



**AGENDA FOR A MEETING OF THE HEARINGS COMMITTEE TO BE HELD AT  
WAITAKERE CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON,  
WAITAKERE, ON THURSDAY, 12 OCTOBER 2006,  
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 Chairman 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, 21 September 2006

**RECOMMENDATION**

That the minutes of the Meeting of the Hearings Committee held on Thursday, 21 September 2006, 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 THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS TO UNDERTAKE ADDITIONS AND ALTERATIONS TO AN EXISTING NON-RESIDENTIAL CHURCH ACTIVITY IN THE LIVING ENVIRONMENT AT 76 MOIRE ROAD, MASSEY**

RMA: 20051671  
Ward: Massey

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

**APPLICATION DETAILS**

Planner: Caisey Marter ( Devon Rollo Resigned May 2006)

Site Address: 76 Moire Road

Applicant: The Church of Jesus Christ of Latter-day Saints

Date Received: 16/09/2005

Resource Consent No: RMA 20051671

Building Consent No: N/A

Ward: Massey

Legal Description: Lot 1 DP 105764

Address for Service: GHD Limited  
PO Box 450  
Orewa  
RODNEY  
Attention: Chris du Plessis

Site Area: 4928m2

District Plan: Human Living  
Environment:

Natural Area(s): General

Landscape Elements: None

Hazards: Potentially Contaminated Site - Historic Horticultural Use

Roading Hierarchy: District Arterial

Further Information Required: Yes

Date Requested: 29/09/2005 & 02/11/2005

Date Received: 31/10/2005 & 16/11/2005

Site Visit: 28/09/2005

## 1.0 INTRODUCTION AND RECOMMENDATION

### 1.1 Nature of the Application

A1-A69

The applicant seeks consent to undertake additions and alterations to the existing non-residential church activities that exist on the site. The proposal includes additions to the rear of the existing church building which will increase the gross floor area of the building from 765m<sup>2</sup> to 955m<sup>2</sup> and involves earthworks and a reduction in the rear yard area to 2.34m. The proposed development also involves the addition of a further 17 car parks to the car park area on the northern side of the site. Nine of the new car parks are proposed against the rear (western) boundary and a further eight car parks on the road side of the car park reducing the setback of the car parking area from the road boundary. Stormwater from the car park will be collected and detained on site via a new stormwater detention system prior to disposal to the public stormwater system available to the site (Attached at pages A1 to A69).

### 1.2 Resource Management Issues Raised

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

The environmental effects of this proposal are limited and primarily related to the amenity values and the effects on the immediately adjoining sites to the rear arising from the increase in the scale of the existing non-residential church activities within the Living Environment. Such consideration should include the associated vehicle movements to and from the site, noise, privacy - including the proximity of activities to adjacent properties, and onsite amenity.

Other important aspects of the proposal for consideration relate to the existence of the non-residential activities already occurring on the site legally established with Council approval under previous resource consent. The approved and legally established activities form a permitted baseline that must be taken into account and from which the level of effects that arise from the proposed additions must be measured from.

### 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 to undertake additions and alterations to an existing non-residential church activity in the Living Environment at 76 Moire Road. 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

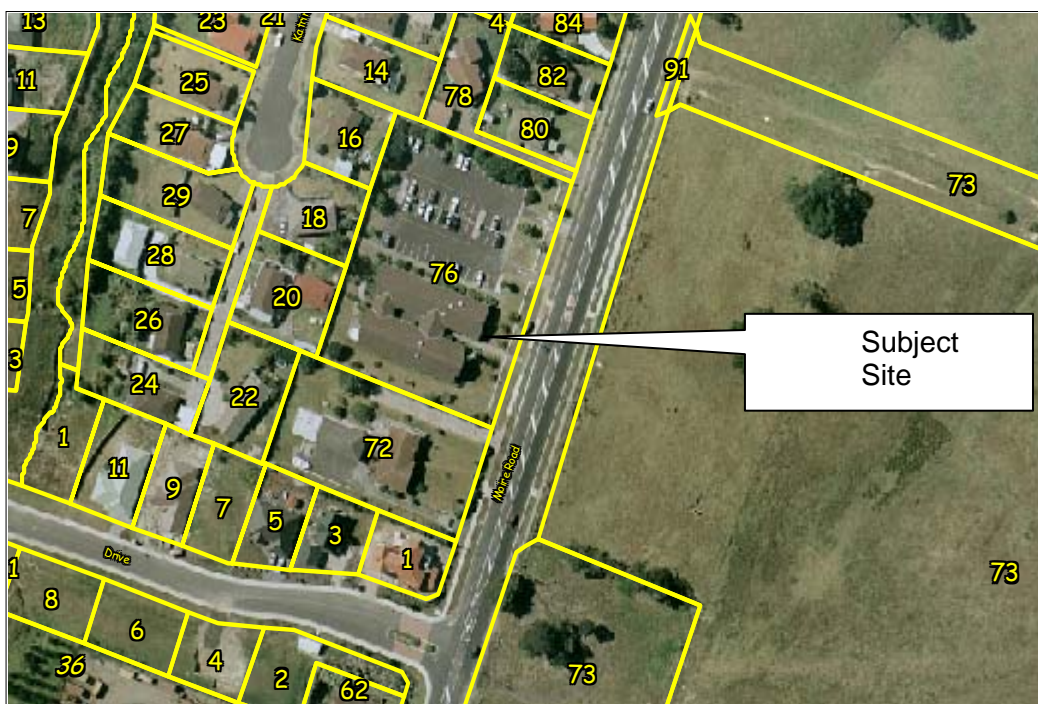


Photo 1: Aerial Photo Showing Location of Subject Site (March 2000)

Legal Description: Lot 1 DP 105764  
Human Environment: Living  
Natural Area(s): General  
Landscape Elements: None  
Roading Hierarchy: Potentially Contaminated Site - Historic Horticultural Use  
Hazards: District Arterial

## 3.0 PROPOSAL

The applicant proposes to undertake additions and alterations to the sites involving the following:

- Constructing additional meeting rooms, a parents room and additional toilet facilities at the rear of the existing church building. The rear yard will be reduced to 2.34m. The existing shed at the rear of the church will be removed to accommodate the proposed extension.
- Extending the two existing foyers located between the two wings of the building towards the rear of the building.
- Extending the entry lobby on the northern side of the church providing access to the existing car park.
- Providing nine additional car parks at the rear of the existing car park and 8 at the front of the car park
- Constructing a retaining wall along part of the southwest boundary of the site.

In summary the total gross floor area of the buildings on the site will increase from 765m<sup>2</sup> to 955m<sup>2</sup>. Some earthworks will be required to construct the additional car parks and provide a level building platform and it is anticipated that the total will be more than 50m<sup>3</sup> over an area greater than 100m<sup>2</sup>. The development will require the construction of a new retaining wall to retain a maximum cut depth of 1m on the western site boundary to allow for the new additions to the church building. This will require earthworks within 1m of the site boundary. Stormwater from the car park will be collected and detained on site via a new stormwater detention system prior to disposal to the public stormwater system available to the site.

#### **4.0 REASONS FOR THE APPLICATION**

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

Discretionary Activity - consent for building location / privacy and amenity, being additions and alterations to a Non-Residential Activity which is not screened from the road (Living Environment Rule 8 - Building Location / Privacy & Amenity).

Discretionary Activity - consent for additions and alterations to Non-Residential Activity located in a building originally erected for the Non-Residential Activity (church activities) not involving retail sales (Living Environment Rule 10 - Non-Residential Activities).

Limited Discretionary Activity - consent for additional parking spaces associated with a Non-Residential Activity not being a home occupation (Living Environment Rule 12 - car parking and driveways).

Limited Discretionary Activity for earthworks exceeding 100m<sup>2</sup> and 50m<sup>3</sup>, including excavations of up to 1.2m within 1m of the site boundary, to allow for the additions to the existing church building and additional car parking. (General Natural Area Rule 3 - Earthworks).

Discretionary Activity consent for development including earthworks on a site known to Council to be potentially contaminated. (Hazardous Facilities & Contaminated Sites Rule 2 - Contaminated Sites)

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

#### **5.0 THE SITE AND NEIGHBOURHOOD DESCRIPTION**

The subject site is a 4928m<sup>2</sup> site on the northwest side of Moire Road. An existing church building is situated within the southern portion of the rectangular shaped site, with an extensive car park area located to the north of the site. The site is located within a residential area with access to the car park from Moire Road. The car park has separate entry and exits providing a one way route around the car park. Timber fences are erected on the side and rear boundaries of the site with landscape planting located along the boundaries. A steel mesh fence is erected along the full length of the front boundary of the site. The soil on site is considered as potentially contaminated due the historic horticultural use of the site.

## 6.0 ISSUES IDENTIFIED THROUGH THE SUBMISSION PROCESS

A73-A95 Notice of this application was served on all identified affected persons on 19 December 2005. The period for submissions closed on 10 February 2006. Three submissions were received. No submissions supported the application, and three submissions opposed the application. Please refer to pages A73 to A95 for copies of the submissions that were received. A map showing the location of the submitters is attached at page A71.

A71

### 6.1 Submissions

#### Summary of Submissions:

Frank Tibble & Christine Ropata (16 Katrina Place) **oppose** the proposal, concerned about the noise, lighting glare loss of landscaping and loss of privacy created by the additional car parking proposed to be provided to the rear of the existing car parking area adjacent the western boundary. The submission also raises concerns over exhaust fumes and damage to fencing from the proximity of the car parking to the boundary. Objection is also indicated to the proposed replacement of the existing fences identifying that it would reduce sunlight received by the property.

Jacqui Henderson (18 Katrina Place) **opposes** the proposal, concerned about the proposed 9 car parking spaces that were to be located adjacent to the western boundary of the site. The submission expressed concerns relating to noise, exhaust emissions, lights and glare and loss to privacy.

Rita Harriata Manakau (2/20 Moire Road) **opposes** the proposal, concerned about proximity of proposal to boundary and resultant impacts on amenity, access to sunlight and property value.

### 6.2 Pre Hearing Meeting

The applicant proposed an on-site pre hearing meeting but it proved difficult to reach agreement on a suitable time and appropriate venue. Subsequently the applicant held separate discussions with the submitters to which Council has not been party. As a consequence the proposal has been amended ( being the removal of the 9 car parks adjacent to the western boundary) to accommodate the concerns of 2 of the 3 submitters who have now given their written approval to these amended plans.

## 7.0 STATUTORY REQUIREMENTS

### 7.1 Discretionary Activities

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

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

## **7.2 Limited Notification – Section 94(1)**

### *Appendix 11*

Section 94(1) provides for “limited notification” if the adverse effects of a proposal would be no more than minor but not all adversely affected persons have given their written approval, whereby all affected persons will be notified (but not the public at large) and have the opportunity to make a submission and be heard. This application was the subject of limited notification under section 94(1). A Section 93, 94 and 94A - 94D Determination Assessment was completed on 2 November 2005. This report is attached in Appendix 11 of this report and identified that 5 persons would be adversely affected by the proposal. However, not all persons identified as being affected gave their written approval. As required by section 94(1) notice of the application was therefore served on all persons who were identified as being adversely affected.

## **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.**

#### **8.1.2 Water Quality and Quantity**

There would be de minimis adverse effects in relation to water quality/ quantity arising from the proposed activity as it would be located within the urban area of the City and would not be near a water body or stream. The development requires earthworks to provide a suitable building platform, access additional parking and relaying of the vehicle access. The proposed earthworks have the potential to create significant adverse environmental effects from contributing sediment into receiving waters.

Although there are no nearby waterways downstream effects of erosion and sedimentation can affect aquatic life in a number of ways. Organisms living at the bottom of water can be smothered by sediment which can also deprive them of habitat by filling up riffle pool areas. In addition, sediment reduces light penetration, clogs gills and causes a number of other adverse side effects. The effects of erosion and sedimentation do not just affect aquatic life but can result in a range of adverse effects including:

- loss of fertile top soil
- clogged ditches, culverts, and storm sewers that increase flooding
- muddy or turbid streams
- damaged plant and animal life
- filled-in ponds, lakes, and reservoirs
- damaged aquatic habitats and reduced recreational value and use
- structural damage to buildings, roads, and other structures

Conditions of the consent will ensure that the earthworks undertaken on site are carried out with the appropriate erosion and sediment controls in place in accordance with Auckland Regional Council Technical Publication No.90 to protect the life supporting capacity, quality and Mauri of receiving waters and natural waterways. A condition will be included on this consent requiring that the applicant arranges a pre-construction meeting with Council's Environmental Monitoring Officers to ensure that the erosion and sediment control measures are adequate.

In addition conditions of consent will ensure that no concrete is deposited into the stormwater, by direct application, by washing of any equipment associated with concreting or by rinsing or wetting freshly laid concrete. Lime is a major component of cement and as such is found in all concrete products. It easily dissolves in water to produce a very strongly alkaline solution that quickly burns and kills any fish, insects and plants that come in contact with it, in much the same way as acid does. Any water that comes in contact with unset concrete products or concrete dust quickly increases in alkalinity so as to become very dangerous if it is allowed to enter the environment.

The proposed development would create additional impermeable areas, and therefore runoff from the site would be increased. Council's Water and Drainage Engineer, Ben Carey, has assessed the proposal and has recommended a condition to mitigate the adverse effects. Accordingly, it is concluded that subject to the implementation of the mitigation measure, that the adverse effect on water quantity and quality would be no more than de minimis. It is considered that any additional stormwater or wastewater concerns will be dealt with at Building Consent stage.

### **8.1.3 Native Vegetation, Vegetation and Fauna Habitat**

There would be no adverse effects in relation to vegetation and fauna habitat as a result of the proposed activity as the site is within the urban area, is already modified and it is not proposed to remove any vegetation or work within the drip line of any vegetation.

### **8.1.4 Land / Soil**

There would be de minimis adverse effects on soil or existing landform as a result of the proposed activity as the site is within the urban area, is not known to Council to be affected by natural hazards and is already modified. The site is known to be potentially contaminated due to past horticultural use of the site and the applicant is proposing that all cut material will be temporarily stockpiled on the site, stored on an impermeable membrane to prevent any possible leaching to the ground. The cut material will then be tested for potential contamination and if these tests conclude that the material is contaminated it will be taken off site to an approved landfill site that accepts contaminated material. A condition of consent will be included on the consent to ensure this is undertaken.

### **8.1.5 Air**

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

### **8.1.6 Ecosystem Stability**

As the site is within the urban area and the existing environment is already modified there would be de minimis adverse effects on the stability of ecosystems as a result of the proposal.

### **8.1.7 Outstanding Natural Features; Landforms, Geological Sites**

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

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

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

### **8.1.9 Outstanding Landscapes**

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

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

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

The proposed construction of the church building alterations and additions comply with the relevant bulk and location requirements of the district plan and therefore it is not considered that the development would have more than de minimis adverse effect in terms of overshadowing, height, loss of daylight, or physical dominance. The additions would comply with the height in relation to boundary recession planes and it is considered that the building would have no more effect on the sunlight received if a complying dwelling was to be located in a similar location. The bulk and form of the proposed building in comparison to that which is existing on the site is not considered significantly different and while the overall building may have an adverse bulk and form effect in comparison to a residential dwelling development on the site, the increase in bulk and change in form from what is already existing on the site is considered no more than de minimis.

The effect of the additions on the privacy of the neighbouring sites is considered to be no more than de minimis also in that the Non-Residential Activity already exists on the site and the alterations do not create a situation of overlooking as the building complies with the bulk and location requirements of the District Plan.

Visual amenity, streetscape, sense of place, neighbourhood character, amenity values, views, on site amenity, adequate open space

The proposed development extends the existing Non-Residential Activities on the site towards the rear of the site and the adjacent residential properties. The application which was notified provided for car parking to be located adjoining the western boundary of the subject site. This additional car parking would be significantly closer to the boundary than the existing situation, increasing noise and potentially decreasing the amenity on the neighbouring sites. However prior to the hearing the plans were amended and this car parking has now been removed.

The rear access path has been moved to within 2m of the rear boundary from the existing location of approximately 6m from the rear boundary which will move the flow of people entering the rear of the building and associated noise somewhat closer to the dwellings on the residential sites at 18 and 20 Katrina Place. It is not considered however that there will be a significant change to the streetscape or neighbourhood character as these activities already exist on the site. In reference to the change from the existing activities it is considered that the effect of the proposed development on those sites other than that adjacent to the rear boundary will be de minimis.

Infrastructural capacity & availability

The infrastructural capacity of the proposed development has been assessed by the Council's Water and Drainage Engineer, Ben Carey, who has reviewed the application and generally accepted that the development will have no significant impact on the Council's infrastructure provided recommended conditions are imposed on the consent to mitigate adverse effects. It is therefore considered that the proposed development would have de minimis adverse effects on the infrastructural capacity.

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

The applicant has stated in the application that the proposed additions and alterations will not increase the capacity of the church but are being undertaken to provide additional facilities for a greater usability of the church building and meet the church's changing needs. Additional information supplied in support of the application stated:

*"Two existing classrooms are extended and refurbished and new toilets and parents' room are added. The new assembly area is much smaller and separated from the main assembly area by an existing platform and provides an alternative meeting area for smaller meetings and break-away groups."*

As the proposed development will then not increase the capacity of the development it is considered that the existing car parking requirements and traffic generation will remain at present levels. As the applicant is not proposing to reduce parking but in fact creating additional onsite parking it is considered that in comparison to the existing facilities the additions and alterations will have a less than minor adverse effect on the traffic generation or parking requirement.

As the existing car parking arrangement with a separate entry and exit onto Moire Road will remain it is not considered that the proposal will create any additional pressure on the existing roading network or on pedestrian safety.

### 8.1.11 Heritage

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

### 8.1.12 Summary

Overall the adverse effect on the environment of the activity for which consent is sought would be no more than minor for the reasons stated above.

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

### 8.2.1 District Plan Policies and Objectives

It is considered that the proposed development would/would not be consistent with the objectives and policies of the District Plan.

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

#### **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 stormwater system and waterways of contaminants deposited onto impermeable surfaces from motor vehicles. Particular regard should be had for the location of medium density housing within and adjacent to central locations.

##### 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.

### Policy 10.3

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

### Objective 11

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

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

### Policy 11.3

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 houses 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), 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.

### Discussion

The proposed additions would be orientated towards the north western boundary of the site. The physical additions would not contrast architecturally from the existing form of the building and would not be out of character with the well established structure which forms an integral part of the streetscape.

The proposal would not increase the existing level of activities on site as it would not result in an increase in numbers in the congregation but it is proposed to increase impermeable surfaces on the site in order to accommodate parking. Despite the additions the neighbourhood is considered to retain its overall residential character despite providing for potential effects over and above those which are 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 the potential effects in order to protect nearby residential amenities and to integrate the development into the residential environment whilst retaining the predominant residential character within this modified urban neighbourhood.

It is considered that the proposal would be consistent with the form and scale of the buildings and other structures in the locality with the surrounding neighbourhood able to accommodate this form of development without adversely affecting the prevailing characteristics. The proposal is not considered to further fragment the residential character and amenity of the locality nor is it considered to lead, on an individual or cumulative basis, to pressure for further non residential activities near by.

It is considered that the proposal would allow the continuation and minor expansion of an activity which contributes to the eclectic mix of activities associated with residential communities which enhance the amenity of the local neighbourhood for its residents.

### **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.

#### 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 11.10

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.

### Discussion

These Policies and Objectives 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 proposed additions to the building meet all of the relevant bulk and location requirements associated with the Living Environment with the exception of not being screened from the roadside. It is considered that the proposal including the car parking areas would not result in the site dominating the surrounding cohesiveness of the residential neighbourhood. The site is delineated by a close board fence against all residential boundaries for the purpose of screening and enhancing privacy between sites.

Overall 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.

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

#### Policy 10.11

Activities should provide for:

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

#### Policy 10.14

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

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

#### Policy 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 amenity values of the surrounding environment or neighbourhood

#### Policy 10.16

Driveways, carriageways and car parking areas should:

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

### Discussion

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. 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.

As the proposed development will not increase the capacity of the development it is considered that the existing car parking requirements and traffic generation will remain at present levels. As the applicant is not proposing to reduce parking but in fact creating additional onsite parking it is considered that in comparison to the existing facilities the additions and alterations will have a less than minor adverse effect on the traffic generation or parking requirement.

As the existing car parking arrangement with a separate entry and exit onto Moire Road will remain it is not considered that the proposal will create any additional pressure on the existing roading network or on pedestrian safety.

### **Receiving Environment and Earthworks**

#### Objective 1

To manage the effects of land use on the environment and, in particular, avoid, remedy or mitigate effects on the quality and quantity of the City's water resource, including maintaining:

- the life-supporting capacity of water;
- the ability to use aquatic ecosystems as a food source;
- the availability of water as a healthy place of recreation.

#### Policy 1.10

Impermeable Surfaces and Stormwater infrastructure should be designed and managed in a way that avoids adverse impacts on water quality, including life supporting quality of water, arising from the discharge of stormwater into the cities watercourses

#### Policy 3.3

The use, manufacture and storage of hazardous materials should be managed in a way that avoids the possibility of escape of hazardous substances into the City's soils and any consequent adverse effects on the health and fertility of the City's land resource.

#### Policy 10.13

Activities should be carried out in a way that avoids or mitigates adverse effects of natural hazards on natural and physical resources and on the health and safety of people and communities.

### Policy 10.19

The location of activities and buildings on known contaminated sites should be avoided, where this will lead to adverse effects on human health and/or safety. Where there is a more than minor adverse effect development may only occur where remediation and restoration actions in relation to such a site have been carried out, sufficient to ensure that the contaminated materials on site will have no adverse effects on human health.

### Discussion

The site is already modified by way of previous earthworks and existing impermeable surfaces and the proposal is seeking further modification and most notably toward the rear and north west area of the property with the extension of the car parking area. The site is within a locality known to Council as being historically used for horticultural purposes. Any earthworks therefore need to be adequately addressed in terms of testing for contaminants and appropriate disposal of such. The applicant has proposed the temporary storage of any excavations on site and appropriate testing to establish the means of disposal. The impositions of conditions will ensure that the proposal meets sediment and erosion control standards set out by the ARC in TP90 which will ensure that any sediment runoff would be contained within the site and 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 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:

#### **LIVING ENVIRONMENT - BUILDING LOCATION - PRIVACY/AMENITY**

##### **ASSESSMENT CRITERIA**

- 8(a) The extent to which privacy is maintained between the main indoor and outdoor living areas of adjoining sites.
- 8(b) The extent to which Non-Residential Activity creates adverse visual effects on adjoining sites and the road.

The effect of the additions on the privacy of the neighbouring sites is considered to be de minimis in that the Non-Residential Activity already exists on the site and the alterations do not create a situation of overlooking as the building complies with the bulk and location requirements of the District Plan. The site is delineated by a close board fence against all residential boundaries for the purpose of screening and enhancing privacy between sites.

#### **Living Environment - Non-Residential Activities**

##### **ASSESSMENT CRITERIA**

- 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 proposed additions would be orientated towards the north western boundary of the site. The physical additions to the church would not contrast architecturally from the existing form of the building and would not be out of character with the well established structure which forms an integral part of the streetscape.

The development will have no significant impact on the Council's infrastructure provided recommended conditions are imposed on the consent to mitigate adverse effects. It is therefore considered that the proposed development would have de minimis adverse effects on the infrastructural capacity.

The nature of the proposed activity and the imposition of conditions such as compliance with noise controls would avoid, mitigate and reduce the potential effects in order to protect nearby residential amenities and to integrate the development into the residential environment whilst retaining the predominant residential character within this modified urban neighbourhood.

## **LIVING ENVIRONMENT - CAR PARKING AND DRIVEWAYS**

### **ASSESSMENT CRITERIA**

- 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 Roding Hierarchy.
- 12(c) The extent to which driveways and car parking create adverse visual or aural effects on adjoining sites.

As the proposed development will not increase the capacity of the development it is considered that the existing car parking requirements and traffic generation will remain at present levels. As the applicant is proposing to reduce parking but in fact creating additional onsite parking it is not considered that in comparison to the existing facilities the additions and alterations will have a less than minor adverse effect on the traffic generation or parking requirement.

## **GENERAL NATURAL AREA - EARTHWORKS**

### **ASSESSMENT CRITERIA**

- 3(a) The extent to which the scale of earthworks is consistent with the scale of development being.
- 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(f) The extent to which earthworks adversely affect or contribute to degradation of natural watercourses in a way that destroys or reduces their ability to support in stream vegetation and fauna, their ability to be used as a healthy food source, their clarity, quality and flow and their suitability for swimmers.
- 3(g) The extent to which earthworks adversely affect the mauri (life force) of water.
- 3(h) The extent to which earthworks adversely affect the visual amenity of the site or adjoining sites.
- 3(i) The extent to which cut and fill activities involving earthworks are confined to the site rather than being transported off the site.

- 3(j) The extent to which earthworks may harm the health and safety of residents.
- 3(q) The extent to which the duration of earthworks is minimised.

There would be minimis adverse effects on soil or existing landform as a result of the proposed activity as the site is within the urban area, is not known to Council to be affected by natural hazards and is already modified. The earthworks are being undertaken to facilitate the construction of the car parking area and extended building platform. The earthworks will be of short duration and controlled by way of consent conditions.

## **GENERAL NATURAL AREA - IMPERMEABLE SURFACES**

### **ASSESSMENT CRITERIA**

- 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(c) The extent to which impermeable surfaces adversely affect the significance and the landscape value of natural features.
- 4(d) The extent to which impermeable surfaces contribute to the creation, or exacerbate stormwater 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 stormwater 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(g) The extent to which impermeable surfaces result in adverse effects arising from soil loss from the site.
- 4(i) The extent to which impermeable surfaces result in adverse effects on the mauri (life force) of water.

Council's drainage engineer has reviewed the proposed development and the effects that the resulting additional impermeable surfaces would have on the environment and on EcoWater's infrastructure. Overall it is considered that with appropriate conditions in place the proposed additional impermeable surfaces would have de minimis adverse effects and would not place pressure on the receiving environment.

## **HAZARDOUS FACILITIES & CONTAMINATED SITES - CONTAMINATED SITES**

### **ASSESSMENT CRITERIA**

- 2(b) The extent to which any proposal for the development, redevelopment or use of a contaminated site known to the Council meets the requirements of the "Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites" (NB: this publication is available from the Council).
- 2(c) The extent to which any proposal for the development, redevelopment or use of a contaminated site known to the Council demonstrates that there will be no more than minor off-site adverse effects and that measures will be taken to ensure the safe operation of the proposal on the contaminated site.

The site is known to be potentially contaminated due to past horticultural use of the site and the applicant is proposing that all cut material will be temporarily stockpiled on the site, stored on an impermeable membrane to prevent any possible leaching to the ground. The cut material will then be tested for potential contamination and if these tests conclude that the material is contaminated it will be taken off site to an approved landfill site that accepts contaminated material. A condition of consent will be included on the consent to ensure this is undertaken.

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

The Auckland Regional Policy Statement sets out 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 Waitakere City Operative District Plan has been prepared.

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

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

#### **8.4.1 Other Issues Raised by Submitters Not Covered Elsewhere in Report**

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

#### **8.4.2 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.

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

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

#### **8.4.4 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 Long Term Council Community Plan.

IT has been estimated that the development Contribution totals \$3792.52.

### **8.5 Lapsing of Consent**

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

A five year period in which to give effect to this consent is considered appropriate because of the nature and scale of the works described and because a number of conditions are intertwined (parking, earthworks). A lapse period of 5 years is therefore recommended.

## 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 CONCLUSION

The applicant seeks consent to carry out additions and alterations to buildings associated with an existing non residential activity at 76 Moire Road in Massey. 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 **less than minor** and **can** adequately be mitigated through the imposition of appropriate conditions of consent. It is considered that the additions and alterations to the activity **will not** lead to a decline in the amenity values of the area in which it is located.

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;
- 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 roading hierarchy, without detriment to road safety or the free flow of traffic.

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 Section 104 of the Resource Management Act 1991.

### 11.0 RECOMMENDATION

That pursuant to Sections 104,104B, 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 The Church of Jesus Christ and the Latter-Day Saints to undertake additions and alterations to an existing non- residential church activity at 76 Moire Road in Massey being Lot 1DP 105764 for the following reasons:

- (i) The proposed development is considered to be of an appropriate design and consistent with the existing building and 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 sufficiently integrated into the residential neighbourhood.
- (ii) 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.
- (iii) The proposed earthworks will be consistent with the level of development being undertaken, will be of short duration, and controlled by way of consent conditions.
- (iv) The additional impermeable surfaces will not place additional pressure on the receiving environment and will controlled through appropriate conditions of consent.
- (v) Any actual or potential effects on the environment by the proposal are considered to be less than minor and would be adequately avoided, remedied or mitigated by the conditions imposed on the consent
- (vi) The proposal satisfies the relevant objectives, policies, rules and other provisions of the Waitakere City District Plan.
- (vii) The proposal is not contrary to Part II of The Act.

Consent shall be subject to the following conditions:

1. (1) The development shall proceed in accordance with the plans titled Moire Road Chapel Addition and Alteration prepared by Walker Architects Ltd and dated 10.6.2005 and all referenced by Council as RMA 20051671 and the information, including further information, submitted with the application.
2. Pursuant to section 125 of the Resource Management Act 1991, this consent shall lapse after a period of 3 years from the commencement of the consent.

### Ecowater

3. All infrastructure relating to stormwater 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).

## 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 in accordance with ARCTP90 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.
5. The consent holder shall implement suitable measures, such as wheel wash facilities or the construction of a stabilised entrance way, to prevent the deposition of earth on the surrounding streets from trucks entering or leaving the site, to the satisfaction of the Manager Resource Consents. These measures shall remain in place until the completion of the development. Should any material be deposited on the street, it shall be removed immediately at the expense of the consent holder.
6. 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.
7. The development works associated with the development are to be carried out in accordance with NZS 6803P:1984 'The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work' with the exception of the hours of work, which are to be limited as follows:  

Monday to Friday:	7.30 am to 7.00 pm
Saturday	8.00 am to 5.30 pm
Sunday and Public Holidays:	No work
8. All earthmoving equipment, vehicles and machinery utilised on the site shall be well maintained and in good repair (particularly exhaust systems where applicable).
9. All necessary action shall be taken to prevent a dust nuisance to neighbouring properties to the satisfaction of the Manager Resource Consents.
10. All topsoil excavated during the course of works shall be retained on site and stored in an impermeable membrane to the satisfaction of Council's Environmental Monitoring Officer. Within 3 months of storing this soil, and prior to any soil being removed, the applicant shall undertake testing of the soil on site to demonstrate whether the soil meets the definition of clean fill as defined by the Ministry for the environment (MFE) guideline "a Guide for the sustainable management of clean fill (Jan 2002). The analytical testing results, including methodology shall be undertaken by a suitably qualified Soil Consultant and submitted to and approved by the Manager of Resource Consents
11. Upon completion of Condition 10 and dependant on whether any soil is to be removed from the site, the soil shall either:
  - (i) Be disposed of as Clean Fill  
Or
  - (ii) If contaminated the soil shall be disposed of at an appropriate licensed facility. A copy of all receipts shall be submitted to Waitakere City Council at time of removal.  
Or
  - (iii) Be adequately capped to the satisfaction of Councils Monitoring Officer.

## Transport

12. The amended car park is to be pavement marked, as shown on plan A01 10.6.2006, with signs erected to clearly define parking, manoeuvring and site access etc. All to comply with The Manual of Traffic Signs and Markings, (MOTSAM) published by Transit NZ. Also refer to NZS 4125 (1885), "Code of Practice for Design for Access and Use of Buildings and Facilities by Disabled Persons". Ensure the pavement markings and signs are regularly maintained.
13. A consent compliance monitoring fee of \$1308.00 (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 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 48 hours prior to when inspection is required. Inspections can be requested through the Call Centre on 839 0400.
2. The activity shall at all times comply with the noise controls of the relevant Human Environment of the District Plan.

Report prepared by: **Caisey Marter**, Resource Planner.

