupt views from sites in the vicinity.

The proposed lighting standards (5 in total) measure 20m in height and will illuminate the golf driving range. The proposed lighting standards being slim line in design, would not intrude upon into the privacy of adjoining sites, or result in loss of daylight/sunlight opportunities, or interrupt views

The proposed lighting standards would extend up to 200m into the site with two lighting standards to lie adjacent to the eastern and western boundaries. These structures, far removed from Hobsonville Road and the built form contrast sharply with both the existing landscape, and Countryside Environment Zoning. These lighting standards despite their characteristics as described above, would physically dominate adjoining rural-residential sites to the east and west. It is acknowledged that the absence of lighting standards to the northern part of the site would not physically dominate properties to the north.

The remaining lighting standards would be located adjacent to the golf driving bays.

The surrounding landscape north of Hobsonville Road is defined by a absence of significant structures. This sharply contrasts from with the urban area on the south side of Hobsonville Road with buildings/ structures located within a busy streetscape dominated by Hobsonville Road that contains lighting standards (12m circa).

Lighting standards are an encroachment of significant and prominent structures and lighting effects into the countryside environment, adversely impacting upon local rural and landscape character. Whilst there are other forms of non-residential activities along Hobsonville Road, these are contained within more linear patterns, or are considered to be rural activities consistent with the existing character of the area.

The proposal introduces built elements more aligned to an urban environment encroach beyond the urban area and would and visually intrude onto the surrounding rural landscape. For this reason, the proposal is considered contrary to Assessment Criteria 4(a) and 4(b).

### **Building Coverage**

- 6(a) The extent to which buildings create adverse effects on amenity values or dominate the rural landscape.
- 6(b) The extent to which the proposal creates demands for public upgrading of infrastructure to accommodate increased building coverage.

The additional buildings in combination with the existing dwelling increase building coverage to 3.3% (1091m<sup>2</sup>). The additional buildings would be used for Non-Residential Activities.

The applicant's report, supported by a Visual and Landscape Assessment, argues that the development will retain the rural character of the area with buildings designed to integrate into the topography with low building heights and colours sympathetic to the environment, and retains a high percentage of open space. It also argues that the setback of the main buildings from the boundaries, with the proposed vegetative framework would ensure that the built elements are visually integrated into the site, with characteristics in keeping with the rural environment.

The application has been reviewed by Council's Landscape Architect and Council's Drainage Engineer.

Council's Landscape Architect considers that the scale and extent of the proposed buildings, including the fencing and mitigation planting required would modify the character of the site. The proposal would introduce urban elements into the most elevated and prominent part of the site that would also screen views further into the site and the wider landscape. The proposed buildings/structures would intrude upon the surrounding landscape, interrupt views, and would have a dominating effect on the landscape character. The proposal entails extensive development and proliferation in the frontage area that the proposal would "urbanise" the site, in particular its frontage with its elevated and prominent location accentuating the development. The built element would intrude and fragment the surrounding rural neighbourhood character.

The proposal is therefore contrary to Assessment Criteria 6(a).

The proposed development will increase the impermeable surfaces to a total of 2,955m<sup>2</sup>, this being 7.1% of the total subject site area. This remains within permitted levels as specified within the District Plan (10%). Roughly 50% of this impermeable surface will be sealed parking and manoeuvring areas to service the Golf Driving Range and existing dwelling. The remaining impermeable area consists of the existing dwelling (305m<sup>2</sup>) and the proposed building associated with the driving range (1,125m<sup>2</sup>).

Reports provided by Cato Bolam Consultants Limited propose that the stormwater reticulation for the development will be designed to remove 75% of all suspended solids as per the requirements of Auckland Regional Council T.P. 10 'Stormwater Management Devices Design Guideline Manual'. Stormwater attenuation and reuse of the stormwater runoff from the roof areas and paved areas is also proposed to minimise the peak flows from the newly created impermeable surfaces from the 34.5mm storm event up to the 1 in 10-yr storm event.

Due regard has been given to the Waiarohia Stream Comprehensive Catchment Management Plan in this proposal which meets Council's requirements for a Water Sensitive Urban Design.

As referred in Section 8.1.2, the proposed infrastructural requirements are adequately mitigated on site and would not generate demand for the public upgrading of infrastructure to accommodate increased building coverage in accordance with Assessment Criteria 6(b).

### **Non-Residential Activities**

- 7(a) The extent to which Non-residential Activities compromise the landscape character.
- 7(b) The extent to which purpose built buildings are compatible with the scale and appearance of other buildings in the neighbourhood.
- 7(c) The extent to which Non-Residential Activities fragment the neighbourhood character of the surrounding area.
- 7(d) The extent to which the activity would lead, on an individual or cumulative basis, to pressure for urban expansion and the fragmentation of rural character and amenity.

The proposed development lies outside of the Metropolitan Urban Limits, and is accordingly zoned in the Countryside Environment. The applicant does not consider the proposed driving range to be a "urban activity" as it retains significant areas of open space, involves buildings that will be single storey, and that are not dissimilar to those found in the rural environment.

Whilst it is true that much open space would be retained and that taken individually most of the separate elements of this development may occur in a rural context when considered collectively on this particular site in this location exhibit an urban character. The demand for the proposed use is provided by an urban population with the proposal introducing a number of particularly urban elements - buildings, structures, lighting and car parking. It should be noted that the submission received by the ARC also considers the proposal to be an urban activity.

The proposal would not be consistent with the form and scale of buildings / structures in the locality as the receiving landscape is unable to accommodate this form of development without adversely affecting its prevailing characteristics. Built development is accentuated because of the open and elevated character of the site. The present interplay of open space, views, framed by buildings and trees would be lost, with the built element extensive and would not be compatible with the scale and appearance of buildings in the wider landscape. The proliferation of the built element would also be more noticeable given its elevated and prominent location as viewed from both rural and urban areas. The buildings/ structures that extend across the entire site introduce urbanising elements that would intrude and fragment the neighbourhood character of the surrounding area. This is considered to lead, on an individual and cumulative basis, to pressure for both untimely urban expansion, and the fragmentation of rural character and amenity.

The Auckland Regional Growth Strategy 1999 identifies the area south of the State Highway 18 motorway as an area for future urban development up to 2050. In addition, the Northern & Western Sectors Agreement 2001 identifies the Hobsonville Corridor, the area between Westgate and Hobsonville south of the S18 motorway, for 50% urbanisation between 2011-2021, with the remaining 50% after 2021.

Therefore in terms of long-term uses, the opportunities to accommodate urban development would be compromised. The proposal, therefore, neither sits comfortably within a planned “future” urban or its “current” rural context.

For these reasons, the proposal is considered contrary to the Assessment Criteria specified above.

### **Traffic Generation**

8(a) The effects of traffic generation on:

- The capacity of roads giving access to the sites having regard to the road’s function in the roading hierarchy.
- The safety of road users, including cyclists and pedestrians.
- The safety and efficiency of road intersections.
- The extent to which trips from the urban area are generated by activities that are more appropriately located in the urban area.
- Landscape Character and Amenity Values.

8(b) The sufficiency of car parking provided and the standard and safety of driveway access.

The subject site fronts onto Hobsonville Road (State Highway 16).

Amendments are proposed to the existing access in accordance with Transit NZ recommendations. Car parking is provided for 44 car parking spaces, designed to meet Council’s Roding and Traffic Guidelines.

The proposed development would not adversely affect the functioning, capacity or positioning of Hobsonville Road. Approval has been provided by both Transit New Zealand and Council’s Roding Engineer.

The subject site lies well clear of road intersections, however, the proposed access would lie directly opposite an existing shared driveway. Objections, with road safety highlighted, as been received by a number of residential properties that utilise this driveway.

The only situation where traffic interference may occur is when traffic turning right into the proposed development is waiting on the median and impedes a vehicle from turning right to enter or leave the shared driveway on the opposite side of the road.

It is concluded that interference with traffic using the shared driveway at 127 to 133 Hobsonville Road will occur very infrequently. These effects would not adversely affect access/egress into these residential properties, with such effects diminishing once the motorway is operational between Westgate and Greenhithe as reduced traffic flows will make turning easier.

The proposed parking across the site is considered sufficient to serve the proposed use and is considered appropriate to accommodate expected peak demands for the activity within the site and would not adversely affect the functioning of surrounding roads, or the residential amenities of nearby properties.

Traffic generated by the proposal would be contained within the urban area, however, the proposed site is located within the Countryside Environment. The proposed parking, required to ensure peak parking demands are contained within the site, would be softened and screened by the proposed landscaping scheme. However, the proposed parking and mitigation being provided would be associated with activities more akin to the urban environment. The proposal would result in a loss in overall cohesiveness of this area, and leads to the fragmentation of the rural character and amenity.

The proposed traffic generated, and associated parking would be contrary to Assessment Criteria 8(a), and in accordance with Assessment Criteria 8(b).

### **Air Discharges, Odour, Dust, Glare & Vibration**

- 10(a) The extent to which glare from outdoor lighting fixtures causes discomfort to any person, detracts from residents' ability to sleep or degrades the level of visual amenity and the dark night-time sky environment
- 10(b) The extent to which outdoor lighting (including security lights) should be so selected, located, aimed, adjusted, designed and screened to ensure that:
- Glare from the light is not directed into adjoining sites, yards or windows.
  - Glare is not aimed in a random direction.
  - Reflective glare is controlled to the extent that it is practicable.

Lighting is proposed to minimise the upward wasted light output and glare, the proposed fencing provides suitable mitigation to protect nearby amenities, and the night-time sky environment.

Council's Lighting Expert concurs with the Specialist Report provided.

The proposal would not cause discomfort from residents' ability to sleep, or degrade the level of visual amenity and the dark night-time sky environment.

The proposal is considered to be in accordance with the relevant Assessment Criteria.

### **Signs**

- 11(a) The extent to which signs are visually appropriate to amenity values and neighbourhood character.
- 11(b) The extent to which signs create a situation hazardous to the safe movement of traffic.
- 11(c) The extent to which signs are of a height which avoids the sign dominating the neighbourhood and nearby structures.

Signs potentially have a considerable impact on visual amenity and landscape character.

Inappropriate signage detracts from the dominant character of the area, can encroach upon views, and lead to domination of sites by signs and lead to a loss of the visual cohesiveness that is characteristic of these areas.

Furthermore, signs impact upon the safety of road users, where the size, scale, height, illumination and proliferation of signs can be a source of distraction and confusion.

Hobsonville Road is a busy streetscape of traffic, signs (both traffic and commercial) buildings, and street lighting standards.

Along the northern side of Hobsonville Road, lies a combination of uses that includes rural-residential blocks, retail activities (predominantly with a horticultural theme) horticultural activities, and educational facilities. Signage is reflective of these established uses.

The proposed signage has been reviewed by both Council's Roading Engineer and Council's Lighting Expert who consider that the proposal would not detract from matters of road safety. This satisfies Assessment Criteria 4(b).

The proposed signage, given the size of the subject site and surroundings properties, and the physical separation provided by Hobsonville Road provides clear separation to nearby residential properties and from other signage that ensures visual clutter through proliferation of signage is avoided.

The size, scale, form and height of the proposed signage is not considered reflective of other signage established in the locality. Existing signage is in keeping with the associated activity, whereas the proposed signage is more associated with its "urban- orientated" activity. This is also reflected in the proposed illumination of the freestanding sign.

Therefore, whilst the visual appearance of the proposed signage would be softened by the proposed landscaping, it would be neither visually appropriate to amenity values or neighbourhood character, as a freestanding sign of this proposed height would visually dominate the local landscape.

The proposed signage therefore be in conflict with Assessment Criteria 4(a) and 4(c).

### Infrastructure

- 13(f) The extent to which *buildings and development* make provision for *infrastructure* to serve the needs of the site.
- 13(k) The extent to which the *design and capacity of the wastewater treatment and disposal system* takes into account any relevant feature of the catchment, including likely future development.
- 13(n) The extent to which the *stormwater treatment and disposal system* has regard to the requirements of any comprehensive catchment resource consent issued by the Auckland Regional Council.
- 13(p) The extent to which the *design and location of the stormwater treatment and disposal system*:
- ensure maintenance of water quality in receiving natural waters, including treatment where necessary to provide for removal of contaminants.
  - ensure sufficient capacity to provide for the safe and efficient disposal of stormwater from the *site* and any likely future *development*.
  - ensure adequate measures are taken to screen out litter, silt and other contamination.
  - achieve a sufficient standard and compatibility with any existing stormwater disposal system to minimise maintenance costs.
  - ensure no more than minor adverse *effects* on any other *infrastructure or connection* or likely building *development*.
  - provide for stormwater disposal from all of the land within the *site*.
  - ensure that *development* will not contribute to flooding downstream of the *site*.
- 13(s) The extent to which the *design and location of infrastructure or connection* adversely affect the *mauri* of water.

The proposed infrastructure connections associated with stormwater quality / quantity seeks to utilise detention tanks, rain gardens and stormwater swale that runs along the eastern boundary. The proposed height, bulk and scale would not physically intrude adjoining sites, or cause detriment to rural amenities and landscape character.

The proposal ensures maintenance of water quality in receiving natural waters, including treatment where necessary to provide for removal of contaminants, and provides sufficient capacity to provide for the safe and efficient disposal of stormwater from the site. The proposal would not contribute to flooding downstream.

### Earthworks

- 3(a) The extent to which the scale of earthworks is consistent with the scale of development being undertaken.
- 3(d) The extent to which earthworks adversely affect the significance or landscape value or natural character of natural landscape elements or other natural features.
- 3(e) The extent to which earthworks exacerbate or contribute to flooding, erosion or instability of land or the potential for flooding, erosion or instability of land.
- 3(g) The extent to which earthworks adversely affect the mauri (life force) of water.
- 3(h) The extent to which earthworks adversely affect the visual amenity of the site or adjoining sites.
- 3(i) The extent to which cut and fill activities involving earthworks are confined to the site rather than being transported off the site.
- 3(l) The extent to which earthworks are necessary to accommodate development otherwise permitted by the Plan.
- 3(o) The extent to which earthworks are avoided.
- 3(p) The extent to which unavoidable earthworks are minimised.

The proposed earthworks are generated by the need to establish a non-residential activity that is not permitted by a District Plan. The proposal would not result in a cut-to-fill balance with up to 2200m<sup>3</sup> of soil being transported off-site. However, the needs to achieve a cut-fill balance as originally proposed would significantly alter the change to the landform.

Earthworks are primarily concentrated within the southern portion of the site, with cuts over 2.0m high. The proposal would increase the undulation of the slope within this portion and essentially flattens and lowers this portion of the site.

The proposed cut to accommodate buildings and car parking is more consistent with earthworks undertaken for a urban development. The reduced levels would alter the existing landform, and would be noticeable along Hobsonville Road. The proposal would lead to an encroachment of urban development in the countryside. Proposed planting would not restore the former rural qualities of the site.

For these reasons the proposed development is not considered to be consistent with Assessment Criteria 3(d) and 3(h).

### 8.3 Auckland Regional Policy Statement, Plan or Proposed Regional Plan (104(1)(b)(iii) and (iv))

The Auckland Regional Policy Statement sets out the broad resource management issues, objectives and policies for the Auckland Region to achieve the integrated management of its natural and physical resources. The Policy Statement functions as an umbrella policy document for environmental planning and policy development within the Region, under which the Waitakere City Operative District Plan has been prepared.

A formal submission has been received by Auckland Regional Council who object to the proposed development.

The proposed site lies outside of the Metropolitan Urban Limits as identified in the Auckland Regional Policy Statement, and as depicted in the Growth Concept of the Auckland Regional Growth Strategy as being in an area considered appropriate for urban expansion. The following strategic policy of the Auckland Regional Policy Statement has been referred to:

2.5.2(5) *The subdivision, use and development of rural land is to be managed so that ....*

(iii) *Future options to accommodate urban development are not prematurely foreclosed or compromised.*

The Auckland Regional Policy Statement states that in rural areas, the strategic direction seeks to sustainably manage the resources of rural areas, and to avoid prematurely foreclosing future options for accommodating the Region's urban growth needs. Achievement of these outcomes, and the avoidance, remediation or mitigation of cumulative adverse effects, requires that policies and regulatory regimes for rural areas at the local level must be formulated with careful regard to their long term implications, and also that they must be consistently administered.

The proposal fits in with the concept of urban development within the Auckland Regional Policy Statement. The submission of the Auckland Regional Council primary concern is that the proposal would set an unwelcome precedent and cumulatively compromise options for future urban development.

It is considered that the proposal would be contrary to the policies of the Auckland Regional Policy Statement. The potential cumulative impact on the rural character and landscape features on the area compromises the integrity of the metropolitan urban limit.

The proposed development represents urban development outside the Metropolitan Urban Limits and exceeds the level of development envisaged and anticipated by the Operative District Plan and therefore contravenes the Auckland Regional Policy Statement and Waitakere City District Plan.

#### **8.4 Any Other Matters the Consent Authority considers relevant and reasonably necessary to determine the Application (104(1))(c)).**

##### **Stray Golf Balls**

The applicant has provided a statement from Adam Jones that considers that the 8m boundary fence is adequate for the protection of any stray golf balls that may leave the property. Mr Jones also states that many golf courses lie adjacent to rural areas, and from his experience, has not known of any livestock to be killed or distressed as a result of a golf ball.

The applicant has stated that 8m is the minimum acceptable in order to provide the necessary protection.

##### **8.5 Any Other Relevant Non-Statutory Documents**

The proposed development is a non-residential activity in an area zoned Countryside Environment, and outside the Metropolitan Urban Limits. As such it is a Non-Complying Activity under the Waitakere City Operative District Plan, and the provisions of the Auckland Regional Policy Statement relating to managing growth outside the Metropolitan Urban Limits must be taken into account under the Resource Management Act.

However for this particular property a number of other factors also need to be taken into account. In particular, the Auckland Regional Growth Strategy 1999 identifies the area south of the State Highway 18 motorway as an area for future urban development up to 2050. In addition, the Northern & Western Sectors Agreement 2001 identifies the Hobsonville Corridor, the area between Westgate and Hobsonville south of the S18 motorway, for 50% urbanisation between 2011-2021, with the remaining 50% after 2021.

Although the Regional Growth Strategy and the Northern and Western Sectors Agreement do not have statutory status, the Local Government (Auckland) Amendment Act 2004 intends to introduce the objectives of the Regional Growth Strategy into the Regional Policy Statement and into the District Plans of Auckland territorial authorities. The timeline for this is March 2005 for notification of changes to the Regional Policy Statement and the local District Plans.

Waitakere City Council is engaged in a process that is intended to lead to certain areas of the City that are identified for urban development according to the Northern and Western Sectors Agreement being included within new Metropolitan Urban Limits under the Local Government (Auckland) Amendment Act 2004. Some of these areas, which may include areas in the vicinity of this property, may therefore be available for urbanisation before the 2011 - 2021 dates proposed in the Northern and Western Sectors Agreement.

Waitakere City Council had undertaken preliminary concept design work for the Hobsonville Corridor area, and the property in question could ultimately be envisaged being developed for residential or mixed-use urban uses. However the timing of such a development would probably occur after 2021.

In summary, the situation is therefore one whereby the current planning framework must be applied, but this should be done in conjunction with a view of the long-term uses of the land in question.

Council's Project Manager - Urban Development has indicated support for the application on the basis that the application of granted be on a temporary basis and that it allows for a future change of use to a more intensive urban use once the planning framework for the area has been changed.

Regardless of whether the consent is granted on a temporary or permanent basis it would still represent ad hoc urban style development on the wrong side of the Metropolitan Urban Limits. It would still have the potential to generate unsuitable precedents for the proliferation of ad hoc urban development that may well conflict with the final urban form for this area to be decided upon as a result of planning studies as yet still to be undertaken. Therefore on both counts it would be premature to allow any kind of consent for the proposed activity be it temporary or permanent as it has the potential to undermine present and future planning of the area.

## **9.0 PART II OF THE RESOURCE MANAGEMENT ACT 1991**

It is considered that the proposal would be inconsistent 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.

The District Plan, through its policies and objectives are concerned about the modification of noted landscape elements and landscape character to the degree that they no longer contribute to the amenity values of the landscape, and the loss of the unique combination of elements and characteristics with a sense of place and belonging.

The proposal would have adverse effects on the visual amenities and landscape character of the area, and lead to the fragmentation of its rural character with “urban development” and “unplanned” incremental urban growth that would result in an adverse precedent effect onto the wider countryside environment as a whole. It is therefore considered that the proposal is inconsistent with Section 5 of the Resource Management Act 1991.

#### **10.0 EVALUATION IN ACCORDANCE WITH SECTION 104D OF THE RESOURCE MANAGEMENT ACT 1991**

The threshold test in Section 104D 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 (104D(a)), or the activity will not be contrary to the objectives and policies of a plan and proposed plan (104D(b)).

It is considered that the threshold test for a non-complying activity has not been met for the proposed development. It is considered that the effects on the environment are considered to be more than minor. Furthermore, it is considered that the activity is not consistent with the Objectives and Policies of the Operative District Plan. Jurisdiction to grant consent has not been established.

#### **11.0 CONCLUSION**

The District Plan has been developed through a process of comprehensive consultation process.

It is considered that the approval of this application would raise serious concerns regarding the consistent administration of the District Plan as it would call into question the integrity of the Operative District Plan, with regard to the both the current Countryside Environment Zoning, and the area being identified for urban development in the future.

It is considered that the proposal would be contrary to the policies of the Auckland Regional Policy Statement. The proposed development represents urban development outside the Metropolitan Urban Limits and exceeds the scale and intensity envisaged by the Operative District Plan.

The cumulative impacts on the rural character and landscape features of the site and wider catchment compromises the integrity of the metropolitan urban limit.

There is little inherently unusual about this proposal on this site that would justify granting consent in the face of an integrated and comprehensive array of policies and rules determining that development is not appropriate. There would be adverse effects on the visual amenities, landscape character and nearby amenities and would lead to urban elements that would intrude and fragment the neighbourhood character of the surrounding area.

The adverse effects would be intensified if the approval of this application constituted a precedent which allowed a similar urban development to impact on the rural character and landscape features of the site and wider catchment and thereby compromising the integrity of the metropolitan urban limit. The proposal, does not sit comfortably within its present rural context. Until the final urban form of this area is determined it would be premature to allow the development to locate here in anticipation of a subsequent shift of landscape and landscape character from rural to urban once the Metropolitan Urban Limits relocates to the north.

It is considered that the threshold test to approve a non-complying activity under Section 104D of the Resource Management Act has not been met as the effects on the environment are considered to be more than minor, and the activity is contrary to key Objectives and Policies of the Operative District Plan. Furthermore, the proposal does not satisfy any of the above tests. Jurisdiction to grant consent has not been established.

## **RECOMMENDATIONS**

As a consent authority established under the Resource management Act, Council is charged with managing natural and physical resources in a wise and efficient manner for the benefit of the environment and the community as a whole. Decisions need to be carefully considered to ensure that the environment can be sustained for future generations.

The proposed development would introduce an urban activity that would compromise the landscape character, introduce buildings / structures not compatible with its surroundings, fragments the rural and neighbourhood character, and results in incremental urban growth. The proposal is considered that the actual and potential adverse effects of the proposed activity are more than minor.

The proposal would not be consistent with the form and scale of buildings / structures in the locality with the receiving landscape unable to accommodate this form of development without adversely affecting its prevailing characteristics. The buildings/ structures that extend across the entire site introduce urban elements that would intrude and fragment the neighbourhood character of the surrounding area.

This is considered to lead, on an individual and cumulative basis, to both pressure for urban expansion, and the fragmentation of rural character and amenity.

The proposal would be contrary with the Operative District Plan and Regional policies, and would undermine its integrity.

For these reasons, it is recommended that consent to be refused to erect and operate a golf driving range.

Report prepared by: Matthew Wright, Resource Planner.

