



Waitakere City Council  
*Te Taiāo o Waitakere*

## NOTICE OF MEETING

# HEARINGS COMMITTEE

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

**DATE:**        **Thursday, 14 December 2006**        **TIME:**        **9.30 am**

**VENUE:**        **Waitakere Central, 6 Henderson Valley Road, Henderson, Waitakere**

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

7 December 2006

Stephen McDaid  
**COMMITTEE SECRETARY**

Telephone (09) 836 8000 extn 8170

### MEMBERSHIP:

Councillors    DQ    Battersby, JP (Chairman)  
                  WW    Flaunty, QSM, JP (Deputy Chairman)  
                  PA    Hulse  
                  JP    Lawley  
                  VS    Neeson, JP  
                  CA    Stone

Alternate Council Representative  
                  LA    Cooper

Ward Representative  
                  Mrs    EAG    Grimmer, MNZM        (Henderson Community Board)

Alternate Ward Representative  
                  Mr     WS    Bainbridge              (Henderson Community Board)

(Quorum 4 members)

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

**AGENDA FOR A MEETING OF THE HEARINGS COMMITTEE TO BE HELD AT  
WAITAKERE CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON,  
WAITAKERE, ON THURSDAY, 14 DECEMBER 2006,  
COMMENCING AT 9.30 AM**

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**AGENDA FOR A MEETING OF THE HEARINGS COMMITTEE TO BE HELD AT  
WAITAKERE CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON,  
WAITAKERE, ON THURSDAY, 14 DECEMBER 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 - Friday, 8 September 2006

**RECOMMENDATION**

That the minutes of the Meeting of the Hearings Committee held on Friday, 8 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 FREE CHURCH OF TONGA TO INSTALL AIR CONDITIONING ON AN EXISTING COMMERCIAL BUILDING WITHIN 20 METRES OF A RESIDENTIAL SITE FOR THE PURPOSES OF ESTABLISHING A CHURCH AT 78 FLANSHAW ROAD**

RMA 20060031

**HENDERSON 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**

Planner:	Kate Lawson
Site Address:	78 Flanshaw Road
Applicant:	The Free Church of Tonga
Date Received:	12th January 2006
Resource Consent No:	RMA 20060031
Building Consent No:	ABA 20052865
Ward:	Henderson
Legal Description:	Lot 2 DP 174 714
Address for Service:	William Fonua 4 Stokes Avenue Te Atatu Peninsula Waitakere City
Site Area:	1,005m <sup>2</sup>
District Plan: Human Environment:	Community
Natural Area(s):	General
Landscape Elements:	None
Hazards:	None known
Roading Hierarchy:	Collector
Further Information Required:	Yes
Date Requested:	10/2/2006, 7/4/2006
Date Received:	2/3/2006, 13/6/2006, 27/4/2006
Site Visit:	20/2/2006
Any Affected Persons:	Yes
Approval Given:	No

## 1.0 INTRODUCTION AND RECOMMENDATION

### 1.1 Nature of the Application

The applicant seeks consent to establish a church in part of the existing building at 78 Flanshaw Road for a congregation of up to 60 people. The proposed works comprise the installation of an air-conditioning unit which will be positioned within 20m of a site within the Living Environment. The application does not provide for the required 10% landscaping required and the proposed activity is to take place within a building with no street canopy or front window display space.

### 1.2 Resource Management Issues Raised

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

The environmental effects of this proposal are primarily related to amenity values and the cumulative effects of allowing the proposed activity to be located adjacent to residential sites. Such consideration included the associated vehicle movements to and from the site, parking, noise, privacy, and on-site amenity.

Other important aspects of the proposal for consideration related to the District Plan policies and objectives.

### 1.3 Planner's Recommendation

The planner who has prepared this report recommends that, subject to any contrary or additional evidence submitted at the Hearing, **consent be granted** to the application for the establishment of a Church in the existing building at 78 Flanshaw 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

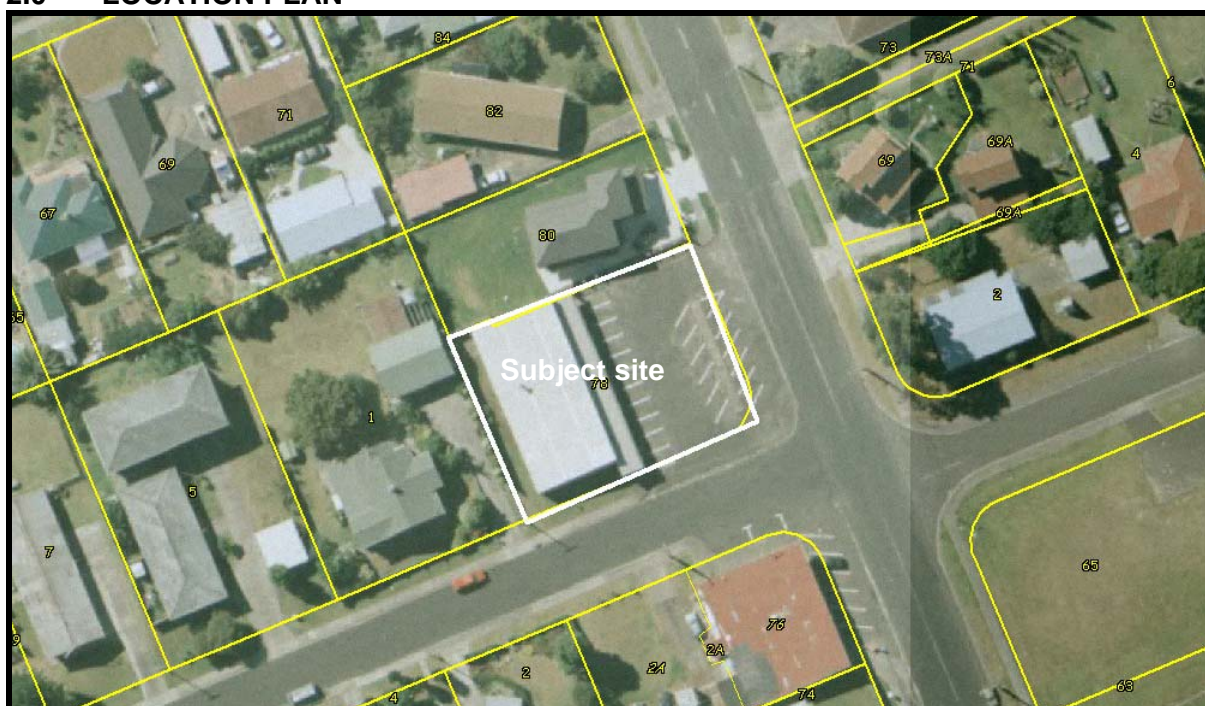


Figure 1. Aerial photograph showing the proposed site



Figure 2. District Plan zonings

Human Environment: Community  
Natural Area: General  
Legal Description: Lot 2 DP 174714  
Area: 1,005m<sup>2</sup>

### 3.0 PROPOSAL

The applicant seeks consent to establish a church in part of the existing building at 78 Flanshaw Road. The existing building measures 313m<sup>3</sup> and is divided into four units, unit 1 is occupied by a hairdressing salon, unit 2 is occupied by a web design office and units 3 and 4 are to be occupied by the church. The two units will be used for a meeting room and a service room, the service room will seat up to 60 people.

The church premises are proposed to be used for regular church services on Sundays from 10am till 1pm and choir practises on Saturday's from 5pm till 6.30pm. Additional church services include:

Christmas Day and Good Friday:	10am – 1pm
New Years Eve:	10am – 1am
First week of January (Mon-Fri)	5.30pm – 6pm
Last week of June (Mon-Fri)	5.30pm – 6pm

The proposed works comprise the installation of an air-conditioning unit which will be positioned within 20m of a site within the Living Environment. The application does not provide for the required 10% landscaping required and the proposed activity is to take place within a building with no street canopy or front window display space.

The application is supported by an Acoustic report from Marshall Day Acoustics Limited dated 13<sup>th</sup> June 2005.

### 4.0 REASONS FOR THE APPLICATION

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

## Community Environment

### Rule 3: BUILDING AND DEVELOPMENT LOCATION

Discretionary Activity consent is required as the proposal involves an air conditioning unit on the northern end of the building. This will be within 20m of the Living Environment.

### Rule 8: ALL COMMUNITY ENVIRONMENTS EXCEPT HENDERSON, TITIRANGI AND NEW LYNN

Limited Discretionary Activity consent is required as the proposed activity is to take place in a building with no street canopy or front window display space.

### Rule 9: LANDSCAPE TREATMENT

Limited Discretionary Activity consent is required as the subject site does not provide the required 10% landscaping.

Overall the application is considered to be a Discretionary Activity. The proposal complies with all other development control rules under the District Plan.

## 5.0 THE SITE AND NEIGHBOURHOOD DESCRIPTION

The subject site is located at 78 Flanshaw Road and is legally defined as Lot 2 Deposited Plan 174 714. The site is zoned Community Environment and is a corner site bounded by Flanshaw Road and Sylvan Crescent to the east and south. Residential sites in the Living Environment occupy the adjoining site to the west and the majority of surrounding sites in the vicinity. The dwelling to the north at 80 Flanshaw Road is located within the Community Environment.

The subject site measures 1,005m<sup>2</sup> and is occupied by an existing building measuring approximately 313m<sup>2</sup>. The existing building is divided into four units; Unit 1 is occupied by a hairdressing salon, Unit 2 is occupied by a web design office and Units 3 and 4 are to be occupied by the church.

The site is relatively flat and contains existing carparking. There is little vegetation existing on the site.

## 6.0 ISSUES IDENTIFIED THROUGH THE SUBMISSION PROCESS

A35-A39

Notice of this application was served on all identified affected persons on 15<sup>th</sup> August 2006. The period for submissions closed on 14 September 2006 and 1 submission was received in opposition to the application. Please refer to attached pages A37 to A39 for a copy of the submission that was received. A map showing the location of the submitter is attached at pages A35 to A36.

### 6.1 Submissions

PERSON (owner/occupier)	ADDRESS	SUPPORT OPPOSE	REASONS
Phillip and Phyliss Skinner	1 Sylvan Crescent	Oppose	Parking

### 6.2 Pre Hearing Meeting

A pre hearing meeting was held at Council on Monday 30<sup>th</sup> October 2006. The meeting was attended by the applicant, and family members, the submitter and family member and members of Council staff.

A58-A62 A copy of the agenda, attendance list and minutes from the meeting is attached in the appendices to this report, titled 'Pre-Hearing Meeting Report' as attached at pages A58 to A62.

## **7.0 STATUTORY REQUIREMENTS**

### **7.1 Discretionary Activities**

A50-A57 The relevant policies and criteria which apply under the District Plan and the Resource Management Act 1991 are set out in more detail as attached at pages A50 to A57 attached to this report. This should be referred to as the legal framework within which the application should be addressed.

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

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

### **7.2 LIMITED NOTIFICATION – SECTION 94(1)**

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 the 10<sup>th</sup> August 2006 this report is attached in Appendix 11 of this report and identified that one party would be adversely affected by the proposal. However, this party identified as being affected did not give their written approval. As required by section 94(1) notice of the application was therefore served on this party that was 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.**

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

### **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 proposed activity is to take place in an existing building and it is not proposed to increase the amount of impermeable surfaces.

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

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

### **8.1.4 Land / Soil**

There would be de minimis adverse effects on soil/ existing landform as a result of the proposed activity as the site is within the urban area is not known to Council to be affected by hazards is already modified and it is not proposed to undertake any earthworks.

### **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 de minimis 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 de minimis 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

- Building bulk, overshadowing, physical dominance, privacy, noise  
The proposed activity is to take place in an existing single storey building currently divided into four separate units. The site is zoned Community Environment with the building oriented towards Flanshaw Road, with parking provided at the front of the site, facing Flanshaw Road. Residential activities adjoin both west and north boundaries. However, 80 Flanshaw Road on the north boundary although occupied by a residential dwelling is zoned Community Environment. Controls on this site are therefore less stringent on effects in comparison to 1 Sylvan Crescent located on the western boundary which is located in the Living Environment zone. Required screening exists on the western boundary in the form of an approximately 2m high fence and planting on the boundary of the adjoining residential site.

An acoustic report prepared by James Whitlock of Marshall Day Acoustics dated 1<sup>st</sup> June 2005 and further information dated 13<sup>th</sup> June 2005 were submitted as part of the application and have been reviewed by Nevil Hegley of Hegley Acoustic Consultants. Mr Hegley has made the following comments

*“The reports provided have stated the building will be designed to achieve the noise limits. Based on the reports provided and the additional information subsequently provided, it would be reasonable to allow the application with respect to the noise aspects”*

Mr Hegley also states:

*“It will be necessary to include air conditioning in order to allow the windows to be kept closed. This will require a chiller to be located outside and hence there is potential noise to the neighbours that will need to be addressed. This is not seen as a problem providing this noise is taken into account during the design phase of the development.”*

Any activity on the site would in any case be expected to comply with the noise controls detailed in the District Plan.

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

The existing building comprises 4 units that have previously been occupied by a variety of retail and commercial activities. The Free Church of Tonga proposes to convert the units 3 & 4 at the northern end of the building into a church facility, whilst still leasing the further two units to commercial businesses. The minor alterations required would not change the visual appearance of the existing building and the development would improve the amenity of the site with the addition of landscaping to the currently concreted carparking area.

The proposed Church activity would be an activity anticipated by the plan in this Community Environment zone. The site is however located adjacent to a site within the Living Environment requiring more stringent controls on visual and aural effects as a result of the use of the building. The existing building would require minor alterations to allow for a church activity to operate. This would include the installation of an air-conditioning unit to be located in the north eastern corner of the building, which would be within 20m of the adjacent site located in the Living Environment zoning. Rule 3 of the Community Environment recognises the visual and aural effects that air-conditioning units could have on residential sites by requiring a 20m separation distance. As the air-conditioning unit would be located within 20m of the adjoining site at 1 Sylvan Crescent located in the Living Environment it is considered that there are potential adverse effects on the owner of this site and written approval from the owner/occupier of 1 Sylvan crescent is required. At the time of writing this application this approval had not been attained.

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

Council's Transport Engineer, John Carroll has reviewed the application in terms of its effects on traffic volumes and carparking requirements and has made the following comments:

*"Under both the District Plan and the Parking and Driveway Guideline assessment criteria, the proposed / current use of the existing neighbourhood shops building results in a car parking surplus of between 5 and 7 for the existing onsite / private car park configuration of 21 parks."*

*"It is believed that the proposed design will not create any operational problems in the surrounding traffic environment from traffic generation, parking and loading arrangements."*

Therefore it is considered that the traffic effects from the proposal would be no more than minor, would not compromise either road safety or pedestrian safety and would not affect the safe operation of the road network. Anticipated parking needs can be safely provided on site, and safe reverse manoeuvring and ingress/egress can be achieved within and from the site.

#### **8.1.11 Heritage**

There would be de minimis adverse effects in respect of heritage items as the proposed activity would not be located near, or impact on any identified heritage item.

#### **8.1.7 Summary**

Activities in the Community Environment have the potential to impact adversely on adjoining residential sites in the Living Environment because they may generate noise or traffic effects in particular that are not typical of residential use.

- The proposed use of acoustic insulation and conditions of consent will ensure that the noise would be limited to the levels required by the District Plan;
- On site parking complies with both the District Plan and the Parking and Driveway Guideline assessment criteria;
- Existing landscaping will provide screening to ensure the amenity and privacy of the adjoining residential site.

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

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

#### **8.2.1 District Plan Policies and Objectives**

It is considered that the proposed development would be consistent with the objectives and policies of the District Plan. The proposed Church activity will be established in an existing building. This building has been positioned on the site so that the rear of the building is close to the boundary adjoining a residential site in the Living Environment. The majority of activity and parking will take place at the front of the building adjoining Flanshaw Road so that the building itself provides screening and ensures privacy to the adjoining residential site. Landscaping along the western boundary adjoining the residential site at 1 Sylvan Crescent will also provide screening and privacy, and will maintain the on-site amenity of this residential site.

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

**Objective 10: 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.

Comment: Existing landscaping at the Living/Community Environment interface between 78 Flanshaw Road and 1 Sylvan Crescent at present comprises only lawn but the 4m width provides scope for additional landscape treatment. There is an existing cypress hedgerow along the boundary and within 1 Sylvan Crescent with a brick block and close-boarded timber fence also providing acoustic and visual mitigation

**Objective 11; Policies 11.10, 11.14** that seek to achieve a quality of activity that would make a positive contribution to local amenity value and neighbourhood character by locating buildings and associated car parking so that neighbourhood character, visual amenity and streetscape are maintained and privacy of adjoining property owners is assured.

Comment: The commercial building with its associated parking has been well positioned so that there is no direct association with any residential activities in the vicinity. The intersection of Flanshaw Road, Sylvan Crescent and Cole Place is characterised by non-residential activities, with a childcare centre directly opposite 78 Flanshaw Road, at 2 Cole Place, an open grassed area diagonally opposite associated with 10 Cole Place and neighbourhood shops across the intersection to the south at 76 Flanshaw Road. Thus the existing building fits well within this local neighbourhood context and the proposed use would not compromise neighbourhood character.

**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:

**Community Environment**

**BUILDING AND DEVELOPMENT LOCATION – RULE 3**

The proposed Church activity will operate out of an existing building set back from the boundary of the adjoining residential site at 1 Sylvan Crescent by 4m. There is also an adjoining residential site to the north however this site is located in the Community Environment requiring less stringent controls as explained in paragraph 8.1.10. Although the building has existing use rights and does not meet the set back of 6m required by the current District Plan, privacy and amenity of the adjoining residential site at 1 Sylvan Crescent is maintained due to the building only being one level and being located at a lower ground level than the adjoining site. Vegetation and fencing located on the boundary of the subject site also further maintains the amenity standard of the adjoining site. Noise levels from the proposed activity will be required to be monitored as a condition of consent to ensure noise standards in the District Plan can be met. The proposal is therefore considered to be in accordance with (Building and Development Location) Assessment Criteria 3(a)-3(c).

**ALL COMMUNITY ENVIRONMENTS EXCEPT HENDERSON, TITIRANGI AND NEW LYNN – RULE 8**

Assessed in terms of design and location and in accordance with Assessment Criteria 8(a)-8(g).

The existing building is somewhat set back from the road front to provide on-site parking. Full glazing is provided though this is not used specifically for display purposes and a canopy along the total frontage provides for weather protection. Pedestrian access leads into the site and along the front of the building.

Councils Transport Engineer, John Carroll has assessed the application and has stated that the site can comply with the carparking requirements for the proposal to hold a church congregation of 60 people in two units of the existing building. Mr Carroll also states "the proposal should have negligible effect on the safe operation of the roading network". It is noted that the applicant hopes to eventually use the whole building as a church and with 21 existing onsite car parks the congregation should be able to increase to 105 maximum - based the parking ratio of 1:5.

The proposal is considered to be in accordance with the relevant assessment criteria.

#### LANDSCAPE TREATMENT – RULE 9

Assessed in terms of Landscape Treatment and design and in accordance with Assessment Criteria 9(a) – 9(c).

The application has been assessed by Councils landscape Architect Gordon Griffin, as the proposal did not include landscaping. Mr Griffin subsequently prepared a Landscape and Planting plan which the applicant has accepted. This Landscaping plan will increase the area of landscaping on the site to comply with the 10% minimum requirement. The proposed landscaping will be located in the parking area at the front of the site to soften the visual affects of the parking area and improve the amenity of the site. The landscaping will not interrupt pedestrian and traffic flows and will not adversely effect sightlines.

The proposal is considered to be in accordance with the relevant assessment criteria.

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

The Auckland Regional Policy Statement (ARPS) 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 District Plan has been prepared.

The proposed activity is to take place in an existing building location within the Metropolitan Urban Limit. As the building is existing it is not proposed to carryout any earthworks therefore the proposal does not pose a risk to the natural receiving environment. For these reasons it is considered the proposal is consistent with these documents.

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

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

#### **PARKING**

The submitter has expressed concerns with respect to the parking on site. This aspect of concern has been assessed by a qualified transport engineer using the Council's **Parking and Driveway Guideline**.

Table 2.1 Car Parking Ratios for Specific Activities - the parking required is:

- Hairdresser as a Neighbourhood Shop, 63m<sup>2</sup> total gross floor area @ 1:30 requires 2 car parks, plus;
- Computer website design office as Office Community Environment, 63m<sup>2</sup> total gross floor area @ 1:35 requires 2 car parks, plus;
- Church as Cultural, Churches, 60 seats @ 1: 5 seats in the main assembly area requires 12 car parks.

This results in a total parking requirement of 16, with 21 on-site car parks provided results in a **parking surplus of 5**.

Under both the District Plan and the Parking and Driveway Guideline assessment criteria, the proposed / current use of the existing neighbourhood shops building results in a car parking surplus of between 5 and 7 for the existing onsite (private) car park configuration of 21 parks.

The submitter/s also raised concerns about on-street parking and the intersection controls. They have been advised that these issues are separate to this consent application and should be the subject of a request for service to Transport Assets for investigation and possible resolution report to the Henderson Community Board.

#### **8.5.2 Bonds/Reserve Contributions/Development Levy/Financial Contributions**

#### **8.5.3 Monitoring**

The performance of the activities under this consent will be subject to Council's standard monitoring procedures. These procedures include scheduled inspections to ascertain compliance with conditions of consent, together with periodic inspections as and when required to establish whether conditions are being complied with on an ongoing basis. In particular, attention is likely to be directed toward the implementation of conditions relating to noise and parking and a review condition has been recommended.

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

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

#### **8.6 Lapsing of Consent**

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

A standard five year period in which to give effect to this consent is considered appropriate because there are no other foreseeable circumstances within the next five years that would affect the implementation of this proposal.

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

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

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

It is considered that the granting of this application would not be contrary to the purpose of the Act. The proposal will enable people and communities to provide for their economic, social and cultural well-being and their health and safety without significantly compromising the needs of future generations or the life supporting capacity of natural resources such as air, water and soils. 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 install an air conditioning unit on an existing commercial building within 20 metres of a Living Environment for the establishment of a church activity in part of the existing building at 78 Flanshaw Road. The site is zoned Community 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 establishment and operation of the Church activity **will not** lead to a decline in the amenity values of the area in which it seeks to locate.

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

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

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

## 11.0 RECOMMENDATION

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 The Free Church of Tonga to establish a Church activity including installation of an air conditioning unit within 20 metres of an adjoining Living Environment, within the existing building at 78 Flanshaw Road, being Lot 2 DP 174 714 for the following reasons:

- (i) Any adverse effects on the environment would be no more than minor because:
- The activity is to be established in an existing building and no external works are required;
  - Effects from traffic would not compromise the safe operation of the road network
  - Design of car parking would allow for safe on-site manoeuvring and safe egress/ingress from the site;
  - Noise, including the external air conditioning unit would be controlled by means of appropriate design and acoustic insulation and would be required to meet District Plan standards;
  - Further landscape treatment is proposed to improve visual amenity and streetscape.

- (ii) The proposal satisfies the relevant assessment criteria and is consistent with the relevant objectives and policies of the Waitakere City Operative District Plan.
- (iii) The proposal is not contrary to Part II of the Resource Management Act 1991

**Consent shall be subject to the following conditions:**

1. The development shall proceed in accordance with the plans titled Drawing number(s) 1-3 prepared by William Fonua and dated 24/12/2005 and all referenced by Council as RMA 20060031 and the information, including further information, submitted with the application.
2. Pursuant to section 125 of the Resource Management Act 1991, this consent shall lapse after a period of five (5) years after the commencement of the consent.
3. 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 reinspection shall be required at the relevant hourly rate applicable at the time the reinspection is carried out.

The \$1308.00 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.

**Landscaping**

4. Landscape treatment shown on Appendix B: Landscape Treatment/Planting Plan shall be set in place to the satisfaction of Council's Environmental Monitoring Officer, Resource Consents.
5. Landscape treatment required involves the following:
  - Removal of the concrete filling from the raised 'kerb island' (but retaining the concrete kerb itself) to 250 mm to 300mm depth.
  - Replacement of the removed material with garden mix (top soil mixed with compost 50:50 to 250-300mm depth). (Garden Mix is available from Central Soils Ltd).
  - Planting as per the planting shown on Appendix B plan. Note the tree planted in the grass area fronting Sylvan Crescent shall be planted into a 600mm diameter weed and debris free garden with a wood chip mulch to 60mm depth.
  - Applying of wood chip mulch to 60mm depth. (weed mat below the wood chip mulch is optional).
  - Note: Planting season is May till 7<sup>th</sup> September.
5. Maintenance: The planting area shall be watered as necessary during the establishment period and kept weed free and maintained for two years minimum following the initial planting, with replacement planting put in as necessary to replace any losses, to the satisfaction of Council's Environmental Monitoring Officer, Resource Consents, and with replacement planting maintained for a further two years following planting.

**Transport Assets**

6. The existing car park area layout shall be remarked, with signs erected where necessary, to clearly define access, circulation and manoeuvring areas. All in accordance 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".

## Noise

7. The activity shall be designed and operated to ensure the noise level complies with the requirements of Community Environment Rule 13.1 of the Waitakere City District Plan, namely:

Monday to Saturday	7:00 am - 7:00 pm	50dBA, L <sub>10</sub> ; L <sub>max</sub> N/A
Monday to Saturday	7:00 pm - 10:00 pm	45dBA, L <sub>10</sub> ; L <sub>max</sub> N/A
Sundays & Public Holidays	7.00 am – 10.00 pm	
All days	10.00 pm – 7.00 am	40dBA, L <sub>10</sub> ; L <sub>max</sub> ; 70dBA

Measurements to be in accordance with the provisions of NZS 6801:1991 and NZS 6802:1991

8. Within six (6) months of establishing the church activity the applicant shall provide a report prepared by a person specialising in acoustic design demonstrating that the noise requirements in condition (8) are being achieved. This report shall include how the building and any mechanical plant has been designed and operates to ensure the noise requirements are complied with at all times.
9. Prior to holding the New Years Eve function the applicant shall provide a report to the Council demonstrating that the noise requirements of condition (8) will be complied with.

## Advice Notes:

1. Where indicated in the conditions it is the consent holder's responsibility to inform the Environmental Monitoring Officer when inspection is required. Inspections can be requested through the Call Centre on 839 0400.
2. 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).
3. It is the Church's responsibility to ensure that the site is maintained in a tidy condition and that on-site car parking is managed in an appropriate manner so that pedestrian and vehicle safety is not compromised.

Report prepared by Kate Lawson, Resource Planner  
Peer reviewed by Jeannette Ibrahim, Team Leader – Consents