

**AGENDA FOR A MEETING OF THE HEARINGS COMMITTEE TO BE HELD IN THE
CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,
ON THURSDAY, 14 JULY 2005, COMMENCING AT 9.30 AM.**

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1 APOLOGIES



2 URGENT BUSINESS

Section 46A(7) of the Local Government Official Information 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 Committee by resolution so decides; 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 and decision, why the item is not on the agenda, and why it cannot be delayed until a subsequent meeting.

The Committee may make a decision on a matter determined to be urgent.

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



3 CONFIRMATION OF MINUTES

Meeting Minutes - Thursday, 23 June 2005

RECOMMENDATION

That the minutes of the Meeting of the Hearings Committee held on Thursday, 23 June 2005, as circulated, be taken as read and now be confirmed.



4 NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991 BY RANUI BAPTIST CHURCH TO CARRY OUT ALTERATIONS AND ADDITIONS TO BUILDINGS ASSOCIATED WITH AN EXISTING NON-RESIDENTIAL ACTIVITY (RANUI BAPTIST CHURCH) IN ORDER TO INCREASE THE CAPACITY TO 280 PERSON, AND ASSOCIATED TRAFFIC GENERATED BY THE ACTIVITY. PROPOSAL INCLUDES THE ERECTION OF A FREESTANDING SIGN AND WATER TANKS, REMOVAL OF A SILVER BIRCH TREE AND WORKS WITHIN THE DRIPLINE OF A NORFOLK ISLAND HIBISCUS AND EARTHWORKS THAT RESULT IN THE RECONFIGURATION AND EXTENSION OF THE PARKING AREA, AND AN ADDITIONAL VEHICLE CROSSING. PROPOSAL EXCEEDS BUILDING COVERAGE AND IMPERMEABLE SURFACE LEVELS. AT 460 - 464 SWANSON ROAD

MASSEY WARD

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

Date Received:	11/10/04
Resource Consent No:	RMA 20042241
Building Consent No:	None lodged to date
Legal Description:	Lot 1 DP 54837
Address for Service:	John Childs Consultant Limited PO Box 52077 Kingsland AUCKLAND
Site Area:	3339m ²
District Plan:	
Human Environment:	Living
Natural Area(s):	General
Landscape Elements:	None
Hazards:	None Known
Roading Hierarchy:	District Arterial / Local
Further Information Required:	Yes
Date Requested:	27/10/04
Date Received:	08/03/05

1.0 INTRODUCTION AND RECOMMENDATION

1.1 Nature of the Application

The applicant seeks consent to carry out alterations and additions to buildings associated with an existing non-residential activity (Ranui Baptist Church) in order to increase the capacity of the auditorium to 280 persons, and associated traffic generated by the activity. Proposal includes the erection of a freestanding sign, removal of a silver birch tree and works within the drip line of a Norfolk Island Hibiscus and earthworks that result in the reconfiguration and extension of the parking area. Proposal exceeds building coverage and impermeable surface levels.

The proposal is assessed as a Non-Complying Activity under the provisions of the Operative District Plan.

1.2 Resource Management Issues Raised

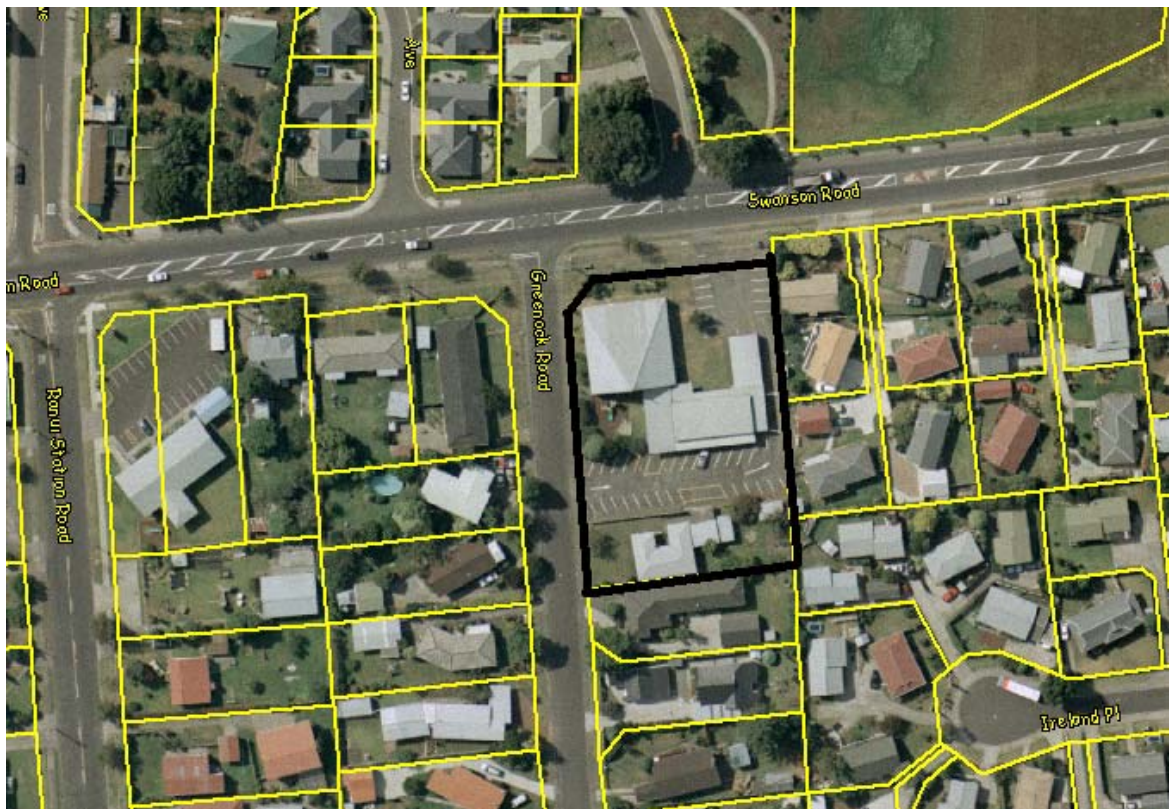
The Resource Management Act 1991 requires that, when considering an application for a resource consent, a consent authority shall have regard to the environmental effects of the proposed activity, together with any relevant objectives, policies and rules of the District Plan.

The significant resource management issues associated with the proposal are related to residential amenities, visual amenities, landscape character, parking, traffic generation, and the impact of increasing the size and scale of a non-residential activity within the Living 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 granted** to the application as 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



3.0 PROPOSAL

The proposal relates to alterations and extensions to the existing church facility in order to accommodate both additional persons (from 240 to 280) with the construction of a mezzanine floor within the existing building profile, and the 'filling in' of the courtyard (195m²) that fronts onto Swanson Road that provides multi purpose space.

Alterations and modifications to the existing dwelling would occur that allows for the expansion of the parking area, and removes parking directly associated with the dwelling.

Activities described includes but not limited to 4 services on Sundays, funerals and weddings, youth activities, workshop practices, and community activities. The hall is also available for private functions. Timing of Activities includes:

- Sunday Services 10.30 - 12.00 pm, 1.00 - 3.00 pm, 4.00 - 5.00 pm, 7.00 - 8.30 pm.
- The playgroup is held Monday to Wednesday mornings.
- Youth activities and worship practices on Wednesday, 6.30 - 8.30 pm, and Thursday 7.00 - 9.00 pm.
- Community Courses and Ladies Group Meetings on Thursday, 7.30 - 9.00 pm, and Friday, 7.30 - 9.00 pm.
- In 2004, four weekday funerals and four Saturday weddings with congregations of approximately 100 persons.

The applicant has confirmed that the premises would be used seven days a week between 8.00 am to 10.00 pm.

Building Coverage in consequence of the proposed works has increased from 32.9% to 35.9%. The 35% building coverage includes the provision of 20m² for a covered parking space associated with the dwelling. The carport that provided this covered car space has been subsequently deleted. Resultant building coverage therefore measures 35.4%.

To accommodate the additional numbers, the parking and manoeuvring areas are to be configured and extended (to the south-east boundary) with 'formal' parking provided on site increased from 44 to 54. This would generate earthworks in the order of 69m³ over 300m².

The proposal results in a minor adjustment of the vehicle crossing along Swanson Road.

The proposal increases impermeable surfaces from 66% to 81%, with mitigation proposed that involves use of detention tanks, storm water swales and permeable paving.

The applicant has part of the application has provided the following specialist reports:

- Traffic Impact Report provided by TPC Limited.
- Noise Report provided by Kingett Mitchell.
- Storm water Mitigation Report by Dainty Alderton Consulting Engineers.

Also attached is a Landscape Scheme

The applicant has detailed consultation that occurred prior to lodgement. No written approvals, however, were provided with the application.

A133-A137

Since the application was notified, the car port along Greenock Road and the associated vehicle crossing have been deleted, along with the additional hanging tavern sign. The landscaping proposal has also been modified, with the minor re-positioning of the water tank and the inclusion of gobibloc / grass paved areas. These amendments subsequent to notification are attached at pages A133 to A137.

4.0 REASONS FOR THE APPLICATION

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

Living Environment

The application is assessed as a Discretionary Activity Consent pursuant to **Rule 7.2 Building Coverage** as the proposed development increases building coverage to 36%.

The application is assessed as a Discretionary Activity Consent pursuant to **Rule 10.3 Non-Residential Activities** as the proposal entails additions to the existing building, that would not entail retail sales

The application is assessed as a Discretionary Activity Consent pursuant to **Rule 11.3 Traffic Generation (Non-Residential Activities)** as the proposal would exceed 50 vehicle movements, or 1% of the road's daily volume. This relates to traffic generated on Greenock Road.

The application is assessed as a Limited Discretionary Activity pursuant to **Rule 12.3 Car Parking and Driveways** as the proposal relates to a non-residential activity not defined as a home occupation, or two clearly-defined parking spaces associated with the residential dwelling.

The application is assessed as a Non-Complying Activity pursuant to Rule 15.3 Signs as the proposed freestanding sign has a site area of 4.5m²

General Natural Area

The application is assessed as a Limited Discretionary Activity Consent pursuant to **Rule 2.3 Vegetation Alteration** as the proposal entails the removal of a silver birch tree.

The application is assessed as a Controlled Activity Consent pursuant to **Rule 2.2 Vegetation Alteration** as the proposal entails works within the drip line of a Norfolk Island Hibiscus.

The application is assessed as a Limited Discretionary Activity Consent pursuant to **Rule 3.3 Earthworks** as the extension of the parking areas result in earthworks in the order of 69m³ over 300m².

The application is assessed as a Limited Discretionary Activity Consent pursuant to **Rule 4.2 Impermeable Surfaces** as the proposed development increases impermeable surfaces on this reticulated site to 81%.

Overall, the application is considered to be a Non-Complying Activity.

4.1 OTHER MATTERS

On 31 March 2005, a number of plan changes were publicly notified. This application was notified on 21 March 2005.

Plan Change 18 - City Wide Urban Design Rules City-Wide 2 all applications for mixed use requires the submission of a Site Analysis. The term "mixed use" is introduced within the Proposed Plan Changes and reads as follows:

Means the integration of compatible land uses / activities in one locality, block or building and includes a mixture of Residential Activities and Non-Residential Activities such as apartments or medium density housing and commercial, retail, hospitality, or recreational.

As the site contains both Residential and Non-Residential Activities the proposal is considered to meet this definition.

The information required by this Rule, and laid out as a Performance Standards has not been met. Sufficient information however has been provided to enable the potential and actual adverse effects to be assessed with regard to the interaction between existing features and characteristics and how the design of the site should respond to the identified existing and future character of the neighbourhood.

The site was identified on Council's Hazard Register on the 2001 report relating to properties previously used for horticultural purposes. The applicant provided information, which was reviewed along with other information by Council's Contamination Expert who concluded that the site was used for animal grazing, and not for horticultural purposes.

The proposal complies with all other development controls under the District Plan.

5.0 THE SITE AND NEIGHBOURHOOD DESCRIPTION

The subject site measures 3339m² and lies on the southern side of Swanson Road adjacent to the intersection with Greenock Road. The subject property has both road frontage and access onto both Swanson Road and Greenock Road.

Swanson Road is classified as a District Arterial Road, while Greenock Road is defined as a local road in the Operative District Plan. Greenock Road is a small cul-de-sac that serves 18 residential dwellings.

The site is occupied by Ranui Baptist Church that is well-established and contains buildings of bulk, scale and design reflective of its use. A residential dwelling lies within the southern portion of the site adjacent to No. 10 Greenock Road. Parking is provided within the site although the majority of this is in poor condition.

The site slopes away from its road boundaries.

The site is not considered to be in pristine condition with the current state of hard standing and landscaping reflective of this.

The site abuts residential dwellings that is reflective of the predominantly residential character of the area that has been reinforced by the development of residential dwellings to the north-east on Community Environment zoned land. Directly to the north lies recreation reserve.

HISTORY

A planning application was determined on 9 February 1983 that granted consent to the construction of an auditorium to accommodate 270 people. This increased the capacity from 180. The Consent was granted subject to a number of conditions that included 48 parking spaces being available.

Whilst the auditorium was constructed, the parking spaces were not formed in full accordance with the approved plan.

As part of their traffic survey, TPC Limited identified 49 vehicles being accommodated on-site although 44 formal spaces are provided. Parking standards at the time of the previous consent referred to 1 space per 5 persons. The site in its current configuration holds 240 persons.

6.0 ISSUES IDENTIFIED THROUGH THE SUBMISSION PROCESS

A138-A154

The application was fully notified on 21 March 2005 Notice of this application was served on all identified affected persons as attached at pages A153 to A154. The period for submissions closed on Thursday, 21 April 2005. Seven submissions were received. One submission supported the application, and six submissions opposed the application. The submissions are attached at pages A138 to A150 with a map showing the location of the submitters as attached at pages A151 to A152.

6.1 Submissions

6.1.1 Support

G Obradovic, owner of 19 Greenock Road, states the area should look better and cleaner

6.1.2 Opposition

The following submitters lodged objections to the proposal.

P & D Josling	5 Greenock Road
Totara Properties	7 Greenock Road
B & K Johnston	9 Greenock Road
D & K Warnock	10 Greenock Road
S Connell	11 Greenock Road
D & J Oxley	12 Greenock Road

All submitters provided a collective response to the proposal.

The first part of the submission related to improper service of the application pursuant to s88 of the Resource Management Act, in that an attachment that recorded consultation prior to the application's lodgement was incomplete. The document was prepared by local residents. This was attached to the application documentation, with the exemption of the photos and the map inpro professional (their reference).

A133-A137 Material of which Council held but did not distribute in the notification document is attached at pages A133 to A137.

While this information was not incorporated, the application meets the definition of an adequate assessment of environmental effects as referred to Section 88(2)(b). The applicant has supplied sufficient detail and enables those to assess the effects on the environment, and on their own interests, of the proposed activity.

The second part of the submission referred to the following:

- Application exceeds current Operative District Plan
- Previous extensions have not been complied with, or met
- Extensions not primarily residential in character with reference to Policies 1.2, 4.7, 10.1, 10.14, 11.8, 11.10.
 - Meagre passenger transport services not seen as alleviating factor for traffic problems
 - Excessive contaminants from motor vehicles
 - Amplified live music causes a nuisance
 - Traffic impacts and detracts from capacity and road safety of Swanson Road, Greenock Road, Westvale Avenue and Arden Way to safely accommodate all users
 - Scale, Height and Form of extensions produce adverse effects, namely tanks and the carport adjacent to 10 Greenock Road
 - Landscaping unrealistic

6.2.5 Organisations

6.2.5.1 Auckland Regional Council

No response received.

6.2.5.3 Residents and Ratepayers Association's

No response received.

6.2.6 Iwi Consultation

6.2.6.1 Rewati Marae, Te Runanga O Ngati Whanua, Te Hao O Ngati Whanua, Ngati Whatua O Orakei Maori Trust Board Te Kawerau A Maki

No comments received to date.

7.0 STATUTORY REQUIREMENTS

The Waitakere City District Plan became operative on 27 March 2003. However, a number of plan changes have been subsequently notified. Relevant to this application is the notification of Plan Changes 13 - 18 that amended in-part some of Council's Policies and Objectives. A site analysis was also required by Plan Change 18 – Urban Design City Wide 2.

Submissions closed on 31 May 2005.

As stated earlier, information has not been provided to meet this Performance Standard. Regard must still be had to the relevant provisions of both the Operative District Plan and Proposed Plan Changes.

However as determined by case law the regard to be given to the different plans can be weighed up in relation to what stage in the process the Plan Changes are of becoming operative. In this case the rules/provisions relating to the Plan Changes are at a early stage and therefore no/little weight should therefore be attached.

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 in Section 8.2.1. 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. Council may disregard an adverse effect of an activity on the environment if the Operative Plan permits an activity with that effect.

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 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 s104B and s104(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 because very few similar circumstances will arise in the future and therefore for all other similar 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.

A155-A174 Note: All specialist reports referred to are attached at pages A155 to A174.

8.1.1 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 i.e. 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. However, such an assessment is still made in the Traffic Impact Assessment undertaken by TPC Limited.

Such an activity as existing and proposed would not be permitted by the Plan.

The proposed works relate to the expansion of a non-residential activity within the Living Environment.

The activity is existing and there are therefore effects associated with this that includes traffic, noise, etc are therefore also associated with its current environment.

However, this application is being considered on the basis that the auditorium holds 280 persons, with assessment based on the potential and actual effects generated by this activity.

The application and the intensification of its use allows the Council to review both the proposed extension with the existing activities as a whole. This would enable greater controls on both the existing and proposed activities to ensure that the actual and potential adverse effects are appropriately managed.

8.1.2 Water Quality and Quantity

The proposal increases impermeable surfaces on the site from 66% to 81%. This lies above the 60% threshold for storm water reticulated sites as a permitted activity.

The application has been supported by a storm water mitigation report undertaken by Dainty Alderton Consulting Engineers. Their recommendations entail the placement of tanks to capture roof runoff from both the dwelling and church to mitigate storm water runoff. In terms of water quality from runoff generated by the parking area, the installation of permeable paving and a grassed swale.

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

Calculations and construction design show that the storm water flows can be limited to pre-development levels for the 1 in 5 yr storm event through the use of detention tanks. This allows for the protection of the public discharge system that the site discharges to. The proposed permeable paving and swale will allow for additional groundwater infiltration to help greater depression storage to mitigate the decrease in base flows.

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..

The application is supported by an Erosion and Sediment Control Plan.

This includes perimeter controls, the construction of the swale, storm water inlet protection and silt fences.

To ensure that the environmental effects as a result of the proposed earthworks are contained within the site, conditions of consent would reinforce those matters referred to in the Erosion and Sediment Control Plan.

It is 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 to no more than a minor extent.

8.1.3 Native Vegetation, Vegetation and Fauna Habitat

The proposed development would given its proposed layout require the removal of a silver birch tree and works within the drip line of a Norfolk Island Hibiscus.

The application has been assessed by Council's Field Advisor (Vegetation).

The Silver Birch is considered to be of poor health and form, however, Council's Landscape Architect considers this tree has amenity value given the site's relatively open area of frontage.

The proposed tree removal will not threaten natural ecosystems, contribute to or exacerbate stability problems adversely affect plant health or reduce the ability to create linkages between native vegetation or fauna habitats.

Its removal would be adequately mitigated to ensure that the adverse effects are minor with the planting of a replacement tree (pB grade 95). This tree is encompassed in the landscaping plan.

Council's Field Advisor (Vegetation) is satisfied that through the appropriate management of works within the drip line of the Norfolk Island Hibiscus would ensure that health and well being of this tree, and ensure its incorporation into the proposal.

The environmental effects in relation to vegetation and fauna habitat as a result of the proposed activity are considered to be no more than minor, subject to appropriate conditions of consent, that would ensure the protection of trees or provide replacement/additional planting.

8.1.4 Construction

The proposed development may result in some temporary effects in terms of noise, dust and vibration during the construction period.

All earthmoving and other construction traffic should however utilise the Swanson Road entrance only where appropriate wheel wash facilities should be located.

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 Swanson 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 that would comply with the relevant noise standards, and would not emit noise that causes a nuisance to adjoining residential occupants.

In order to ensure that the effects are minor or less, 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.

The application has been referred to Council's Environmental Health Officer who has stated that construction noise from site activities would need to comply with the provisions of NZS6803P:1999. Truck deliveries would be limited to Monday to Saturday between 7:30 am and 6:00 pm and the use of heavy machinery between 7:30am and 7:00pm 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 a less than minor effect on adjoining and nearby properties.

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

The proposed development introduces a non-residential activity that is in addition to existing activities on-site.

Swanson Road is identified as a District Arterial Road with a mixture of buildings and activities developed alongside. This is a mixture of residential, commercial, open space and community buildings set within this busy streetscape. In contrast to this, small residential streets lead off Swanson Road.

The subject site is a corner site with frontage onto both Swanson Road and Greenock Road.

The proposed development would lead to alterations and additions to the building. These additions are orienteered towards the Swanson Road frontage. The increased capacity of the auditorium, and the introduction of multi-space area will lead to an increase in activities on-site, and would lead to an extension of the parking area associated with the activity. Overspill onto the surrounding roading network is expected.

Adverse effects can be tangible or intangible. Tangible effects include:

- the potential for increased noise and traffic generation
- visual detracting associated with building scale and appearance
- signage
- expanses of car parking
- overshadowing and loss of privacy.

Intangible adverse effects may include:

- loss of residential coherence through lack of on-site occupation and isolation from residential neighbours; and
- a perception that the character of the neighbourhood is changing and in decline.

As part of a planned mixed-use community, such activities may help facilitate less dependency on car travel and enhance urban sustainability. For some people, a mixed-use urban environment will be a more diverse and interesting place to live.

- **Adjoining / Nearby Residential Amenities**

Overshadowing, loss of daylight and sunlight, scale, form, height, bulk, physical dominance, privacy

The proposed extensions to the church building essentially involves the 'filling in' of the courtyard. The building, in effect comes no closer to residential boundaries or to its Swanson Road frontage. The extension while contrasting architecturally with the existing building form is subordinate to the original building in terms of its size, scale and height. The proposed building would not further detract from those matters above from that which currently exists. It should be noted that the building (both existing and proposed) complies with the relevant height and height in relation to boundary controls.

The proposal would project slightly beyond the existing eastern elevation and would lie 4.9m from the boundary of 456/458 Swanson Road. A solid door is located at this point. The internal alterations would change the use of activities located within where existing windows would be utilised. The existing children's area would change to the kitchen. This window being at ground level, separated by a minimum 4.9m, and with a 1.8m close-boarded fence would not result in increased overlooking potential to neighbouring properties, or cause detriment to their amenities as a result. The glazed façade would front onto Swanson Road, and would retain adequate separation distances to neighbouring and nearby properties.

The proposed water tanks would be seen against existing buildings and would not form an incongruous feature in the streetscape. Council's Landscape Architect has recommended planting around the perimeter of the water tank adjacent to the dwelling to soften and screen its visual appearance.

The proposal is not considered to adversely affect residential amenities in terms of overshadowing, loss of daylight, or physical domination to a more than minor extent.

- **Visual Amenities and Landscape Character**

The proposed extensions as stated earlier would contrast architectural to the existing building, although the proposed works would be subordinate to the existing building in terms of its size, scale and height. The existing building height measures 8.0m (excluding the spire), whilst the proposed extension has a maximum ridge height (mono-plane) of 4.8m.

The proposed development would increase building coverage to 36%, 1% above permitted levels.

The existing buildings are considered to be of a size, scale and height that is greater than the immediate residential development. However, the building at present forms an established part of the environment with the predominant focus towards the Swanson Road frontage which is a busy streetscape of traffic, lighting standards and built development. The proposed extensions, subordinate to the existing dwelling are considered to be of a scale, size and height compatible with nearby residential scale.

Council's Landscape Architect comments that the church, by virtue of its size and placement already has a strong presence relative to Swanson Road and adjoining sites. The addition to the east side of the church, attached to the church, would be set back relative to Swanson Road and would be unlikely to result in additional dominance effects.

The proposal does not introduce an incongruous feature into the streetscape.

The proposed extensions, while not necessarily of residential character would detract from the visual amenities and landscape character to no more than a minor extent of this modified urban environment.

The proposal also leads to a reconfiguration of the parking area. To the front of the property, the proposal relates to the reconfiguration of this area and the removal of parking bays from within road reserve along the Swanson Road frontage. To the rear, the proposal requires both reconfiguration and most notably the introduction of parking bays to the south-eastern corner of the property.

A landscaping plan has been provided that relates to a mixture of planting that in general terms relates to its residential boundaries (where new parking is proposed) and to its road frontages. Limited planting opportunities appear to be available for landscaping that immediately abuts the Swanson Road frontage.

Council's Landscape Architect comments that the development would have a framework of trees throughout the site that would establish an environment with lawns, trees and garden areas of good amenity.

The landscaping would both break up and soften the car parking area, but also the church and residential buildings.

Landscaping to street frontages would complement the development and establish a strong framework of planting in the long term. In the short to medium term, whilst the planting is being established, the size and scale of the built development would have no more than a minor adverse effect with those effects diminishing over time.

Landscaping would integrate the development into the wider surroundings.

To ensure compliance and the appropriate implementation of landscaping, conditions of consent are recommended if granted that refer to both its establishment, timing, and need for replacement planting where necessary. The Consent would be monitored accordingly.

The proposed development by its nature, scale, size and location is not considered to adversely affect the visual and landscape amenities or the character and appearance of this residential neighbourhood, or its residential coherence.

- **Traffic Generation (Road Safety)**

Swanson Road is classified in the Operative District Plan as a District Arterial Road, and acts as an important roading connection between the Ranui / Henderson areas and the western Swanson / Waitakere foothill areas. Swanson Road is essentially straight and flat within the subject site's immediate vicinity.

The kerb-to-kerb width of Swanson Road is approximately 12.1m with a 2.4m wide centrally located flush median and lane edges inset 2.0m from the kerb line. Immediately to the east of the Greenock Road is a pedestrian refuge island.

Opposite to the existing Church vehicular entrance on Swanson Road lies Glen Arden Way.

Greenock Road is a short cul-de-sac that serves residential properties, and provides a secondary access to Ranui Primary School. The kerb-to-kerb width of Greenock Road is 7.2m and is sufficient to allow two-way traffic movements with kerbside parking on one side of the road.

The intersection of Swanson Road and Greenock Road is controlled by Give way signage, and pavement markings, with Swanson Road having priority.

The Traffic Impact Assessment considers the following:

- LTSA accident record for 1999-2003, with 2004 also included detailed two recorded accidents at the Swanson Road / Greenock Road intersection.
- The seating capacity of the Auditorium at 280 persons, the traffic generated would be in the order of 170-175 trips, with approximately 56 of trips at peak arrival and 73 trips occurring at peak departure.
- Traffic flows would be confined to relatively narrow periods of time.
- Gaps that exist in the passing traffic flows provide good turning opportunities, and in the event that any vehicles delayed, turning right would be accommodated in the flush median without interrupting the free flow of traffic.

The assessment concludes that the 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 Swanson Road , Greenock road and other nearby roads.

The proposal would generate additional traffic over and above that normally associated with residential activities. The application has been reviewed by Council's Traffic Engineer who is satisfied with the contents of the Traffic Impact Assessment

The proposal increases seating within the main auditorium by 17%. This will lead to a small increase in traffic to and from the site, however given the location of the site on an arterial road this additional traffic flow, and in combination with the existing activity can be accommodated without noticeable impact on the operation of the road network.

The additional vehicular traffic generation can be easily accommodated by the existing road infrastructure without adversely affecting its function, capacity and safety.

- **Car Parking**

The applicant has stated that the existing capacity of the auditorium equals 240 persons while the Traffic Impact Assessment refers to a 'typical' attendance of 200 people.

At present, 44 car parking spaces are provided although 49 on-site spaces were utilised as part of a traffic survey (26/04/04) that identified a parking demand for 66 vehicles in which 15 vehicles parked on Greenock Road.

The applicant, and reflected in the Traffic Impact Assessment has indicated that despite the expansion which would accommodate 280 persons, general attendances are not expected to increase in the short term.

The assessment excludes significant religious occasions and large weddings/ funerals.

The proposal increases parking on-site to 54 spaces which in effect results in a net increase of 5 spaces on the basis of the traffic survey results, and includes the incorporation of parking associated with the residential activity.

Council's Parking and Traffic Guidelines refers to 1 parking space per 5 persons for places of assembly. The proposal falls two short of this guideline. However, the traffic survey identifies that the parking demand can be approximated at roughly 1 in 3 persons.

The Traffic Impact Assessment indicates that the site would be able to accommodate all but 12 spaces of a typical attendance. At capacity, the demand would exceed capacity by 39 spaces.

Parking overflow onto the surrounding road network would occur. The Traffic Assessment concludes that if parking occurs on both sides of Greenock Road, the formed width would continue to allow for one-way traffic and to allow continued access for emergency vehicles if parking occurs in a controlled manner.

The application has been reviewed by Council's Traffic Engineer who is satisfied with the contents of the Traffic Impact Assessment.

The growth in the auditorium size proposed could be expected to accommodate a gradual increase in that "typical Sunday" to around 76 cars, (based on 17% increase), the applicants traffic report identifies the likely peak demand at special events (Christmas and Easter services, or very large weddings and funerals) as 93 car parks.

The current level of parking spill (for a typical Sunday) to the public street has been measured at 15 cars. Initially the proposed expansion would lead to a reduction in parking on street as a result of the greater provision of parking on site. However as the congregation size grows to take up the new capacity, the level of parking spill would grow to around 22 cars.

The proposed activity would generate a minor adverse effect on the neighbouring sites in creating a competing demand on visitor parking. However to put this in context it needs to be recognised that this is probably less of an effect than the daily parking that occurs at the end of the school day in this street.

At capacity the potential parking spill would be around 39 cars.

This is likely to result in parking not just within Greenock Road, but extending some distance along Swanson Road or into the residential streets opposite the church. The adverse effects are considered to be minor with such events likely to be a relatively infrequent occurrence.

The proposed property access arrangements do not substantially alter the existing situation and will continue to function adequately for the increase in parking on the site

The proposal is considered to adversely affect the residential amenities of nearby and neighbouring residential sites to a no more than minor extent with the effects diminishing in light of increased separation distances.

To avoid conflict with competing uses, i.e. Ranui Primary School, events need to be restricted to 180 people between the period of 2:30 pm and 3:30 pm. This has been agreed by the applicant.

As stated above, the proposal can be easily accommodated by the existing road infrastructure without adversely affecting its function, capacity and safety.

The proposed development would not result in significant traffic being generated. The proposal, subject to appropriate conditions of consent if granted the proposal would not adversely affect to a more than minor extent the free flow of traffic, detract from matters of road safety, nearby amenities, access/egress of adjoining and nearby properties, or the positioning of Swanson Road, Greenock Road and other roads in the roading hierarchy.

- **Noise**

Potential sources of noise, other than construction, includes vehicle noise, people at the facility, amplified music, etc.

A Noise Report was produced by Kingett Mitchell Limited.

Reference is made to Rule 13.1 Living Environment, and with Swanson Road a District Arterial Road and therefore a High Noise Route with ambient noise levels affected accordingly.

Regard is had to the principle use of the church auditorium for Sunday Services and the attenuation through the open windows would be sufficient to reduce noise levels to L₁₀ 45dB(A). The existing and extended building would be used for a range of activities, including youth activities, workshop activities, community courses, etc. Amplified music is used during youth and workshop activities up to 8:00 pm. Hiring is available, with no amplified music after 9:00 pm.

The current and proposed building layout means that noise breakout is reduced and provides a screening between the subject site and neighbouring residential properties.

The report concludes that compliance with the District Plan would be achieved.

The application has been reviewed by Council's Field Advisor (Health). He concurs with the general findings of the Noise Report but has made the following points.

It is not been demonstrated that compliance would be achieved between the hours of 10:00 pm to 07:00 am. The car park area with the entering / leaving of vehicles may not be able to comply. The applicant has however agreed to ensure that (non-residential) activities would only occur between the hours of 07:00 am to 10:00 pm where higher noise levels apply. This is accordingly attached as a recommended condition of consent if granted.

There are no noise levels specified within the Transport Environment (road reserve) as s330 of the Resource Management Act excludes vehicles from roads under the term excessive noise.

The proposed activity, however, is intrinsically linked to traffic being generated to which parking would be both accommodated on-site and on adjacent or nearby roads. By placing a limitation on the hours of operation, this would ensure that any adverse effects would be minor onto adjacent and nearby residential properties.

The close-boarded fence referred to in the Noise Report is considered of minimal acoustic value due to gaps between the palings. Upgrading of the fence would be required to reduce traffic noise generated on site to adjacent residential properties. This is accordingly attached as a recommended condition of consent if granted.

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

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 the existing background. The environmental effects are considered to be minor.

- **Signage**

A freestanding sign is proposed to the front of the property along the Swanson Road frontage. The sign measures 1.5m by 1.5m with an overall height of 3.2m. Being double-sided, the total site area measures 4.5m².

Swanson Road contains a mixture of activities. These are relatively spread out along this portion of Swanson Road with residential dwellings the predominant characteristic overall. There is absence of signage in the immediate vicinity although further to the east lies freestanding signs.

The proposed sign would be seen in the context of an already busy streetscape of buildings, street lighting standards, road traffic and Swanson Road. The proposed sign is separated from nearby residential properties through both its location and Swanson and Greenock Roads.

Existing and proposed planting within the front yard of the property would also soften its visual appearance, reduce its visual dominance and would integrate the sign into the wider streetscape.

The sign is of a size, scale and height that is compatible with both the scale of buildings on the site, and in the wider locality.

Council's Traffic Engineer has reviewed the application and considers that the sign would not cause detriment to matters of road safety.

8.1.6 Summary

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

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

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 building coverage, non-residential activities, traffic generation, car parking and signs in the Living Environment, and earthworks, vegetation alteration, and impermeable surfaces in the General Natural Area. These are being used as a guide in considering the proposal and are discussed below under the headings of non-residential activities, residential amenities, visual amenities parking/traffic generation/road safety, signs and noise.

8.2.1 District Plan Policies and Objectives

Where Policies or Objectives relate to Proposed Plan Changes 13-18 they have been undermined.

Non-Residential Activities

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 storm water 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

Policy 1.18

That a wide range of opportunities for non-residential activities be provided within the urban area to help reduce the need for travel, and as a consequence reduce the discharge of contaminants from motor vehicles onto roads and waterways.

Policy 4.7

That a wide range of opportunities for Non-Residential Activities be provided within the urban area to help reduce the need for travel, and as a consequence reduce the discharge of contaminants from motor vehicles into the air.

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.

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 11.18

Non-residential activities (other than retail activities) may be located within residential areas of the City, provided that the individual and cumulative impacts of such a provision do not adversely affect amenity values and neighbourhood character or fragment residential activities to the point that essential residential character is lost, and the safety of residents is harmed.

In residential areas that provide for apartment-type developments, a broad range of non-residential activities can locate in these areas to provide a mixed use environment for residents, provided that the nature and scale of activities is managed to protect the vibrancy of adjacent town centre cores

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;

Policy 11.33

A site analysis requires applicants to record the physical features or characteristics of the neighbourhood and the site. The key is to consider the interaction between existing features and characteristics and how the design of the site should respond to the identified existing and future character of the neighbourhood. A site analysis requires the following matters to be considered in relation to the neighbourhood:

- the pattern of development in the neighbourhood
- the built form, scale and character of surrounding development
- architectural and roof styles
- any other notable features of characteristics of the neighbourhood.

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.

Objectives and Policies seek to protect those aspects that are particularly valued by the community, but that does not mean that change cannot occur in that there is opportunities for flexibility and change that allows an area to evolve and respond to changing circumstances.

Objective 11 is concerned about the quality and nature of the change, within a framework of commonly accepted values about what contributes to the amenity of an area to ensure the maintaining and enhancing particular elements and characteristics that define various neighbourhoods.

The existing activity and that proposed are orientated towards the Swanson Road frontage. Physical additions to the property would contrast architecturally from the existing building, however, they would be subordinate to the existing form of the building that is well-established and forms an integral part of the streetscape.

The proposal would further increase the level of activities on-site through its increased capacity over and above that normally associated with its existing use or residential activities. These would include increased traffic, noise and greater impermeable surfaces (to accommodate parking).

While the use of public transport may be limited given the nature and timing of the operation the site both fronts onto a District Arterial Road, and is set well within the urban environment. The activity would not preclude alternative means of transportation, and would allow for such opportunities to exist, including walking.

The setting, intensity and nature of the activity is not considered to introduce an activity out-of-character with its residential surroundings, or cause detriment to nearby residential amenities.

The neighbourhood is considered to retain its overall residential character. While introducing an activity that introduces potential effects over and above that either existing, or those normally associated with residential activities, the nature of the proposed activity and the imposition of conditions such as compliance with noise controls would avoid, mitigate and reduce such effects in order to protect nearby residential amenities and to integrate the development into the residential environment whilst retaining its predominant residential character within this modified urban neighbourhood.

The proposal would be consistent with the form and scale of buildings / structures in the locality with the receiving environment able to accommodate this form of development without adversely affecting its prevailing characteristics.

The proposal is not considered to lead, on an individual or cumulative basis, to pressure for further non-residential activities, or the further fragmentation of residential character and amenity.

Visual Amenities

Policy 10.5

Structures should be placed to ensure that adequate levels of daylight reach any habitable rooms on-site, and allow adequate levels of sunlight and daylight to reach adjacent properties throughout the year. In town centres, taller buildings mean that access to sunlight is less certain. A minimum outlook space unobstructed by buildings or structures needs to be provided to ensure that access for daylight and air to the dwelling is maintained.

Policy 10.6

Buildings, storage and parking areas should be designed and placed on-site, or screened in a way that maintains the privacy and onsite amenity of adjacent residential properties, including the privacy of outdoor space. Particular regard should be had for the protection of privacy within the more intensively settled Living and Rural Villages Environments.

Policy 11.3

Buildings and structures should be located so that they maintain the neighbourhood character, visual amenity of the surrounding area and the characteristic streetscape of the area, including providing for:

- the overlooking of streets by buildings;
 - maintaining characteristic links between private and public space arising from the orientation of buildings and the way they face the street;
- the setback of buildings from the road boundary;
- planting of section frontages;
- in a way that gives particular regard to variations in amenity values, and neighbourhood character.

Policy 11.8

Structures, (except within the Working and Community Environments, and specific intensive Living 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.

Objectives and Policies are concerned with ensuring that structures are of a scale and height that do not overwhelm the generally low-level building character of the Living Environment. The construction of buildings with no reference to the surrounding built form and scale can potentially lead to domination of sites and a loss of overall cohesiveness that characterises these areas. This also extends to the formation of parking areas, and the associated increase in impermeable surfaces.

The proposed building, with the exception of the building coverage requirement, meets all of the relevant bulk and location requirements associated with the Living Environment, and the building coverage is only exceeded by 1%.

The parking areas would be screened from immediately adjoining neighbouring residential properties by a 1.8m close-boarded fence that would be required to be upgraded to ensure a more effective acoustic barrier. The proposal relates to the formation of parking areas that lie adjacent to the road frontage with additional parking placed in the south-west corner of the site. This part of the site, in light of both setback and buildings is not visually prominent in the streetscape with its visual appearance softened by the integration of landscaping into the proposal. Privacy of residential properties would not be undermined.

Physical additions to the property would contrast architecturally from the existing building, however, they would be subordinate to the existing form of the building that is well-established and forms an integral part of the streetscape.

The proposed development is considered to be of a form, height, and scale that avoids the physical domination of neighbouring residential sites and maintains the neighbourhood character, visual amenity of the surrounding area and the characteristic streetscape of the area.

Parking, Traffic Generation, Road Safety

Policy 10.8

Land use development and subdivision must recognise the need for a transportation strategy which provides for the safe and efficient movement of people through private and public transport in a way that avoids, remedies or mitigates potential adverse effects on the environment and which does not compromise the needs of future generations, through ensuring the:

- safe movement of pedestrians, cyclists and vehicles around the City;
- recognising and providing for the interdependence between transportation and other activities;
- supporting the creation of an efficient public transport network which provides an integrated system with appropriate levels of convenience and services;
- protection of the transport corridor for public transport purposes, conveyance of goods and communications;
- ensuring that the impact of activities on the capacity and safety of the road system is adequately catered for;
- maintaining amenity values that contribute to the well-being of residents and workers;
- integrating roads with safe and efficient pedestrian cycle routes;
- minimising impacts of noise and traffic movement on the amenity of surrounding sites;
- contributing where required to an upgrading of the transport system, proportionate to the pressures on that system created by the development proposed.

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 Roding Hierarchy, is not adversely affected;

provided that residential activities in the Community Environment (New Lynn) do not have to provide any on-site car parking

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 storm water;
- 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.

There is a need to manage the use and development of the City's transportation resources in a way that enables people in communities to provide for their social and economic well-being, while providing for the sustainable management of the City's environment. The roading system has been designed around the efficient flow of vehicle traffic and relief of congestion. These aims are important, but just as important are the health of surrounding residents, amenity levels and the need to provide adequately for public transport, pedestrian and cycle access. The transportation system must provide for an adequate balance of these concerns.

Policy 11.12 recognises that increased traffic movements can have a direct impact on the amenity values on an area through increased noise, fumes and vibration, and on the safety of road users. The District Plan seeks to match traffic generation levels to road capacity and the function of roads in relation to the surrounding area.

The proposed development while increasing the availability of on-site parking would also generate overspill onto the wider roading network. In this instance, this would be most noticeably felt along Greenock Road and Swanson Road.

Street parking has the potential to cause hazards for pedestrians and cars through the reduction of room for manoeuvring, and the impeding of sight lines. Safe access on and off-site can also be compromised.

Traffic generated by the activity, with its main access and frontage along Swanson Road (District Arterial Road) would be easily accommodated by the existing road infrastructure without adversely affecting its function, capacity and safety.

The proposed activity would generate further overspill onto the roading network which at capacity would result in on-street parking along Greenock Road, Swanson Road and other nearby residential streets.

The deletion of the car port and associated vehicle access maintains parking opportunities along Greenock Road.

If parking occurs on both sides of Greenock Road, the formed width would continue to allow for one-way traffic and allows continued access for emergency vehicles if parking occurs in a controlled manner. This would also allow for continued access/ egress to residential properties. Parking along Swanson Road would not interfere or interrupt the free flow of traffic.

The proposed development continues to provide for the safe and efficient movement of people through private and public transport. The scale and location of the activity would 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, or the amenity values of the surrounding neighbourhood.

Noise

Policy 10.2

Activities in residential and rural areas should not emit noise such that it causes a nuisance to occupants of surrounding properties. Activities within town centres can generate varying noise effects, and should be managed so as not to cause excessive noise that conflicts with the need to encourage a mix of business and residential activities in these areas

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.

Noise has been identified by residents as one of the significant concerns that affect health. This has formed part of the submissions opposed to the proposal.

Every occupier of land has a duty under s16 of the Resource Management Act to adopt the best practicable option to ensure that the emission of noise from that land or water does not exceed a reasonable level. This does not preclude prescribing noise emission standards in plans made, or resource consents.

There are no noise levels specified within the Transport Environment (road reserve) as s330 of the Resource Management Act excludes vehicles on roads under the term excessive noise.

The proposed activity, however, is intrinsically linked to traffic being generated to which parking would be both accommodated on-site and on adjacent or nearby roads

The applicant has provided a Noise Report that identifies compliance with the District Plan Standards. Council's Field Advisor (Health) concurs with these findings, but has also emphasised the need to operate between the hours of 07:00 am to 10:00 pm and to upgrade the existing fence in order to protect nearby residential amenities. These restrictions would be placed on conditions of consent if granted.

While introducing an activity that introduces potential effects over and above that associated with the existing non-residential and residential activities, the nature of the proposed activity and the imposition of conditions such as compliance with noise controls would avoid, mitigate and reduce such effects in order to protect nearby residential amenities and to integrate the development into the wider environment whilst retaining its predominant characteristics.

Vegetation Alteration

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.

Objective 2

To protect the City's native vegetation and fauna habitat, including protecting:

- the quality and resilience of the resource;
- the variety and range of species and their contribution to the biodiversity of the City;
- their ecological integrity;
- their healthiness as a potential source of harvest for cultural purposes.

Policy 2.4

Where native vegetation is cleared, this should be carried out in a way that:

- minimises any edge effect on remaining native vegetation;
- avoids the removal of any single tree or stand of trees which are notable examples of their species;
- minimises adverse effects on ecosystems;
- does not isolate or remove linkages between areas of native vegetation or fauna habitat;
- does not impede the movement of native fauna;
- avoids disturbance of root systems of remaining native vegetation.

Policy 11.2

Activities should be managed in a way that avoids the clearance of or damage to trees and vegetation, to extent that the following characteristics are adversely affected:

- the visual dominance of trees on private property within the neighbourhoods of the Living Environment;
- the remnant native vegetation within the urban Human Environments;
- the remaining native vegetation along riparian margins and coastal edges in the urban area and Foothills Environment;
- the shelter trees along fence lines and clumps of vegetation within the pastoral landscape of the Countryside Environment; {See also A112, A113}
- the mixture of native and exotic vegetation and the scattering of native vegetation along ridgelines and stream edges in the Foothills Environment; {See also A114}
- the lines of trees along road edges within the Transport Environment;
- the amenity value associated with native vegetation and its relative significance in all parts of the City;
- the historic and cultural value of trees associated with the above characteristics;
provided that nothing in this policy should prevent the removal of species identified in the Environmentally Damaging Plants List.

The city's native vegetation and fauna habitat is highly valuable and vulnerable to adverse effects arising from a range of activities.

The Silver Birch is considered to be of poor health and form.

The proposed tree removal will not threaten natural ecosystems, contribute to or exacerbate stability problems adversely affect plant health or reduce the ability to create linkages between native vegetation or fauna habitats.

Works within the drip line of the Norfolk Island Hibiscus would be subject to conditions of consent if granted as recommended by Council's Field Advisor (Vegetation). This would allow the continued health and well-being of the tree, and allow for the tree to be integrated into the proposal thereby providing screening and softening of building and parking areas on the subject site.

Vegetation is both protected through conditions of consent or their loss mitigated by suitable replacements. The retention of existing landscaping, and the introduction of further landscaping is appropriate in this cleared and modified urban environment and softens the visual impact of development and mitigates additional hard standing that diminishes opportunities for vegetation.

Signs

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, encroach upon views, and lead to domination of sites and a loss of overall 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.

The proposed sign measures 1.5m by 1.5m with an overall height of 3.2m. Being double-sided, the total site area measures 4.5m².

The proposed sign would be seen in the context of an already busy streetscape of buildings, street lighting standards, road traffic and Swanson Road. The proposed sign is separated from nearby residential properties through both its location and Swanson and Greenock Roads.

Existing and proposed planting within the front yard of the property would also soften its visual appearance, reduce its visual dominance and would integrate the sign into the wider streetscape.

The sign is of a size, scale and height that is compatible with both the scale of buildings on the site, and in the wider locality.

Council's Traffic Engineer has reviewed the application and considers that the sign would not cause detriment to matters of road safety.

Receiving Environment

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 storm water flooding problems off-site and minimises the runoff of surface water into stream catchments and waterways.

Policy 1.15

Wherever possible, activities should be designed and managed to:

- minimise demand for water and energy in a way that further reduces demands for water and energy supply systems, and extraction of water from the City's waterways;
- reduce, reuse or recycle any solid waste to minimise demand for solid waste landfills;
- as a way of avoiding potential unacceptable effects on water quality and aquatic ecosystems.

Storm water can be generally broken down into 2 categories – quality and quantity. These issues cannot be separated and are typically associated with increases in impermeable surfaces and land use changes. Increased urban development, or intensification potentially increases the velocity of stream flow that may result in stream erosion, transportation of sediment and suspended material, pollutants that adversely affect the wider receiving environment.

The proposal intensifies the land use associated with this property which potentially increases the peak flow by reducing vegetation cover and pervious areas of the catchment.

The applicant has provided a report that has been subject to further modification through consultation with Council's Drainage Engineer that has led to the introduction of permeable open pavers over specified parking areas. The increase in impermeable surfaces would be adequately mitigated by various measures that allow for greater depression storage, and reduced peak flows that minimise the change to the base flows within the catchment.

The proposed development minimises the creation or exacerbation of storm water flooding problems off-site and minimises, and provides storm water 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.

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 subject site lies within a cleared and modified urban neighbourhood.

The site has already been highly modified with the proposal seeking further modification and most notably to the rear of the property with the extension of the parking area.

The application is supported by a Sediment and Erosion Plan that subject to imposition and associated conditions of consent would ensure that sediment runoff would be contained within the site thereby protecting water quality.

The modifications to the landform of the site are consistent and in keeping with the character of the surrounding residential area and allows for the construction of building additions and an extension to the car parking area that would not undermine the amenity values and neighbourhood character. Landscaping would soften and screen these areas.

8.2.2 Plan Integrity

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

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.

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 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.

Community Facilities such as that located on the subject site are not considered unusual in the urban environment. Such activities have been well-established, serve the urban community and lie within a residential context. This Activity, whilst in a predominantly residential neighbourhood lies on a Major (District) Arterial Road that partially offsets its residential context, as other non-residential activities are also established along the stretch of Swanson Road.

The nature and extent of the proposed activity would intensify the use of the site, however, the predominant residential character within this modified urban neighbourhood would be retained by the size and scale of the change and would also allow for controls to be put into place that seek to further protect and maintain residential amenities.

The proposal is not considered to lead, on an individual or cumulative basis, to both pressure for further non-residential activities, or the further fragmentation of residential character and amenity.

As such, the proposal is not considered to result in an unwelcome precedent effect for these reasons, and where it has already been demonstrated that the environmental effects would be no more than minor.

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:

BUILDING COVERAGE

- 7(a) The extent to which building coverage will create adverse effects on amenity values and neighbourhood character.
- 7(b) The extent to which building coverage will maintain opportunities to provide for the planting of lawns and trees around buildings.
- 7(c) The extent to which building coverage will maintain opportunities to provide for adequate outdoor space associated with residential activities on the site.
- 7(d) The extent to which building coverage will physically dominate adjoining sites.

The proposed extensions to the church building essentially involves the 'filling in' of the courtyard. The building, in effect comes no closer to residential boundaries or to its Swanson Road frontage. The extension while contrasting architecturally with the existing building form is subordinate to the original building in terms of its size, scale and height. The proposed building would not further detract from those matters above from that which currently exists. It should be noted that the building (both existing and proposed) complies with the relevant height and height in relation to boundary controls. The proposed development is not considered to physically dominate adjoining sites.

A combination of building coverage and impermeable surfaces limits the ability for the planting of lawns and trees around buildings. The proposal, however, is supported by a Landscaping Scheme to which Council's Landscape Architect has further modified to ensure that the proposal would have a framework of trees throughout the site that would establish an environment with lawns, trees and garden areas of good amenity.

The proposal reduces the availability of outdoor space associated with the existing on-site dwelling. The removal of the carport from the application however ensures outdoor space opportunities are adequately maintained for existing and/or future residential occupiers.

NON-RESIDENTIAL ACTIVITIES

- 10(a) The extent to which the character, scale and intensity of Non-Residential Activities are compatible with amenity values and neighbourhood character.
- 10(b) The extent to which the effects of Non-Residential Activities on infrastructure can be accommodated without the need for public upgrading.
- 10(c) The extent to which Non-Residential Activities create adverse effects on the residential coherence and the safety of residents of the neighbourhood.

The neighbourhood is considered to retain its overall residential character. While introducing an activity that introduces potential effects over and above that either existing, or those normally associated with residential activities, the nature of the proposed activity and the imposition of conditions such as compliance with noise controls would avoid, mitigate and reduce such effects in order to protect nearby residential amenities and to integrate the development into the residential environment whilst retaining its predominant residential character within this modified urban neighbourhood.

The proposal would be consistent with the form and scale of buildings / structures in the locality with the receiving environment able to accommodate this form of development without adversely affecting its prevailing characteristics.

The proposal would place increased pressure on the receiving environment, and therefore on existing infrastructure. The increase in impermeable surfaces would be adequately mitigated by various measures that allow for greater depression storage, and reduced peak flows that minimise the change to the base flows within the catchment. Mitigation provided on-site would ensure that the development can be accommodated without the need for public upgrading.

TRAFFIC GENERATION

- 11(a) The effects of traffic generation on:
 - the capacity of roads giving access to the site, having regard to the road's function in the Roding Hierarchy
 - the amenity of residential front sites from traffic generated by the non-residential use of rear sites
 - the safety and efficiency of road intersections
 - the safety of road users, including cyclists and pedestrians
 - the reduction of overall levels of traffic and encouragement of other, less polluting forms of transport such as walking, cycling and public transport.

The subject site and its primary access front onto Swanson Road. This is defined as a District Arterial Road that predominantly caters for traffic between nodes or suburbs and carry a high proportion of through traffic. A further access is available at Greenock Road which is small cul-de-sac that serves residential properties. Other nearby streets are local roads serving predominantly residential sites.

Council's Traffic Engineer considers that the additional vehicular traffic generation can be easily accommodated by the existing road infrastructure without adversely affecting its function, capacity and safety. The safety and efficiency of road intersections, and namely Greenock Road and Swanson Road and of the wider road network would not be compromised.

The activity would not preclude alternative means of transportation, and would allow for such opportunities to exist, including walking

CARPARKING AND DRIVEWAYS

- 12(a) The extent to which driveways provide safe, maintenance-free, adequately drained, efficient, effective and visually attractive vehicular access from the road to buildings.
- 12(b) The extent to which car parking accommodates expected peak demand of an activity, having regard to the position of the site in relation to public transport routes and the parking capacity of adjacent roads, and the road's function in the Rooding Hierarchy.
- 12(c) The extent to which driveways and car parking create adverse visual or aural effects on adjoining sites

The proposed re-formation and extension of the parking area have been designed to accommodate appropriate vehicles that allow the efficient and safe access by motor vehicles.

Appropriate conditions of consent, such as the requirement for the parking to be laid out in accordance with the submitted drawings, and in accordance with Waitakere City Council Code of Practice for City Infrastructure and Land Development, would ensure that the environmental effects as a result of the proposed activity are minimised.

It is acknowledged and assessed that the 54 car parking spaces would be unable to meet expected peak parking demands generated by the proposal. However, the overspill onto the roading network would not adversely affect the relevant positioning and functioning of roads in the Rooding Hierarchy. Overspill parking would occur onto Greenock Road as it currently does, but the formed width would allow for the continued access / egress of motor vehicles from residential properties, and for the movement of emergency vehicles.

Landscaping to street frontages, site perimeter's (adjoining residential properties), across car parking areas would complement the development and establish a strong framework of planting in the long term.

Landscaping would integrate the development into the wider surroundings, in both the context of its "public face", and adjoining residential properties where there lies a restricted viewing audience.

Council's Field Advisor (Health) has identified the need to upgrade the existing boundary fence and for limitations to the hours of operation to ensure that the expanded activity does not cause a nuisance to neighbouring properties in terms of noise generated.

VEGETATION ALTERATION

- 2(a) The extent to which vegetation alteration adversely affects amenity values and neighbourhood character
- 2(b) The extent to which vegetation alteration will threaten natural ecosystems.
- 2(c) The extent to which vegetation alteration creates, contributes to, or exacerbates stability problems.
- 2(d) The extent to which development is located or can be designed in a way that avoids the need to remove vegetation, and in particular the removal of any trees which are notable examples of their species.
- 2(e) The extent to which the proposed vegetation alteration is necessary:
 - to accommodate development otherwise permitted by the Plan
 - to ensure the safety or integrity of existing development on the site
 - for pruning to provide light
 - for pruning to preserve public views.
- 2(f) The extent to which the vegetation alteration adversely affects plant health.
- 2(g) The extent to which the vegetation alteration adversely affects the historical, cultural or spiritual significance of any site or waahi tapu of significance to iwi or archaeological site.
- 2(h) The extent to which more than minor adverse effects can be adequately avoided, remedied, mitigated or offset through provision of works and services on or off the site and/or through payment or provision of a financial contribution.
- 2(i) The extent to which vegetation alteration reduces the ability to create linkages between native vegetation, fauna habitats, or natural features or landforms.
- 2(j) The extent to which vegetation alteration can be offset by restoration or enhancement around and within the area subject to the application.
- 2(k) The extent to which vegetation alteration adversely affects the significance, natural character or landscape value of any natural features.

The subject site lies within a cleared and modified urban environment. The silver birch tree is considered to be of poor form and health, although the tree has amenity value given its location on the Swanson Road frontage.

The proposed tree removal will not threaten natural ecosystems, contribute to or exacerbate stability problems adversely affect plant health or reduce the ability to create linkages between native vegetation or fauna habitats.

Vegetation is both protected through conditions of consent or their loss mitigated by suitable replacements. The retention of existing landscaping, and the introduction of further landscaping is appropriate in this cleared and modified urban environment and softens the visual impact of development and mitigates additional hard standing that diminishes opportunities for vegetation.

EARTHWORKS

- 3(a) The extent to which the scale of earthworks is consistent with the scale of development being undertaken.
- 3(b) The extent to which earthworks adversely affect the potential for restoration or enhancement around the area of earthworks.
- 3(c) The extent to which earthworks reduce the amount, range and linkages between representative vegetation, fauna habitat and natural features.
- 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(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(j) The extent to which earthworks may harm the health and safety of residents.
- 3(k) The extent to which heavy vehicle traffic generated to the site by earthworks activities creates:- physical damage to a road-- a situation hazardous or unsafe to road users.
- 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.
- 3(q) The extent to which the duration of earthworks is minimised.

The proposed earthworks are consistent and in keeping with the character of the surrounding residential area. The proposal would not detract from either the visual, residential or landscape amenities associated with the site or its locality.

It is considered the earthworks are consistent with the scale of development being undertaken and would not cause detriment to the visual amenities of the site or adjoining sites.

The modifications to the landform of the site are consistent and in keeping with the character of the surrounding residential area and allows for the construction of building additions and an extension to the car parking area that would not undermine the amenity values and neighbourhood character. Landscaping would soften and screen these areas.

Earthworks would not reduce the amount, range and linkages between representative vegetation, fauna habitat and natural features, or contribute to the erosion and instability of land.

IMPERMEABLE SURFACE

- 4(a) The extent to which impermeable surfaces adversely affect potential for restoration or enhancement around and within the area subject to the application, and adjoining sites.
- 4(b) The extent to which impermeable surfaces reduce the extent, range and linkages between vegetation, fauna habitat and natural features.
- 4(d) The extent to which impermeable surfaces contribute to the creation, or exacerbate storm water flooding problems on-site or in any other part of the stream catchment, with particular regard to impacts in known flood-prone areas and any impact on an existing storm water system.

- 4(e) The extent to which impermeable surfaces adversely affect the quality of receiving natural water, including the life-supporting quality of natural water.
- 4(f) The extent to which impermeable surfaces destroy or harm surrounding native vegetation.
- 4(g) The extent to which impermeable surfaces result in adverse effects arising from soil loss from the site.
- 4(h) The extent to which impermeable surfaces result in adverse effects on water quality, including their use as a food source.

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

The removal of vegetation to facilitate development is adequately mitigated through the introduction of a comprehensive landscape proposal that would also soften and screen the buildings and car parking areas to maintain amenity values and neighbourhood 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 storm water from the site. The proposal would not contribute to flooding downstream.

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.

For the reasons highlighted in section 8.2.1. 1 of this report, it is considered that the proposal is consistent with these documents.

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

8.5.1 Other Issues Raised by Submitters Not Covered Elsewhere in Report

All issues raised in submissions have been discussed earlier in the report.

8.6 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 compliance with noise controls, protection of existing and proposed landscaping, hours of opening, and earthworks sediment and erosion control.

8.7 Any Other Relevant Non-Statutory Documents

No other non-statutory documents are considered relevant in the processing of this application.

8.8 Long Term Community Plan

The creation of additional buildings/ impervious areas on the site attracts a development contribution in accordance with the Waitakere City Council LTCCP.

It has been estimated that the Development Contribution totals \$5,952.00 (excl GST)

8.9 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 not considered appropriate because of the nature and scale of the works described and how a number of conditions are intertwined (parking, landscaping, earthworks) that would require close proximity of works. The consent shall therefore lapse 3 years after issue of this consent. Furthermore, it is also considered appropriate in light of the earthworks proposed that these are contained within a single earthworks season.

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. 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 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 or proposed plan (104D(b)).

It is considered that the threshold test for a non-complying activity *has* been met as the proposal satisfies section 104D, in that subject to appropriate conditions of consent requiring mitigation, the adverse effects on the environment of the proposal will be no more than minor and the proposal is not contrary to the relevant objectives and policies of the District Plan. Jurisdiction to grant consent has therefore *been* established.

11.0 CONCLUSION

The applicant seeks consent to carry out alterations and additions to buildings associated with an existing non-residential activity at 460 - 464 Swanson Road. The site is zoned Living Human Environment and General Natural Area under the Operative District Plan.

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 alterations and additions 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:

- Maintain and enhance those natural and physical characteristics (amenity values) that contribute to the well-being of residents and workers
- 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.
- Manage the effects of land use on the environment and, in particular, avoid, remedy or mitigate effects on the quantity and quality of the City's water resource
- Protects and Mitigates the City's native vegetation and fauna habitat
- Protect and enhance the amenity of the urban area through the provision of a range of activities but also maintaining the residential coherence of the neighbourhood.
- Protect the functioning of roads within the Roding Hierarchy, without detriment to road safety or the free flow of traffic.

It is considered that the threshold test to approve a non-complying activity under Section 104D of the Resource Management Act has been met as the effects on the environment are considered to be no more than minor, and the activity is not contrary to key Objectives and Policies of the Operative District Plan.

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

Subject to any additional and/or contrary evidence being presented at the hearing, it is concluded that the application **merits consent** in accordance with Sections 104 and 105 of the Resource Management Act 1991.

RECOMMENDATIONS

- A 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 Ranui Baptist Church to carry out alterations and additions to buildings associated with an existing non-residential activity (Ranui Baptist Church) in order to increase the capacity of the auditorium to 280 persons, and associated traffic generated by the activity. Proposal includes the erection of a freestanding sign, removal of a silver birch tree and works within the drip line of a Norfolk Island Hibiscus and earthworks that result in the reconfiguration and extension of the parking area. Proposal exceeds building coverage and impermeable surface levels at 460 - 464 Swanson Road, being Lot 1 DP 54837 for the following reasons:
- (i) The proposed development is considered to be of an appropriate design and layout consistent with the surrounding residential neighbourhood. The extension to this non-residential activity would not detract from the visual and residential amenities of the locality or the character and appearance of the surrounding residential area. The proposal would be integrated into residential neighbourhood.
 - (ii) The existing road network would be of sufficient capacity to accommodate the additional traffic movements without detriment to the road' s function or safety in the road hierarchy, or to the detriment of the residential neighbourhood
 - (iii) The proposed development would not detract from the visual or landscape amenities of the site or cause detriment to nearby residential amenity in terms of loss of privacy, daylight access, traffic noise, or increased visual intrusion.
 - (iv) The earthworks result in the re-contouring of the land and would not significantly alter the existing landform. The topography of the site would remain consistent with the surrounding area. The earthworks are considered to be of a scale consistent with the development being undertaken.
 - (v) The proposed freestanding signage would not detract from the visual amenities of the site or locality and would not cause detriment to matters of road safety.
 - (vi) Any actual or potential effects on the environment by the proposal are considered to be no more than minor and would be adequately avoided, remedied or mitigated by the conditions of consent.
 - (vii) The proposal satisfies the relevant objectives, policies, rules and other provisions of the Waitakere City District Plan

B Consent shall be subject to the following conditions:

1. The development shall proceed in accordance with the plans titled:

Site Plan Proposed

Elevations

Modified and Approved Landscape Plan _ proposed Cut/Fill Plan

prepared by Aptus Architectural Limited and dated 10/08/04, and 27/06/05 all referenced by Council as RMA 20042241 and the information, including further information, submitted with the application.

2. All infrastructure relating to storm water treatment and disposal, wastewater disposal, and water supply shall be designed and completed to the satisfaction of Council's Drainage Assets Engineer. (Compliance with the Waitakere City Council Code of Practice for City Infrastructure and Land Development is deemed to be in accordance with the above condition).
3. Pursuant to section 125 of the Resource Management Act 1991, this consent shall lapse after a period of 3 years after the commencement of the consent.

EARTHWORKS

4. Before commencement of any works and until completion of exposed site works, adequate sediment and erosion control measures shall be constructed and maintained by the consent holder. The consent holder shall notify Council's Monitoring Officer when controls are in place. Work shall not commence until approval has been gained in writing from the Manager Resource Consents. The control measures must be maintained until the site has been adequately stabilised against erosion and sediment-laden run off. The construction and maintenance shall be in accordance with the Erosion/Sediment Control Measures Appendix to the Natural Area rules of the Waitakere City Council District Plan.
5. All "cleanwater" runoff from stabilised surfaces including catchment areas above the site shall be diverted away from earthwork areas via a stabilised system, so as to prevent surface erosion and sediment laden run - off.
6. All sediment laden runoff from the site shall be treated by sediment control measures in accordance with the Auckland Regional Council Technical Publication No 90 "Erosion and Sediment Control Guideline for Earthworks" (updated March 1999) These structures are to be constructed in accordance with best practice, be operational before earthworks commence, and be maintained until the site has been adequately secured against erosion (whether by vegetative means, paving or otherwise).
7. Noise from construction, maintenance, demolition and earthworks on the site shall not exceed the relevant noise levels as specified in NZS6803P:1984 "The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work".

All construction, maintenance, demolition and earthworks on the site shall be undertaken between the following hours only:

Monday to Friday:	6.30 am to 8.00 pm
Saturday:	7.30 am to 6.00 pm
Sunday and Public Holidays:	No work

8. All necessary action shall be taken to prevent a dust nuisance to neighbouring properties to the satisfaction of the Manager Resource Consents. Should these measures not prove satisfactory on any particular occasion due to the prevailing wind or soil conditions, the contractor shall cease the work until conditions are suitable for the recommencement of the works.
9. All areas of exposed earth shall be top-soiled and grassed or otherwise stabilised against erosion as soon as practicable and in a progressive manner as works are complete but no later than one week following the completion of works.
10. A stabilised entranceway to the site shall be provided prior to the commencement of works and maintained for the duration of works. Additional measures such as wheel wash facilities shall be implemented (as) if deemed necessary by Council's Environmental Monitoring Officer to prevent the deposition of earth or other debris on the surrounding street network by vehicles entering and exiting the site. Roads, footpaths, berms and kerbs including entry and exit points to the site shall be kept free from damage and clear of mud and debris at all times. Any material deposited on the street shall be immediately removed by sweeping and any damage caused shall be immediately repaired at the expense of the consent holder. The consent holder shall notify Council's Monitoring Officer when entranceway controls are in place. Work shall not commence until approval has been gained in writing from the Manager Resource Consents.

ROADING AND TRAFFIC

11. 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 and at the direction of Council.
12. The consent holder shall not allow the use of the site for functions with an attendance exceeding or likely to exceed 180 people, between 2:30 pm and 3:30 pm except during weekends and school or public holidays.
13. The consent holder shall, prior to the occupation of the proposed extensions, ensure that all access, manoeuvring and parking areas are formed, sealed and marked out in an all-weather surface (with the exception of those areas identified with gobibloc or grass pavers), and land drained to the satisfaction of the Manager, Resource Consents
14. All parking spaces shall be clearly marked out in accordance with Waitakere City Council's Code of Practice for City Infrastructure and Land Development, and ensure that the markings are maintained regularly to ensure that they can be easily identified, to the satisfaction of the Manager, Resource Consents.

15. Form and construct a vehicle crossing on the Swanson Road frontage using standard detail SD 3.13 "Light Commercial Vehicle Crossing" and for which vehicle crossing detail forms shall be completed and returned to Council.
16. Inspection of the boxing prior to concrete pouring is required. Contact phone: 836 8000 extension 8725 at least 48 hours prior to inspection being required.

VEGETATION

17. Any proposed parking area surface within the drip-line of the Norfolk Island Hibiscus shall be laid upon existing ground level. Excavations are not permitted within the drip-line of the Norfolk Island Hibiscus.
18. The approved landscaping plan shall be instated prior to occupation of the extended building. If these works are requiring to be undertaken outside of the planting season (May until 7 September) or in the case of transplanted trees (May to August), then a maintenance plan would need to be submitted for the consideration of the Manager, Resource Consents.
19. All planting shall be set in place into weed and debris free garden areas. new garden areas shall have a woodchip mulch of 60mm depth
20. All trees planted within a grassed area shall be planted into a 600mm diameter, weed and debris free garden with a woodchip mulch to 60mm depth.
21. The planting shall be maintained throughout the establishment stage, and kept weed-free and watered as necessary. Replacement planting shall be carried out the following planting season to replace any losses and as may be required to satisfy Council's Environmental Monitoring Officer, Resource Consents.

STORMWATER

22. To prevent increasing downstream flooding and increased channel erosion on the Swanson Stream, storm water disposal is required to comply with Councils Storm water Solutions for Residential Sites, version 1. At the stage of Building Consent the applicant shall ensure that the storm water disposal system from any development on the site shall be designed in accordance with the proposed storm water mitigation design by Dainty Alderton Consultants, ref H898 and incorporate the following requirements to the satisfaction of EcoWater:
 - i) Maintain storm water runoff flows, volumes, and timing to 60% impermeable surfaces level for the 1 in 5 year storm events.
 - ii) Rainwater from the Church and residential dwelling are to be collected within storm water reuse and detention tanks and reused for toilet, laundry and gardening use to reduce runoff volumes and minimise water importation.
 - iii) Storm water detention tanks are to be provided to limit the rate of runoff.
 - iv) Design and location to be approved by EcoWater at the stage of Building Consent.
 - v) The property owner is required to maintain any devices to meet the above requirements to the satisfaction of Council.

- vi) The property owner is to provide to Council (EcoWater) at 5 yearly intervals a report from a registered engineer, or suitably qualified person, demonstrating that the storm water mitigation measures and devices are functioning in accordance with their intended purpose. This includes any rain gardens and dispersion devices installed under future building consents.
23. The storm water mitigation measures proposed in Dainty Alderton Consultants Limited "Storm water Mitigation Report for Ranui Baptist Church, ref H898 dated October 2004 complies with Condition No22 above, subject to the following conditions:
- i) All works to be done in accordance with Councils Storm water Solutions for Residential Sites, version 1
 - ii) Provide a 15.5m³ storm water detention tank for the existing dwelling with a 40mm diameter outlet set 120mm below the level of the emergency overflow outlet. Provide a 25.5m³ detention tank for the existing dwelling with a 75mm diameter outlet set 1200mm below the level of the emergency overflow outlet
 - a) Ensure that the emergency overflow outlet pipes are an equal or greater diameter than the inlet pipe.
 - b) Provide written certification from a registered plumber that the water reuse tank for Lot 2 has been plumbed into the house to allow for water reuse.
 - iii) The existing dwelling and church on the site are to collect and reuse storm water runoff for toilet, laundry and garden use.
 - iv) All car-parks between numbers 1 - 12 and 34 - 54 and the access area between car-parks 34 - 54 are to be constructed of a grass tuff block or similar to help reduce the adverse effects of increased storm water runoff.
 - 1. Prior to applying for signoff provide a certified plan from a registered surveyor or engineer showing those areas that have been laid in permeable paving and a report from a suitably qualified person to demonstrate that the area of permeable paving to mitigate storm water runoff has been constructed in accordance with the approved proposal.
 - v) Discharge the storm water from the existing and proposed paved areas adjacent to the existing dwelling to the proposed storm water quality treatment swale to be constructed as part of the proposed storm water mitigation design by Dainty Alderton Consultants.
24. Provide an As-Built drainage plan for the property, prepared by a registered drain layer, showing the separate private drains from the existing and proposed buildings and paved areas to the point of connection to the public drains.

NOISE

25. The fencing along the western boundary shall be upgraded prior to occupation of the proposed extensions as follows:

New palings shall be fitted on the church's side of the eastern boundary fence, the edges of the palings firmly abutting and with battens covering the joins between the palings. The palings shall be a minimum thickness of 25mm, and a minimum height of 1.8m.

26. The fencing along the church's southern boundary shall be upgraded prior to occupation of the proposed extensions as follows:

Battens shall be placed over the gaps between the fence palings.

27. Noise from the site shall not exceed the following levels as measured at or near any residential boundary -

Monday to Saturday	7am - 7pm	50dBA L10
Monday to Saturday	7pm - 10pm	45dBA L10
Sundays and public holidays	7am - 10pm	45dBA L10
Monday to Sunday (inclusive)	10pm - 7am	40dBA L10 and 70dBA Lmax

noise shall be measured and assessed in accordance with NZS6801:1991 and NZS6802:1991.

HOURS OF OPERATION

28. The premises may not be used (with the exception of the residential dwelling and associated residential activities) between the hours of 10pm - 7am on any day.

MONITORING

29. A consent compliance monitoring fee of \$1000.00 (inclusive of G.S.T.) 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 \$1000.00 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 when inspection is required. Inspections can be requested through the Call Centre on 839 0400.
2. A Development Contribution of \$ 5,952 (excl. GST) has been calculated for this development. Should a building consent be granted prior to the resource consent the development contribution will be required prior to the uplift of that Building Consent. Duplicate payments would not be required.

Report prepared by: Matthew Wright, Senior Consents Planner.

