

**AGENDA FOR AN ORDINARY MEETING OF THE HEARINGS COMMITTEE TO BE HELD IN
THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,
ON THURSDAY, 29 JULY 2004, COMMENCING AT 9.30 AM.**

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1 APOLOGIES



2 URGENT BUSINESS

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

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

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

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



**3 NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE
RESOURCE MANAGEMENT ACT 1991 BY K AND M BABER TO ESTABLISH A
CHILDCARE CENTRE FOR UP TO 30 CHILDREN WITHIN AN EXISTING DWELLING
AT 131 ATKINSON ROAD, TITIRANGI**

NEW LYNN WARD

RMA 20030739

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:	Jeannette Ibrahim
Site Address:	131 Atkinson Road, Titirangi
Applicant:	Karanne and Martin Baber
Date Received:	22 May 2003
Building Consent No:	Not yet applied for
Legal Description:	Lot 10 DP 43443
Address for Service:	K & M Baber, 8 Arapito Street, Titirangi
Site Area:	994m ²
Unit Site Area(s):	N/A
District Plan:	
Human Environment:	Living 2
Natural Area:	General/ Managed
Landscape Elements:	N/A
Hazards:	Stability sensitive (Transitional maps)
Roading Hierarchy:	District Arterial
Further Information Required:	Yes
Date Requested:	9/5/2003; 5/9/2003; 17/12/2003
Date Received:	27/8/2003; 17/11/2003; 3/5/2003

1.0 INTRODUCTION AND RECOMMENDATION

1.1 Nature of the Application

The applicant seeks consent to establish a Childcare facility for up to 30 children in an existing dwelling as a non-residential activity in a Living Environment that would require site works within 1m of the northern and southern boundaries over an area of approximately 200m² for car parking and driveway formation.

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 environmental effects of this proposal are primarily related to amenity values and the cumulative effects of allowing the proposed activity on a residential site. Such consideration included the associated vehicle movements to and from the site, parking availability, noise, privacy - including the proximity of the proposed outdoor play area to the neighbouring properties, and on-site amenity.

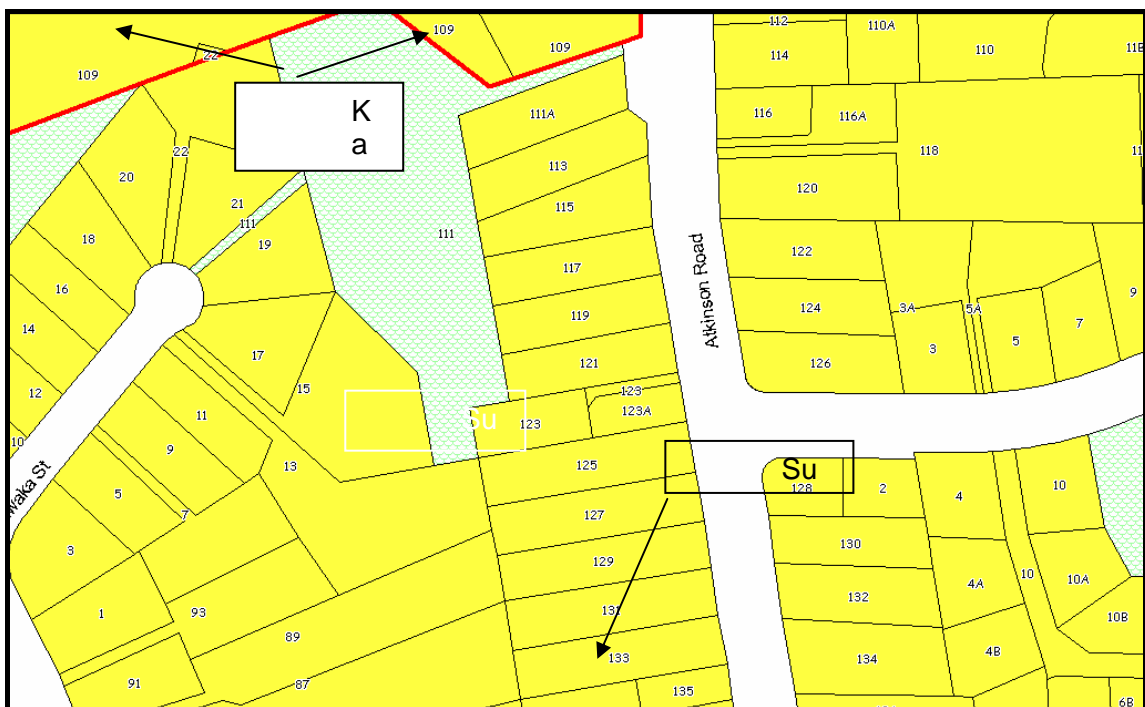
Other important aspects of the proposal for consideration related to the scale, character and intensity of the proposed development in relation to the surrounding environment and the District Plan policies and objectives.

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 granted** to the application for conversion of an existing dwelling to a 30-place childcare centre at 131 Atkinson Road, Titirangi.

It is considered that the environmental effects that may be generated by the activity would be minor or could be adequately avoided, remedied or mitigated by the imposition of conditions, and that the relevant objectives and policies of the District Plan will be satisfied.

2.0 LOCATION PLAN



Human Environment: Living 2
Natural Area: General
Legal Description: Lot 10 DP 43443
Area: 994m²

3.0 PROPOSAL

The applicant seeks consent to make additions and alterations to an existing dwelling and to establish a childcare centre on the site for up to 30 children. The childcare centre would cater for 4 children under the age of two years and the remainder (up to 26 children) would be under five years old. Hours of operation would be from 7.30 am to 5.30 pm Monday to Friday and up to five staff members would be employed though it is anticipated that only four staff would be on the site at any one time. Care is offered on an informal rather than a sessional basis and the facility is unlikely to be operating at maximum capacity for the entire time it is open. There would be no set times for drop off and pick up, thus some children would be present for only part of the day while others would be present for most, or all of the day. Landscape planting and acoustic fencing is proposed along the southern and northern boundaries.

The proposed works comprise the following:

- 31.5m² addition across the rear of the dwelling to provide increased internal play area and a staff office;
- Ramp access to a 2.0m wide veranda extension beyond the new addition that would provide a covered deck area with direct access to the indoor play area;
- Earthworks at the front of the site to provide on-site parking for 7 vehicles that includes two stacked parks for staff and would be paved entirely with turf blocks to mitigate the effects of increased impermeable surfaces;
- Installation of stormwater mitigation systems (permeable paving, detention tank, dispersal trench) to mitigate the increased impermeable surfaces created on a non-reticulated site.

A1-A48

The applicant consulted with seven neighbours prior to lodging the application who had been identified as likely to be most affected, and the details of that consultation are attached at pages A1 to A48 (Appendix One - Application as notified). Affected parties were identified as the owners/occupiers of 129 Atkinson Road, 133 Atkinson Road (shared boundaries to the north and south of 131 Atkinson Road - the subject site); 87 Daffodil Street (to the rear of the subject site); 130 Atkinson Road, 132 Atkinson Road and 134 Atkinson Road (on the opposite side of the road). Written approvals were obtained from 1/132 Atkinson Road, 2/132 Atkinson Road, 87 Daffodil Street and 130 Atkinson Road.

4.0 REASONS FOR THE APPLICATION

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

General Natural Area

Earthworks - Rule 3.3(a). Limited Discretionary Activity consent is required where plan area of earthworks outside the building platform is greater than 100m² and would occur closer than 1m from any site boundary. A 225m² car parking area would be created at the front of the site and within 0.5m of the northern boundary

Impermeable Surfaces - Rule 4.2. Limited Discretionary Activity consent is required to create more than 15% net area where the site is not connected to a reticulated stormwater system. It is proposed to cover approximately 31% of the net area of the site in impermeable surfaces.

Living Environment

Non-Residential Activities

Rule 10.4. Discretionary Activity consent is required for non-residential activities not meeting the performance standards for home occupations or existing non-residential activities on a site. The proposal is not a home occupation and has not yet been established on the site.

Traffic Generation - Rule 11.3. Discretionary Activity consent is required if a non-residential activity generates more than 50 vehicles movement per day or more than 1% of the roads daily traffic volume. The proposed childcare care centre would generate up to 70 daily movements.

Car Parking and Driveways - Rule 12.3. Limited Discretionary Activity consent is required for all non-residential activities except home occupations where more than 3 car parking spaces would be required.

Transport Environment

Vehicle Crossings - Rule 7.3. Limited Discretionary Activity consent is required where there is more than one vehicle crossing to a site. It is proposed to create a second vehicle crossing near the north boundary to the site to enable one-way traffic through the site.

City Wide (General) Rules

Natural Hazards - Rule 1.1. Limited Discretionary Activity consent is required to undertake building work on a site known by Council to be or likely to be subject to natural hazard. Although the subject site is listed as having no known hazard it is noted (from the Transitional Planning Maps) the site lies within an area that is recognised as being stability sensitive.

4.3 Overall, the application is considered to be a *Discretionary Activity*. The proposal complies with all other development controls under the District Plan.

4.4 A building consent would also be required for this proposal but has not yet been applied for.

5.0 THE SITE AND NEIGHBOURHOOD DESCRIPTION

The site lies on the west side of Atkinson Road some 40m south of the road's intersection with Woodfern Crescent. It is rectangular and more or less flat over the front two thirds of the site but drops quite steeply to a gully at the rear of the site. It is slightly elevated above the adjoining properties to the rear (westernmost) boundary, on Daffodil Street, with a physical separation of at least 100m between buildings and a gully in between. The existing single storey, weatherboard dwelling is located relatively close to the road within the front half of the site and the rear third of the site is bush covered.

A primary and intermediate school (Kaurilands School, Glen Eden Intermediate) are located to the north of the site and the area is otherwise characterised by older, single level housing stock with most sites having one or two dwellings on them. Neighbourhood character is starting to change with the advent of infill development and the appearance of more modern, two storey dwellings on smaller sites.



Existing dwelling viewed from road.

Rear of dwelling with proposed play area in foreground



6.0 ISSUES IDENTIFIED THROUGH THE SUBMISSION PROCESS

A49-A83

The application was publicly notified on 4 December 2003. Notice of this application was served on all identified affected persons on this date, as attached at pages A49 to A52. The period for submissions closed on 23 January 2004. Ten submissions were received, two of which were late submissions, and all of which opposed the application. Please refer to pages A53 to A83 for copies of the submissions that were received. A map showing the location of the submitters is attached at page A54.

6.1 Submissions

The following summary of submissions is listed in order of receipt date:

Person (Owner/Occupier)	Address	Support Oppose	Reasons
1. C Jesson-Grigg	166 Atkinson Road	Oppose	1. School & childcare facilities already along Atkinson Road plus through road between Titirangi & Glen Eden creates traffic problems that will be exacerbated. 2. Community already well served with day care centres.
2. J Edwards	127B Atkinson Road	Oppose	1. Noise from outdoor play. 2. Traffic problems on Atkinson Road.

Person (Owner/Occupier)	Address	Support Oppose	Reasons
3. M & M Satele	129 Atkinson Road	Oppose	1. Proposal will add to congestion on the road - disagree with traffic report re sight lines - double driveway will affect our exit. 2. Noise only 5m from main living area of the (our) house.
4. AC Browning	136 Atkinson Road	Oppose	1. Increase in traffic volume - disagrees with traffic report - Council should provide extra parking. 2. Likely damage to or loss of native vegetation.
5. L Haskell	134 Atkinson Road	Oppose	1. Adds to traffic congestion & already inadequate street parking. 2. Site itself unsuitable with limited play area - need to protect bush, stop children getting to creek. 3. Will lead to loss of personal amenity
6. TM Reid	135 Atkinson Road	Oppose	1. Entirely non residential. 2. Poor parking facilities & effect on street parking ignored. 3. Noise + traffic detrimental to adjacent properties - more suitable properties elsewhere.
7. & 9. S Thompson	133 Atkinson Road	Oppose	As for 6. above.
LATE SUBMISSIONS			
8. Kaurilands School Board of Trustees	109 Atkinson Road	Neutral	1. Have concerns regarding increased traffic flow especially in morning peaks.
10. MM & DB Dowding	137 Atkinson Road	Oppose	1. Procedural inaccuracies. 2. Traffic issues - accidents, traffic conditions during peak times, vehicle speeds, vehicle access, sight distances & sight lines, ratio of car parks to children.

7.0 STATUTORY REQUIREMENTS

7.1 Discretionary Activities

A94-A96

The relevant policies and criteria which apply under the District Plan and the Resource Management Act 1991 are set out in more detail as attached at pages A94 to A96. This should be referred to as the legal framework within which the application should be addressed.

Section 104 of the Resource Management Act 1991 sets out those matters to be considered when assessing an application for resource consent. Amongst other things, these matters require consideration of any actual and potential effects on the environment arising from the proposal, together with an assessment as to whether the application is consistent with relevant objectives, policies and rules of the District Plan. All considerations are subject of the provisions of Part II of the Resource Management Act 1991, which sets out the purpose and principles that guide this legislation.

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.

The following assessment of effects is undertaken on the basis that the level of effects arising is avoided, remedied or mitigated (as appropriate) by the proposed consent conditions contained in this report.

It should be noted that this proposal has been assessed against the ‘permitted baseline’ that would allow a residential dwelling and associated residential activities, and also allow home occupations to be lawfully established provided that any development complied with the relevant performance standards for the Living (Human) Environment and the General Natural Area. This is because although it is proposed to use the existing dwelling for non-residential purposes with no associated residential activity occurring on the site various relevant performance standards would be met. Although the physical ‘bulk and location’ of the proposed additions to the single storey building would satisfy the required standards the proposed childcare centre activity itself is not a permitted activity. Nevertheless, in determining potential effects on adjoining property owners it is considered appropriate to assess the proposed uses of particular rooms within the building against existing uses on the site.

8.1.1 Water Quality and Quantity

There would be de minimis adverse effects in relation to water quality/ quantity arising from the proposed activity as it would be located within the urban area of the City and would not be near a water body or stream.

A84-A86

Council's Water & Drainage Engineer, Helen Chim of EcoWater Solutions, has reviewed the engineering design provided by the applicant and has approved this design subject to conditions, as attached at pages A84 to A86. These conditions would be included in any conditions of consent and provided they are adhered to any potential effects from the proposal would remain de minimis and no greater than those existing on the site prior to development.

In addition conditions would be imposed to ensure that all soil surfaces temporarily exposed during site works are protected by means of silt and erosion control measures. Installation of such measures would ensure that any effects are contained within the site and would be no more than minor.

8.1.2 Native Vegetation, Vegetation and Fauna Habitat

There would be de minimis adverse effects in relation to vegetation and fauna habitat as a result of the proposed activity as the site is within the urban area, is already modified and it is not proposed to remove any protected vegetation or work within the drip line of any vegetation.

The site is largely grassed in the area proposed for the non-residential use or has mainly shrubs and fruit trees that are not protected by District Plan provisions. The applicant proposes to undertake landscape planting as part of the proposal and this would effectively mitigate the loss of existing gardens.

8.1.3 Land / Soil

There would be de minimis adverse effects on soil/ existing landform as a result of the proposed activity as the site is within the urban area, is already modified and the proposed earthworks is in keeping with the scale of development being proposed. The main area of earthworks would be for the formation of the car park at the front of the site and would entail mainly surface scraping. Conditions would be imposed such as installation of silt and erosion control measures, wheel wash facilities and clean up of the street to ensure protection of adjoining properties and protection of the stormwater system from silt laden run-off. Such conditions would ensure that potential effects from the development would be de minimis.

The area proposed for development is located on the flat part of the site. However geotechnical matters would be addressed at building consent stage and would include a requirement to provide a geotechnical report from a registered engineer suitably qualified in soil geo-mechanics. Compliance with any soil report recommendations would ensure that there would be no adverse effects on soil stability from this proposal and appropriate conditions of consent have been recommended.

8.1.4 Air

As the site is within the urban area and the proposed activity does not include air emissions of any kind apart from short-term construction effects, there would be de minimis adverse effects on air quality. Conditions would be imposed limiting hours of operation and noise during the construction period and requiring that any potential dust nuisance is controlled.

8.1.5 Ecosystem Stability

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

8.1.6 Outstanding Natural Features; Landforms, Geological Sites,

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

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

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

8.1.8 Outstanding Landscapes

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

8.1.9 Amenity Values - Health and Safety, Local Areas and Neighbourhood Character

- *Building bulk, overshadowing, physical dominance, privacy, noise.*

A89-A90

The proposed additions would be located along the full length of the back wall of the existing house with the veranda addition wrapping around the southwest corner to merge into a ramped access on the south side of the dwelling. The floor layout would include rooms along this southern boundary that would be associated with normal residential activities such as kitchen, bathroom, laundry and sleep room. These rooms would provide a buffer to the main activity/play areas within the other part of the building. Thus any potential noise generating activity within the building would be separated from any property boundary by at least 5m width of rooms or outdoor areas. Council's Field Services Adviser (Health), Andrew Chalton, as attached at pages A89 to A90 has expressed no concerns with the proposed use of the building and is satisfied with the proposed design and acoustic fencing proposed to mitigate noise effects beyond the site. Any activity on the site would in any case be expected to comply with the noise controls detailed in the District Plan.

The building itself would be single storey presenting a residential façade to the street and would meet all the requirements for height, height to boundary, yard separation, building coverage and outdoor area.

- *Visual amenity, streetscape, sense of place, neighbourhood character, on site amenity, open space.*

This dwelling is one amongst largely older housing stock and the design and orientation is such that it would not be out of place within the existing residential environment. A residential style façade is presented to the street, which would be in keeping with the existing streetscape. The land itself is relatively flat where the activity is to be located and no views would be impeded, while the positioning of the building on the site is such that there would be no impediment to the usability of land within the site, nor impediment to the amenity enjoyed by residents beyond the site.

The neighbourhood is characterised by the presence of schools located on large sites to the north and surrounded by a residential environment where the sites commonly have one or two single storey residential units on them. Neighbourhood shops are located on the corner of Atkinson Road and Kaurilands Road to the north of the site. Thus not only would the building itself be in keeping with the neighbourhood, so too would the proposed childcare activity be in keeping with existing land uses in the area.

- *Infrastructural capacity and availability.*

The proposed building and turf-block paved parking areas would create up to 31% of impermeable surfaces on this non-reticulated site. Council's water and drainage engineer, Helen Chin of EcoWater Solutions, has approved the proposed engineering design for stormwater disposal and is satisfied that compliance with conditions of consent would appropriately avoid, mitigate or remedy any adverse effects from the additional stormwater flows. There would be adequate wastewater capacity and the site is served by town water supply.

- *Traffic generation, on-street parking, driver safety, pedestrian safety, roading capacity & roading network, traffic noise, vehicle movements, access and driveway manoeuvring, driveway width and gradient.*

A87-A88

The applicant has provided a Traffic Impact Assessment report including parking and access prepared by Traffic Planning Consultants Limited - Bryce Hall, August 2003 Ref: 03215, as attached at pages A87 to A88, which has been peer reviewed by Council's Transport engineer, Adam Moller and consultant Greg Morrow. Mr Moller agrees with the assessment and conclusions of the TPC Limited report that state:

"Based on the analyses described [in this report] it is concluded that the traffic and parking effects of the proposed childcare centre at 131 Atkinson Road in Titirangi can be accommodated on the road network without compromising its function, capacity or safety. Therefore the effect of the proposal is considered to be no more than minor."

A number of conditions have been recommended relating to car park standards, signage, planting and design of vehicle crossings and these would be incorporated into any conditions of consent. In addition Mr Moller has noted that there is a fixed speed camera site close to this site in Atkinson Road resulting in lower operating speeds in this area.

Although it is accepted that the primary concern of submitters is related to traffic effects, expert traffic advice would indicate that the traffic effects from the proposal would be no more than minor, would not compromise either road safety or pedestrian safety and would not affect the safe operation of the road network. Anticipated parking needs can be safely provided on site, and safe manoeuvring and ingress/egress can be achieved within and from the site.

The design of the car park itself would utilise the existing road crossing with a second crossing developed near the south boundary which would become 'entry only' while the existing crossing would become 'exit only'. It is anticipated that main use for drop off and pick up of children would occur at times of the day that would be equivalent to normal residential use. Thus surrounding residents are not likely to experience any greater degree of inconvenience than is currently experienced within this part of the road network at the start and end of each working and/or school day.

Overall it is considered that the proposal would generate no more than minor adverse effects on amenity values in terms of health and safety, local area and neighbourhood character and any effects would be avoided, mitigated or remedied by means of consent conditions.

8.1.9 Heritage

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

8.1.10 Summary

Non residential uses have the potential to impact adversely on neighbouring properties because they may generate noise or traffic effects in particular that are not typical of normal residential use. In this case the loss of residential use can be balanced against the following:

- The proposed use of acoustic fencing would ensure that noise would be limited to the levels required by the District Plan.
- Although there would be an increase in traffic movement to the site it is anticipated that main use for drop off and pick up of children would occur at times of the day that would be equivalent to normal residential use. Thus surrounding residents are not likely to experience any greater degree of inconvenience than is currently experienced within this part of the road network at the start and end of each working and/or school day.
- The presence of the speed camera near the site ensures that traffic past the site is travelling at low speed.
- The design of the car park itself would utilise one-way traffic flow to ensure safe management of incoming and outgoing vehicles.
- The building layout provides for low noise uses within rooms closest to the southern site boundary that would be associated with normal residential activities such as kitchen, bathroom, and sleep room. These rooms would provide a buffer to the main activity/play areas within the other part of the building. Thus any potential noise generating activity within the building would be separated from the adjoining property boundary by at least 5m width of rooms or outdoor areas. To the north a buffer is provided by the width of the car parking area and the existing yard separation.
- Equivalent traffic and noise effects might expect to be generated by a large family or a home occupation that could be established on the site as a Permitted Activity.
- No adverse effects would be generated at night or weekends because the proposed hours of operation are from 7.30 am to 5.30 pm weekdays.

It is considered that the actual and potential adverse effects of the proposed activity are *no more than minor* and can be adequately mitigated through appropriate conditions of consent because:

- effects from earthworks would be of short duration and controlled by means of consent conditions;
- stormwater disposal from increased impermeable surfaces would be avoided, remedied or mitigated by means of appropriate design approved by EcoWater and by conditions of consent;
- effects from traffic would not compromise the safe operation of the road network
- design of car parking would allow for safe on-site manoeuvring and safe egress/ingress from the site;
- noise would be controlled by means of acoustic fencing and would be required to meet District Plan standards.

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

8.2.1 District Plan Policies and Objectives

It is considered that the proposed development would be consistent with the objectives and policies of the District Plan. The proposal would result in a loss of housing stock (although residential use could be readily resumed) but presents relatively unusual circumstances because, although childcare centres *per se* are not unusual activities within the City, it is rare to find a suitable site in such close proximity to primary and intermediate schools. Such proximity would allow a relatively seamless transition for users of the childcare facility from pre-school into primary and intermediate education. There are no 'bulk and location' infringements and it is considered that residential/home occupation activities that could be established as of right on the site would result in effects that would be little different from those generated by a childcare centre.

The relevant objectives and policies in relation to this proposal are:

Objective 1; Policies 1.2, 1.5, 1.6 and 1.10 that seek to protect water quality and quantity by reducing vehicle use (and thus discharge from roads); by avoiding modification of landform; and by using appropriate design to manage stormwater disposal. Proposed stormwater design has been accepted by EcoWater Solutions and the locality of the proposal would encourage single drop-off/pick-up journeys.

Objective 10; Policies 10.2, 10.4, 10.6, 10.11 and 10.14 that seek to maintain and enhance the natural characteristics that contribute to human well being by managing activities so as to avoid nuisance effects (such as noise) to occupants of surrounding properties; locating buildings in a manner that ensures appropriate access to sunlight and daylight, outdoor space and privacy within sites and between sites; screening and designing car parking to ensure privacy and on site amenity for adjoining sites; and managing traffic effects in a manner that does not compromise the safety of all road users or surrounding residents and does not compromise the safe operation of the road network.

Objective 11; Policies 11.3 and 11.10 that seek to achieve a quality of activity that would make a positive contribution to local amenity value and neighbourhood character by locating buildings and associated car parking so that neighbourhood character, visual amenity and streetscape are maintained and privacy of adjoining property owners is assured.

8.2.2 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:

General Natural Area - Earthworks

Assessed in terms of scale, method, design landscape treatment and location and in accordance with Assessment Criteria 3(a) to 3(q).

The proposal would require surface scraping over an area of approximately 200m² and within 1m of the northern and southern boundaries for construction of a 7-space car parking and manoeuvring area. This would be consistent with the scale of activity proposed and would still provide ample opportunity at the boundaries and within the site and road berm for landscape planting. The car park would not be out of character in this highly modified residential environment and there would be provision of screen planting on the boundaries except for the entrance to the site. Silt and erosion control measures would be required for the duration of earthworks, as would measures to protect the road network and footpaths from damage. Other conditions would include controls on hours of operation and prevention of dust nuisance. The proposal is therefore considered to be in accordance with the relevant assessment criteria.

General Natural Area - Impermeable Surfaces

Assessed in terms of scale, location, method, clearance, landscape treatment and method of stormwater disposal and in accordance with Assessment criteria 4(a) - 4(k).

The proposal does not require clearance of protected vegetation and would have no impact on the natural ecosystem or ecological linkages as it is located within a highly modified urban environment characterised by urban landscapes comprising exotic gardens and small trees or low shrubs. Landscape planting has been proposed and engineering approval has been provided for the proposed storm water disposal system, subject to conditions. The proposal is therefore considered to be in keeping with the relevant assessment criteria for impermeable surfaces.

Living Environment - Non-Residential Activities

The proposed childcare centre would not:

- impact adversely on infrastructure, provided there is compliance with the conditions of consent;
- compromise either traffic safety or the safe operation of the road network;
- compromise pedestrian safety, residential safety or the residential coherence of the neighbourhood; and

would be compatible with existing amenity values and neighbourhood character. The proposal is therefore deemed to be in accordance with (Non Residential Activity) Assessment Criteria 10(a) - 10(c) and (Traffic) Assessment Criterion 11 (a).

The proposed car parking area meets the required performance standards for car parking, would provide sufficient spaces to meet anticipated demand, would be provided with border planting to provide a visually attractive frontage and would not create adverse visual or aural effects on adjoining sites because of proposed and existing fencing and screen planting. The parking would therefore be in accordance with (Parking) Assessment Criteria 12(a) - 12 (c).

Transport Environment - Vehicle Crossings

Assessment is limited to location, design and drainage and considered in accordance with Assessment Criteria 7(a) - 7(d).

Council's Transport Assets Engineer, Adam Moller, has reviewed the application and recommended conditions that would ensure that the vehicle crossings would meet the required performance standards in terms of shape, slope, construction design and drainage to satisfy the relevant assessment criteria. Payment of a performance bond is recommended to cover damage to the existing crossing and compliance with the required performance standard.

Natural Hazards

Assessment is limited to matters of design, location and monitoring and considered in accordance with Assessment Criteria 1(b) and 1(c).

A geotechnical report would be required to be submitted to Council with any building consent and compliance with any recommendations would ensure that there would be no adverse effects either within or beyond the site from the proposal. The site is not being subdivided and is not subject to inundation and the proposed additions would occur on the flat part of the site. It is therefore considered that with appropriate conditions of consent the proposal would satisfy Criteria 1(b) and 1(c).

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 Proposed Waitakere District Plan has been prepared.

Policies within the Regional Policy Statement reflect the need to avoid where practical, or remedy or mitigate adverse effects from development on the natural character of areas [contributing to run-off into coastal waters] and to avoid, remedy or mitigate adverse effects from sediment discharge to waterways. To be consistent with the Auckland Regional Policy Statement it would be necessary to ensure that elevated levels of sediment do not enter the watercourse as a result of any works. It is noted that measures to control sediment during construction are contained in the Erosion and Sediment Control Measures Appendix in the Waitakere City District Plan. With conditions in place requiring the implementation of the recommendations of this Sediment and Erosion Control Measures Appendix, it is considered that the proposal would mitigate adverse effects from development on the natural character and would avoid adverse effects from the sediment discharge to waterways.

Auckland Regional Policy Statement is also concerned that expansion of activities beyond the Metropolitan Urban Limits does not threaten environmental qualities and thresholds (Urban Growth Management) and is not exploiting cheaper land costs. In this case the application is clearly an intensification of land use for a childcare facility in response to community demand and close to other educational establishments that would be consistent with objectives of promoting less use of private vehicles by reducing numbers of vehicle trips.

Therefore the proposal is considered to be consistent with the policies of the Auckland Regional Policy Statement.

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

8.4.1 Other Issues Raised by Submitters Not Covered Elsewhere in Report

Traffic Issues

All the submitters have expressed concerns with respect to traffic in terms of safety, congestion, safe operation of the exit/entry to the site and street parking. Whilst it is recognised that local residents will always experience some level of inconvenience on any busy road, this would be the case on every road servicing a school throughout the city. Roads are public thoroughfares that are very difficult to regulate but it is expected that road users will (for the most part) 'drive to the conditions'.

All the aspects of particular concern, namely parking, vehicle access and traffic, have been assessed by two qualified traffic engineers (independent of the applicant's traffic engineer), who have concurred that "*The proposal can be supported providing the consent conditions are met*".

Noise

There is no particular evidence to indicate that childcare centres generate excessive noise. I have reviewed Council's database for a number of childcare centres located within residential settings and have found no evidence of complaints about noise. The District Plan sets limits on allowable noise levels and activities are required to comply with these limits. There is therefore a mechanism already in place that would ensure that noise levels are maintained at suitable levels.

8.4.2 Bonds/Reserve Contributions/Development Levy/Financial Contributions

No development levy is to be imposed on this proposal and a reserve contribution would not be required as this is not a subdivision proposal. However it is considered reasonable to require a vehicle crossing and road damage bond to cover the cost of construction of the second vehicle crossing, upgrading of the existing crossing and possible road damage during the construction period. This has been assessed at \$2,500.00 being standard Council charges for such works.

8.4.3 Monitoring

The performance of the activities under this consent will be subject to Council's standard monitoring procedures. These procedures include scheduled inspections to ascertain compliance with conditions of consent, together with periodic inspections as and when required to establish whether conditions are being complied with on an ongoing basis. In particular, attention is likely to be directed toward the implementation of conditions relating to silt and erosion controls, construction of the vehicle crossings and construction of acoustic fencing.

8.4.5 Any Other Relevant Non-Statutory Documents

There are no District Plan decision notices, Regional Growth Strategy matters, non-statutory documents such as reserve management plans and Council policy/strategy documents, designations or heritage orders that apply to this site or the immediate surrounds.

8.5 Lapsing of Consent

Under section 125 of the Resource Management Act 1991, unless it is given effect to, a consent lapses either on the date that is specified in the consent or if no date is specified, 5 years after the date of commencement of the consent.

A standard five year period in which to give effect to this consent is considered appropriate because such proposals are often dependent on obtaining 'start-up' funding and obtaining approvals from other bodies such as the Minister of Education and it would be reasonable to provide an appropriate time frame for this to occur. There are no other foreseeable circumstances within the next five years that would affect the implementation of this proposal.

9.0 PART II OF THE RESOURCE MANAGEMENT ACT 1991

It is considered that the proposal would be consistent with Sections 5, 6, 7 and 8 of the Resource Management Act 1991.

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

It is considered that the granting of this application would not be contrary to the purpose of the Act. The proposal will enable people and communities to provide for their economic, social and cultural well-being and their health and safety without significantly compromising the needs of future generations or the life supporting capacity of natural resources such as air, water and soils.

The proposal would allow for the establishment of a childcare centre with associated car parking that would be appropriate within the environment and would be able to establish and operate in such a way that the amenities of the neighbourhood would not be adversely affected. Establishment of a child care is a response to a public need that has been clearly expressed in recent media reportage. Through the imposition of appropriate conditions of consent, it is considered that the proposed activity can sufficiently avoid, remedy or mitigate any adverse effects on the environment.

10.0 CONCLUSION

The applicant seeks consent to make additions and alterations to an existing dwelling and establish a childcare centre for up to 30 children as a non residential activity. The subject site is located at 131 Atkinson Road, Titirangi. The site is within the Living Human Environment and the General and Managed Natural area. Site works would occur within the General Natural Area portion of the site and infringements generated by the proposal require consent for over 100m² earthworks within 1m of the north and south boundaries, construction of a second vehicle crossing, provision of car parking and establishment of a non residential activity that is not a home occupation.

It is considered that the proposal meets the criteria for granting consent as the potential adverse environmental effects are no more than minor and can adequately be mitigated through the imposition of appropriate conditions of consent. It is considered that the establishment and operation of a childcare centre within an existing dwelling as a discretionary activity will not lead to a decline in the amenity values of the area in which it seeks to locate.

The proposal is considered to be consistent with the objectives and policies of the District Plan which seek to achieve a quality of activity that would make a positive contribution to local amenity value and neighbourhood character by managing activities in existing buildings and associated car parking so that neighbourhood character, visual amenity and streetscape are maintained and privacy of adjoining property owners is assured.

It is considered that the issues raised by the submitters can be adequately addressed through the imposition of appropriate conditions or by compliance with performance standards of the District Plan.

Subject to any additional and/or contrary evidence being presented at the hearing, it is concluded that the application merits consent in accordance with Section 104 of the Resource Management Act 1991.

RECOMMENDATIONS

That pursuant to Sections 104,104B, 104D, 108 and 113 of the Resource Management Act 1991, and subject to additional or contrary information being presented at the hearing, **consent be granted** to the application by K and M Baber to establish a childcare centre for up to 30 children as a non residential activity, requiring up to 200m² earthworks within 1m of the north and south boundaries and a second vehicle crossing on s site that may be stability sensitive at 131 Atkinson Road, Titirangi being Lot 10 DP 43443 for the following reasons:

- (i) Any adverse effects on the environment would be no more than minor because:
 - effects from earthworks would be of short duration and controlled by means of consent conditions;
 - stormwater disposal from increased impermeable surfaces would be avoided, remedied or mitigated by means of appropriate and approved design and by conditions of consent;
 - effects from traffic would not compromise the safe operation of the road network;
 - design of car parking would allow for safe on-site manoeuvring and safe egress/ingress from the site;
 - noise would be controlled by means of acoustic fencing and would be required to meet District Plan standards.
- (ii) The proposal satisfies the relevant assessment criteria and is consistent with the relevant objectives and policies of the Waitakere City Operative District Plan.
- (iii) The proposal is not contrary to Part II of the Resource Management Act 1991

Consent shall be subject to the following conditions:

GENERAL

1. The development shall proceed in accordance with the plans titled Proposed daycare Facility, 131 Atkinson Road, Titirangi - floor Plan, Site Plan prepared by Martin Northcott Architectural Design and dated Feb 2003 and all referenced by Council as RMA 20030739 and the information, including further information, submitted with the application.
2. Pursuant to section 125 of the Resource Management Act 1991, this consent shall lapse after a period of five (5) years from date of issue of the consent.

EARTHWORKS

3. **Before commencement of any works and until completion of exposed earth site works**, adequate sediment and erosion control measures shall be constructed and maintained by the consent holder. The control measures must be maintained until the site has been adequately stabilised against erosion. The construction and maintenance shall be in accordance with Appendix 3, Erosion and Sediment Control Measures Appendix to the Natural Area Rules of the Waitakere City Council District Plan (attached as appendix A to this consent).

Please **advise Council's Environmental Monitoring Officer when the controls are in place and await the approval of the monitoring officer** before commencing work.

4. The consent holder shall implement suitable measures, such as wheel wash facilities or the construction of a stabilised entrance way, to prevent the deposition of earth on the surrounding streets from trucks entering or leaving the site, to the satisfaction of the Manager Resource Consents. These measures shall remain in place until the completion of the development. Should any material be deposited on the street, it shall be removed immediately at the expense of the consent holder.
5. Footpaths, berms and kerbs shall be protected from damage by crossing or parking vehicles to the satisfaction of the Manager Resource Consents. Any damage which is attributed to the earthworks operation shall be rectified at the cost of the consent holder.
6. The development works are to be carried out in accordance with NZS 6803P:1984 'The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work' with the exception of the hours of work, which are to be limited as follows:

Monday to Friday:	7.30 am to 7.00 pm
Saturday	8.00 am to 5.30 pm
Sunday and Public Holidays:	No Work
7. All necessary action shall be taken to prevent a dust nuisance to neighbouring properties to the satisfaction of the Manager Resource Consents.

LANDSCAPE TREATMENT

8. The planting outline provided with this application shall be supplemented by a comprehensive landscape treatment plan that must be approved by Council's Environmental Monitoring Officer within 3 months of the date of issue of this consent.

Note: *All planting undertaken at the head of parking spaces shall be restricted to ground coverage height only. Any additional height would inhibit full entry of the vehicle into the parking space.*

Planting of the proposed internal circulation island shall not be of a dense nature as to block out sight of manoeuvring vehicles in the parking spaces.

9. Landscaping shall be provided in the locations indicated according to the approved Landscape Treatment Plan to the satisfaction of the Manager Resource Consents.
10. All planting shall be completed according to the approved planting plan within the first planting season following commencement of construction. All planting shall be maintained for a minimum of one further planting season with any plant losses within this time being replaced and maintained for a further planting season from date of replacement.

FENCING

11. Screen/acoustic fencing of a construction method approved by the acoustic engineer (Hegley Acoustic Consultants) to a height of not less than 1.8m shall be provided for the length of the north and south boundaries and to the west along the delineated limits of proposed activity to the satisfaction of the Manager Resource Consents.
12. To ensure the safety of children within the play area, pool-style fencing shall be erected around the perimeter of the designated 12m x 12m play area.

ECOWATER

13. All infrastructure relating to stormwater treatment and disposal, wastewater disposal, and water supply shall be accepted by Eco-Water. Compliance with the Waitakere City Council Code of Practice for City Infrastructure and Land Development (WCC COP), District Plan, Countryside and Foothills Stormwater Management Code of Practice is deemed to be in accordance with the above condition.
14. The stormwater mitigation and quality treatment report and design provided by the applicant is approved subject to the following conditions.
 - (i) Provide a 1300 L water tank and permeable paving as proposed in the report dated 2 May 2004 with the tank overflow and permeable paving subsoil drain taken to a kerb discharge. Details of the private drainage work to be provided at building consent for approval.

TRAFFIC AND PARKING

All conditions relating to traffic shall be to the satisfaction of the Service Manager: Transport Assets.

15. Form and construct the proposed car park including marking for 7 cars.
16. Form and construct two standard detail SD 3.14, high volume/speed entry vehicle crossings as contained within Councils Code of Practice for which vehicle crossing detail form/s shall be completed and returned to Council.
17. Inspection of the boxing prior to concrete pouring is required. Contact phone 836 8000 extension 8725, at least 48 hours prior to the inspection being required.
18. Any existing vehicle crossing made redundant as a result of the proposed works is to be removed with the footpath and berm reinstated.
19. New vehicle crossings shall be located clear of roadside furniture such as signs and power poles, any relocation costs required shall be met by the applicant. Note this includes bus stops.
20. For the safety and amenity of pedestrians, any proposed vehicle crossing should be separated from any adjacent crossing by at least 2m.
21. Safety platforms for the driveway gradients shall comply with SD 3.15 as contained within Council Code of Practice. Changes in gradient shall be transitioned to prevent ground scraping. For cars the critical magnitude for change in gradient is 14% (8 degrees).
22. The proposed staff car parks as laid out in the Martin Northcott February 2003 plan SP1, shall be moved 1m westward toward the trellis screen to provide additional length to car park 3. This is to avoid cars from not pulling completely into the space and blocking the exit route.
23. The southern crossing shall be marked (with an inwards direction arrow on the vehicle crossing) and signed as an entry only, with the northern vehicle crossing marked and signed as an exit only. The internal driveway shall be marked with an arrow indicating the correct direction of travel. A plan showing the marking and signs proposed shall be submitted for approval prior to implementation, and opening of the childcare centre.
24. All markings and signs shall comply with the latest revision of the Transit New Zealand "Manual of Traffic Signs and Markings", Part 1 Signs, and Part 2 Markings

GEOTECHNICAL

25. A geotechnical engineer's report shall be provided and be to the satisfaction of the Manager, Resource Consents prior to the issue of a building consent. All development shall then proceed in accordance with this report. A copy of the report shall be forwarded to the Resource Consents department.

BONDS

26. A refundable cash bond of \$2,500 shall be deposited with Waitakere City Council to ensure compliance with Conditions 15, 16 and 18 of this consent.

MONITORING

27. A consent compliance monitoring fee of \$410.00 (inclusive of GST) shall be paid to the Council. This fee is to recover the actual and reasonable costs incurred ensuring compliance with the conditions of this consent. If, on inspection all conditions have not been satisfactorily met, a re-inspection shall be required at the relevant hourly rate applicable at the time the re-inspection is carried out.

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

Advice Notes:

1. Where indicated in the conditions it is the consent holders responsibility to inform the Environmental Monitoring Officer at least 48 hours prior to when inspection is required. Inspections can be requested through the Call Centre on 849 0400.
2. In order to enhance linkages with the existing native vegetation on the site it is recommended that plant species for landscape treatment be selected from Councils 'Guide to Planting and Restoring the Nature of Waitakere City' (Feb 1997) for Ecosystem 4 - Warm Lowlands Ecosystem.

Report prepared by: Jeannette Ibrahim, Senior Resource Planner.

