



Waitakere City Council  
*Te Taiao o Waitakere*

## NOTICE OF HEARING BY COMMISSIONERS

I hereby give notice that a Hearing by Commissioners will be held on:-

**DATE:**            Friday,            29 February 2008            **TIME:**            9.30 am

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

to consider an application for resource consent 2 Claude Brooks Drive, Henderson and to take any necessary action connected therewith.

21 February 2008

Sharon Simiona  
**COMMITTEE SECRETARY**

Telephone (09) 836 8000 extn 8820

### MEMBERSHIP:

Commissioners: Cr VS Neeson, JP (Chairman)  
                         Cr DQ Battersby, JP  
                         Mr Les Simmons

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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 HEARING BY COMMISSIONERS TO BE HELD AT  
WAITAKERE CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON,  
WAITAKERE, ON FRIDAY, 29 FEBRUARY 2008, COMMENCING AT 9.30 AM**

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**AGENDA FOR A HEARING BY COMMISSIONERS TO BE HELD AT  
WAITAKERE CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON,  
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**1 LIMITED NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991 BY WADCOSS TO CONSTRUCT A COMMUNITY RESOURCE CENTRE AT 2 CLAUDE BROOKS DRIVE, HENDERSON**

**LUC: 2007- 0961 Ward: Henderson**

**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.**

Planner: Sonja Bury  
Site Address: 2 Claude Brooks Drive, HENDERSON  
Applicant: WADCOSS  
Date Received: 8 June 2007  
Resource Consent No: LUC-2007-961  
Legal Description: Lots 11 & 12 DP 6760, Lots 49 & 50 DP 65187  
Address for Service: PO Box 21068  
Henderson  
WAITAKERE 0650  
Ward: Henderson 3  
Site Area: 5.9278ha  
Building Consent No: COM2007-1431  
Operative District Plan:  
Human Environment:  
Open Space  
Natural Area: General  
Landscape Elements: 20m riparian margin and Ecological Linkage  
Hazards: Flooding  
Roading Hierarchy: District Arterial  
Further Information Requested: Stormwater Drainage and Affected Parties Approval  
Date Requested: 12.06.07 & 15.06.07  
Date Received: 11.07.07 & 23.07.07  
Site Visit: 13-Jun-2007  
Section 37 Applied: No  
Any Affected Persons: Yes  
Approval Given: No



### 3.0 PROPOSAL

The proposal seeks to construct a community facility within the eastern portion of the site which at present contains the former caretaker's cottage adjacent to the main entrance off Claude Brooks Drive.

The current dwelling is currently rented and therefore is not utilised or open to the public. The dwelling will be removed as part of the proposal.

#### Photograph Two – Current Building



The new building will be administered by Community Waitakere and will be used as a Resource Centre for a variety of community organisations. Community Waitakere will lease the site and the building from Waitakere City Council.

The proposed community facility will provide eleven offices, six meeting rooms, and ancillary kitchen and bathroom facilities.

The community facility will operate during the following hours:

- Monday to Sunday 7.30am to 9.30pm;
- The proposed offices/administration hours shall operate 8.30am to 5.00pm, Monday to Friday;
- The meeting rooms shall operate from 7.30am to 9.30pm, Monday to Sunday.

The maximum occupation of the building shall be 135 people with a maximum of 27 staff members included within this figure. The four large meeting rooms are collectively able to accommodate a maximum of 100 people, with two small meeting rooms being able to accommodate four people at any one time.

The proposed building has a gross floor area of 634m<sup>2</sup> with an additional 111m<sup>2</sup> of external decking and ramps. The building is proposed to be clad in a mixture of brick veneer and plywood cladding with a colour steel roof. Timber whaling will be used on the areas below floor level.

A proposed sign for the community facility is proposed adjacent to the existing signage along the Edmonton Road frontage.

The proposed building under the definitions of the District Plan is considered to be a "Parks Buildings". As such, resource consent is required for a building under 8m in height, complying with the height to boundary recession planes, a setback of over 3m from the adjoining Living Environment, for building coverage of 634m<sup>2</sup>, creates parking associated with a building over 150m<sup>2</sup> and for the change of use of a site which contains heritage items.

The proposed buildings on Tui Glen Reserve will create a proposed total building coverage of 1,742.14m<sup>2</sup> or 2.9% of the site area, an increase of 305m<sup>2</sup> additional building coverage.

The proposed development seeks to undertake works beneath the dripline of protected vegetation, undertake pruning of protected vegetation and requires the removal of 12 protected native and exotic trees.

Earthworks over a total plan area of 1,323m<sup>2</sup> with a total volume of 661m<sup>3</sup> is required to construct the parking area and proposed building platform.

The first stage will involve the removal of the existing dwelling and ancillary buildings, along with vegetation removal. The first stage of construction will include the minor re-grading of the proposed parking area and applying loose metal to stabilise the surface. Thereafter the proposed Community Centre building shall be constructed. At the completion of the building, the loose metal shall be removed from the parking area which then shall be regarded and sealed.

The subject site contains two heritage items, the McLeod's Cottage and the assorted early campground buildings. This proposal does not seek to alter these buildings or undertake any works near these heritage items.

The application has been supported by the following documentation:

- Resource Consent Application and Assessment of Environmental Effects prepared by Boffa Miskell Ltd in association with Graham Keys Architects;
- Development Plans, including Site Plan, Site Plan in part, Floor Plan, Elevations prepared by Graham Keys Architects;
- Statement of Purpose of Resource Centre prepared by Community Waitakere City Council;
- Draft Construction Management Plan prepared by Graham Keys Architects;
- Vegetation Assessment prepared by Renee Davies, Landscape Architects (WCC Parks);
- Traffic Report prepared by TEAM dated May 2007;
- Community Waitakere Draft Travel Plan prepared by Community Waitakere City Council;
- Developed Landscape Concept Plan currently under implementation prepared by Boffa Miskell Limited.

A1-A118

All of the above is contained within Appendix 1 attached at pages A1 to A118 of this report.

#### 4.0 REASONS FOR THE APPLICATION

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

##### General Natural Area

**Controlled Activity Consent** is required for the proposed works beneath the dripline of protected vegetation and for pruning protected vegetation (General Natural Area - Rule 2.2).

**Limited Discretionary Activity Consent** is required for the removal of 12 protected native and exotic trees (General Natural Area - Rule 2.3).

**Discretionary Activity Consent** is required for earthworks over a total plan area of 1,323m<sup>2</sup> and with a total volume of 661m<sup>3</sup> (General Natural Area - Rule 2.4).

##### Open Space Environment

**Discretionary Activity Consent** is required for the parks building being less than 8 metres in height (Open Space Environment - Rule 2.3).

**Discretionary Activity Consent** is required for the parks building complying with the height to boundary recession planes (Open Space Environment - Rule 3.3).

**Discretionary Activity Consent** is required for the parks building complying with the 3m setback from the Living Environment (Open Space Environment - Rule 4.3).

**Discretionary Activity Consent** is required for the parks building complying with the building coverage of 35 % (Open Space Environment - Rule 5.3).

**Discretionary Activity Consent** is required for the parks building being over 150m<sup>2</sup> in regards to parking requirement (Open Space Environment - Rule 7.3).

**Discretionary Activity Consent** is required for signage which will be over 0.1m<sup>2</sup> in sign area and will be located at the entrance of Claude Brooks Drive (Open Space Environment - Rule 11.3).

##### City-Wide Rules

**Limited Discretionary Activity Consent** is required for the change of use to a site which contains heritage items (Heritage - Rule 2.2).

4.3 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, known as Tui Glen Reserve measures approximately 5.4 hectares with vehicular access to the reserve gained from Claude Brooks Drive, a small access road off the western side of Edmonton Road. The subject area lies on the perimeters of Henderson Town Centre. Claude Brooks Drive also provides access to a number of residential properties.

The subject area and its immediate surrounds measuring a total site area of 7,560m<sup>2</sup> were recently gazetted for Local Purposes ("Community Buildings"). This area includes the fore-mentioned caretaker's cottage that is currently being rented, associated outbuildings, depot, but also heritage buildings (McLeod's Cottage, buildings associated with Tui Glen Motor Camp). This is expanded upon in Section 3.2 of this report.

The remainder of the site includes other community buildings utilised by various community groups, namely the local Scouting Association, and a jetty that lies on the banks and within the Oratia Stream. The reserve is served by a number of formal and informal parking areas, and areas of hardstanding that are contained both within vegetated and grassed areas. The topography of the site undulates down towards the stream bank.

The 'wider' reserve provides pedestrian and cycle connections from Chilcott Brae along Henderson Creek to the north and to Cranwell Park and Henderson Town Centre via a pedestrian bridge across Henderson Creek.

The Oratia Stream adjoins the western boundary of the reserve and the northern-most boundary is adjoined by the Opanuku and Oratia Streams where the Henderson Creek begins.

Of its immediate surroundings, residential site(s) lie on its eastern and northern boundaries whereas the southern boundary is adjoined by community facilities such as West Wave Centre and a local church. Opposite Oratia Stream lies Cranwell Park. Residential sites, 1/1 – 3/1 Claude Brooks Drive lie on the Claude Brooks Drive boundary.

Of note, No.1 Claude Brooks Drive is a cross-leased site that at present contains two residential sites, with the opportunity to develop a further site. Both existing dwellings are single-storey, with the driveway located adjacent to the western boundary that results in the residential buildings being placed a minimum 9.0m from the boundary and the absence of outdoor amenity areas immediately adjacent. Sightlines between neighbouring sites and the subject property are limited by the scale of built development on the respective sites, the area's topography and existing fencing treatments.

No.60 Edmonton Road is orientated as such that allows views across both Claude Brooks Drive and the subject area. Separation distances are in the order of 30 metres.

*A119-A120*

A history of the site is contained with pgs 36-40 of the Te Huru hūru –Henderson Creek Reserves Management Plan (July 2003) which is attached as Appendix 2 at pages A119 to A120.

### **5.1 Te Huru hūru –Henderson Creek Reserves Management Plan (July 2003)**

The Management Plan was adopted by the City Development Committee and both the Henderson & Massey Community Boards in July 2003. The Management Plan process formally began in September 2000 with the public notification of Council's intention to prepare a Management Plan.

*A121-A127*

As part of the Management Plan, a Concept Plan was developed for the Tui Glen Reserve. For ease of reference, this Plan is attached as Appendix 3 at pages A121 to A127. The Concept Plan refers to the subject area as a Proposed Lease Accommodation Area. It is noted that a majority of submitters wanted Tui Glen to retain its historical usage, hence the associated response in the Concept Plan. The Plan also refers to improved parking facilities across the reserve.

A number of policies are also included within the Management Plan. With regard to this proposal, there remains the need to protect the natural character and ecological value of Henderson Creek; facilitate public access and improve connectivity, to provide a safe

environment, to recognise and protect heritage items or sites, reducing stormwater runoff, etc.

On the 17 August 2001, a resolution was passed at a Council meeting in regards to retaining Tui Glen Reserve as a Reserve under the Reserves Act 1977, and ensuring that any future development within the Tui Glen Reserve met the Reserves Act criteria.

After the resolution was passed a process of community consultation occurred on the future of the Tui Glen Reserve. The single request from the community was that Tui Glen Reserve stayed as a mixed-use area which included the ability for short-term accommodation and a park facility.

Council then investigated the establishment of the accommodation facilities within the reserve, with no solid proposal able to be developed. However, the NZ Motor caravan association proposed working with Council to provide and manage a short term accommodation within a specific area, near the entrance to the Aquatic Centre of the reserve which was consistent with the Management Plan. A lease was accordingly development and approved.

As a result of the smaller lease area utilised by the NZ Motor Caravan Association this meant that there was a portion of the area previously identified for re-development adjacent to the entry of Tui Glen Reserve and included the heritage buildings remain.

## **5.2 Change of Classification from Recreation to Local Purposes (“Community Buildings”).**

Tui Glen Reserve is composed of a classification of Recreation Reserve, Local Purpose (Community Buildings) Reserve and Local Purpose (Esplanade and Access way) Reserve under the Reserves Act 1977. Tui Glen has also been identified as being a City Wide Reserve under the Parks Strategy 1999.

Tui Glen Reserve was classified as a Recreation Reserve under the Reserves Act 1977 and was gazetted in 1981. Under the Reserves Act 1977 there are restrictions to those activities that can be carried out within a reserve, depending on the classification. Under the Reserves Act 1977, it is permissible to locate a community resource facility; however the appropriate reserve classification is that of Local Purpose (Community Facilities). At the time the area was proposed for the facility it was classified as a Recreation Reserve; however a change of classification was identified as required to allow the lease of the area for this purpose to continue. This classification change still provides for Tui Glen Reserve to remain a Reserve under the Reserves Act 1977.

The City Development Committee on the 7 July 2005, resolved to allow a lease of an area at Tui Glen Reserve for the development of the Waitakere Community Resource Centre and to publicly notify a change of the reserve classification to allow the development to proceed once funding was secured.

The city wide public notification of the change of reserve classification was advertised in the West Leader newspaper on the 11 April 2006, for a two month submission period. No objections were received at the end of that period and the classification was therefore forwarded to the Department of Conservation for their approval. The classification from Recreation Reserve to Local Purpose (Community Facilities) was gazetted on the 7 September 2006.

### **Other Consents**

Upgrading work has been undertaken within Tui Glen Reserve since 1994. These works have been separately processed and are independent of this application. The upgrade

works now form part of the existing environment within Tui Glen Reserve as the works have been implemented or are currently being undertaken.

There have been several resource consents granted to establish cycleways, jetty, upgrading of stormwater outlets, and removal of vegetation, provide additional parking, upgrading of the ring road and Claude Brooks Drive and several building consents for the construction of the jetty, several retaining wall structures and additions to the existing Rehab Centre Building. The following resource consents and buildings consents have contributed to the implementation of the Henderson Creek Reserve Management Plan.

**Table One – Previous Resource and Buildings Consents**

| Consent Number | Description   |
|----------------|---|
| LUC20041891    | establishment of a cycleway within the esplanade reserve  |
| LUC20042475    | establishment of a jetty/pontoon within a riparian margin   |
| LUC2005-355    | upgrading of the Chilcott reserve stormwater outlet structure, and earthworks   |
| COM2005-521    | construction of the new jetty and shelter   |
| COM2005-355    | extension of the Rehab Centre   |
| LUC2005-2076   | Implementation of the Henderson Creek Reserve Management Plan, including the upgrade of first section of the Ring Road, tree removal, provision of parking and stormwater disposal devices.                             |
| LUC2007-1887   | Stage 2 of the implementation of Henderson Creek Reserve Management Plan, including completion of the Ring Road, construction of retaining walls, and upgrade of Claude Brooks Road and completing pedestrian linkages. |

**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 14.08.07.

This report concluded the following:

- The adverse effects on the environment will be minor
- Written approval has not been obtained from every person who may be adversely affected by the proposal.

A128-A135

This report is attached in Appendix 4 at pages A128 to A135 and identified that seven properties 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.

**6.1 ISSUES IDENTIFIED THROUGH THE SUBMISSION PROCESS**

In light of the above, the application was subject to ‘limited’ notification on the 17 August 2007, and 26 October 2007 on all persons deemed to be adversely affected by the proposal. The application was notified twice due to additional information received from Council’s Transport Engineer.

A136-A138

The period for submissions closed on 14 September 2007, and 28 November 2007. Two submissions were received, and are accordingly attached in Appendix 5 at pages A136 to A138.

## 6.2 Submissions

The two submissions received were in opposition to the proposed activity. The basis of the submission is summarised below:

- The size of the proposed building is out of keeping with the open space area it is located in;
- The proposal provides for an activity that is commercial in character to be placed within the Open Space zone in an identified reserve area;
- The hours of operation and collective capacity of the property are of a concern;
- The loss of outlook and visual amenity within the reserve area;
- The traffic and parking provisions are not appropriate for the intensity of the activity proposed.

## 6.3 Pre Hearing Meeting

The pre-hearing meeting was initiated by Waitakere City Council under Section 99 of the Resource Management Act 1991 for the purposes of clarifying issues, or facilitating resolution of a matter or issues associated with the application by WADCOSS, and was held on Friday, the 15<sup>th</sup> of February 2007 at 12.30pm – 3.20pm.

The pre-hearing meeting was chaired by an independent Commissioner, Mr Alan Bradbourne.

Attendees from Waitakere City Council included: Matthew Wright (Resource Consents), Gyles Bendall (Parks), Sam Shumane (Planning Consultant – Traffic), Tony Rea (Strategy); Sonja Bury (Processing Resource Planner) and Caroline Fabian-Lovett (Note taker). Attendees of the Applicant included: Pat Watson (Manager Community Waitakere), Peter Hall & Christine Coste (BOFFA Miskell), Twan Peters (Project Architect - Graham & Keys). Attendees of the Submitters included: Prue Kapua (Tamatekapua Law) Jan Cherrington, Emma Cherrington, Laura Cherrington.

As required by Section 99(5)(a) of the RMA the attached agenda, attendance list, minutes and report of the pre-hearing meeting do not include any matters raised or communication made on a without prejudice basis, as agreed by the applicant's and submitters representatives.

The only issues that were agreed upon by the parties were that the plans attached to the application required to be amended, which involved the deletion of the kitchen indicated as being for a future commercial operator, and the deletion of the 'weekend hireage' door. As a result it was clarified and accepted that all access to the meeting rooms after hours would be via the deck on the north-western side of the building, and clarification would be sought if the exterior doors were required to the sixth meeting room for fire safety purposes.

It was also agreed that if possible the Camphor Laurel tree on Mrs Cherrington's boundary (1/1 Claude Brooks Drive) would be retained, but the impact of this on the parking layout needed to be investigated. Agreement was reached that the reconstruction of the fence along the boundary of 1/1 Claude Brooks Drive would prevent any car light glare extending beyond the subject site. And it was also accepted that the applicant did not have the ability to impose a right hand turn ban on the Edmonton Road and Claude Brooks Drive intersection and did not control the use of parking within Tui Glen Reserve.

As per Section 99(5)(b)(ii) of the RMA it was concluded that the fundamental issues association with the application, detailed above were not resolved.

A279-A285

A copy of the agenda, attendance list and minutes from the meeting is attached in the Appendix Twelve at pages A279 to A285.

## **7.0 STATUTORY REQUIREMENTS**

### **7.1 Discretionary Activities**

The relevant Policies and Criteria which apply under the District Plan and the Resource Management Act 1991 are set out in more detail in Section 8.2 of 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.

## **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 may disregard an adverse effect of an activity on the environment if the Operative Plan permits an activity with that effect (Section 104(2)).

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

#### **8.1.1 Effects permitted by the Plan**

Pursuant to Section 104(2), Council may disregard an adverse effect on the environment if the plan permits an activity with that effect.

The proposed development is considered to fall under the definition of Parks Building. As such, unless they relate to alterations and additions to existing Parks Building, all new Parks Buildings, regardless of their size, scale and height will automatically fall into a

minimum Discretionary Activity category. A number of bulk and location requirements are therefore applicable and highlighted by Section 4.0 of this report. This would also include Parking and Traffic Generation, and associated effects.

Such an activity, nor a building would not be permitted by the District Plan.

### **8.1.2 Existing Environment**

The subject site is zoned as Open Space Environment, which in general terms, is intended to provide both passive and active recreation for the city's residents, with a range of activities and facilities provided on the City's network of parks and reserves.

Reserves are a public asset for the enjoyment and benefit of the wider community, and their development needs to be balanced to ensure that the amenities and privacy of properties adjoining parks are considered.

The subject site, in comparison to other parks and reserves in the City, is considered unique in the sense of the history that surrounds the subject area, and existing community facilities located in various buildings across the site. Also refer to Section 3.2 of this report.

Upgrading works of the reserve have been separately processed as noted in Section 5.3 of this report, and are independent to this application. The upgrading works now form part of the existing environment as they have been either undertaken or initiated.

The subject area contains a caretaker's cottage and various ancillary buildings, and forms part of the built characteristics of the reserve. Through the combination of its use, previous earthworks and vegetation that envelopes these buildings, there is a notable absence of any recreational opportunities either on a formal or informal basis within or adjacent to the fore-mentioned buildings. The prevalent characteristic of the subject area is subsequently residential in nature.

The proposed activity is, however, of a size, scale and intensity over and above that which currently exists. Although the proposed building shall be of a similar footprint to the existing residential dwelling it is held to be of a greater mass, bulk and height and shall revert the area from a private to a public usage.

The proposed activity therefore needs to be assessed having regard to the size and purpose of subject area, and its impact upon both nearby and wider amenities enjoyed by both neighbours and the wider community.

### **8.1.3 Water Quality and Quantity**

The proposed development would create additional impermeable areas, and therefore stormwater runoff from the site would be potentially increased.

The stormwater run-off from the proposed Community Centre and associated car parking area would be treated through the use of a Stormwater 360 Enviropod prior to feeding into the public reticulated stormwater system. The proposed stormwater treatment and disposal system will also be connected to the existing public stormwater network system which services the existing carpark area below the proposed Community Centre building location.

Council's Water and Drainage Engineer, Mr Ravinesh Chand, has assessed the proposal (memorandum dated 12 July 2007) and has concurred that the proposed stormwater design initiatives would mitigate the potential impact of the increased stormwater runoff. Accordingly, it is concluded that subject to the implementation of these mitigation measures, as proposed by the applicant, the actual and potential environmental effects

on water quantity and quality will be minor, and the level of impermeable surface coverage would be permitted under the District Plan.

#### **8.1.4 Earthworks**

It is proposed to undertake approximately 661m<sup>3</sup> of earthworks over a total plan area of 1,323m<sup>2</sup> to construct the parking area and building platform of the Community Centre building. The excavated material is to be removed from site. Metal and aggregate shall be imported into the site to construct the new parking area.

It is considered that the scale of earthworks is appropriate to the development proposed and would not adversely affect the potential for restoration or enhancement of the site.

The subject site is in close proximity to the Henderson Creek, Opanuku and Oratia Streams. The proposed earthworks will be approximately 100 metres away from the mean high water springs (tidal influence) of the Oratia Stream. As such, erosion and sediment controls are required to ensure that sediment laden flows are contained within the work area, and do not enter the Henderson Creek or Opanuku Stream watercourses.

Erosion and sediment control measures in accordance with the Auckland Regional Council Technical Publication Number 90 are proposed. Specifically a silt fence should be located at the bottom of the building platform to allow water to flow across the existing internal road network while the parking areas and building platform is being constructed to ensure no sediment laden run-off is directed towards nearby watercourses. A cut off drain is proposed to be constructed along the eastern side of the proposed work site and will be directed to the south.

The proposed earthwork area will be stabilised immediately by the laying of paving loose metal. A stabilised entranceway and wheel wash should be constructed within the proposed entranceway area to prevent spoil being tracked onto the surrounding road network. Subject to the implementation of these measures, it is considered that the proposed earthworks would result in no more than minor effects on water quality and would not lead to the degradation of downstream watercourses.

Approximately 61 truckloads of excavated material are proposed to be transported to the site to construct the parking area and Community Centre. Given the low volume of truck movements generated by the proposed development, it is considered that the excavated material being transported to the site would result in minor effects on the local roading network. A stabilised entranceway and wheel wash are proposed to be provided within the entranceway that would ensure minimal aggregate is tracked onto the surrounding road network.

The proposed earthworks would result in minor effects on the amenity of the surrounding residential dwellings, as the earthwork activity would be temporary in nature only. Such effects will be mitigated by appropriate conditions.

Overall, it is considered that the proposed earthworks would result in negligible effects on the environment, subject to the implementation of the proposed conditions of consent.

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

It is proposed to remove 12 protected trees that include eight Pohutukawa, two Wheki tree ferns, a Norfolk Pine, and a Camphor Laurel. Consent is also sought to prune and undertake works beneath the dripline of three Pohutukawa trees.

The proposed vegetation works have been assessed by Council's, Consultant Arborist, Mr Craig Webb from Greenscene Limited (memorandum dated the 12<sup>th</sup> of July 2007).

This report makes the following comments:

- No arboricultural reason to retain the 2 x Wheki Tree Ferns & Norfolk Island Pine to facilitate the parking area.
- A Camphor Laurel Tree, where proposed works will occur within its dripline, can be successfully retained and integrated into the development subject to appropriate measures. Some pruning, however, may be required. This tree is worthy of retention.
- The applicant's report refers to the removal of wheki ferns which lie in close proximity to the original dwelling. However, their retention and transplanting within other planting locations within the site is deemed appropriate.
- A Norfolk Island Pine is identified for transplanting, however, its removal and replacement with a suitably selected native tree is deemed both appropriate and provides adequate mitigation.
- The retention of a pohutukawa tree (listed as no.10)
- Appropriate measures to ensure the health and well-being of Japanese cedar trees and the fore-mentioned pohutukawa tree
- Limitations to site excavations within the driplines of vegetation.
- Appropriate mitigation for loss of vegetation would involve replacement tree planting, which includes 8 native tree species of Pb 95 grade or a minimum height of 1.5m.

The removal of the protected vegetation would not affect the overall integrity or resilience of the green network, as the vegetation is within a modified location and is outside the more significant riparian margin area adjacent to the Henderson Creek, Oratia and Opanuku Streams. None of the trees proposed to be removed are considered to be notable examples of their species.

Overall it is therefore considered that there would be no more than minor environmental effects in relation to the proposed vegetation removal and works beneath the dripline of protected vegetation. Where works occur with their dripline, appropriate methodologies will ensure their integration into the proposed development.

#### **8.1.6 Land / Soil**

There would no 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.

As earthworks are required to undertake the proposed works, as discussed in Section 5.2.1 above, it is considered that the implementation of Council's standard erosion and sediment control measures would ensure that there would be negligible effects on the soil as a result of the proposed upgrading works.

#### **8.1.7 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.

#### **8.1.8 Ecosystem Stability**

As discussed in Section 5.2.2 above, it is considered that the removal of the protected vegetation would generate no more than minor effects on the stability of the ecosystem, as the vegetation are not notable examples of their species, and are located on the border of the ecological linkage.

The application also proposes to undertake replacement planting along the internal road and parking area which would enhance the linkages between the residential urban area and the riparian margins. The effects on the ecosystem stability arising from the proposed activity are considered to be no more than minor.

#### **8.1.9 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.

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

The subject site is located adjacent to the Henderson Creek, Oratia and Opanuku streams.

The proposed activity in terms of its earthworks operation would be set well back from the margins of any watercourse, and would have erosion and sediment control measures in place to ensure that sediment-laden run-off is contained within the site.

The proposed removal of the protected vegetation would create no more than minor adverse effects as the trees are not notable examples of their species, and the tree population within the park reduces the visual impact of the removal. Their removal would be mitigated by replacement planting.

The proposed Community Resource Centre would be located approximately 92m away from any watercourse, and therefore would create no more than minor effects on the natural character of the margins, as the building would be sufficiently setback.

Overall, there will be no more than minor adverse effects would result in relation to the natural character of the Henderson Creek, Oratia and Opanuku streams from the proposed activity, subject to conditions of consent.

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

##### *Amenity Values*

Amenity is defined in the District Plan and the Resource Management Act as:

*Those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.*

Tui Glen Reserve can be characterised as being currently comprised of a mix of natural and physical qualities. Primarily these qualities include open grassed spaces mainly used for passive recreation by members of the public and clustered areas of built development located within the edges of the reserve and the communal car parking adjacent to Henderson Creek and behind the Scout building.

The subject area at present contains a caretaker's building and associated accessory buildings that form an integral part of the existing environment, and also implies both the extent of modification and human activity that has previously occurred within this section of the reserve, while the northern portion of the reserve retains a predominantly open space character.

The proposed activity, by its sitting will retain the open space character by utilising the southern portion which has previously been modified, rather than scatter the human activities across the reserve.

The subject area, has referred to in Section 5.1 of this report, was included with the concept plan as a "Proposed Lease Accommodation Area" in the Te Huruhuru – Henderson Creek Reserves Management Plan. The proposal is not reflective of this notation but it does identify that this area was subject to potential change that involved both built structures and increased human activity. This action appears to have re-enforced with the re-classification of the reserve for Local Purpose "Community Buildings". The above actions, however, are based on conceptual proposals or actions.

Whilst change is anticipated, the extent of that change needs to be assessed to ensure that the proposed activity is both appropriate and managed in such a way that is it compatible with amenity values and character. This is implicit both in the nature of the reserve, and its relationship with established residential development that lies adjacent.

The proposal will involve the demolition of existing buildings and replaced by a Community Resource Building. The building, and associated parking areas will both increase the scale of buildings, associated parking areas, and an intensification of the use of this portion of the site.

The proposed building has a gross floor area of 634m<sup>2</sup> with an additional 111m<sup>2</sup> of external decking and ramps. The building is proposed to be clad in a mixture of brick veneer and plywood cladding with a colour steel roof, and shall be of a single storey scale. Timber whaling will be used on the areas below floor level.

The proposed building will comfortably comply with the required 3m setback, 8m height, and height in relation to boundary recession planes from the immediately adjacent Living Environment boundary. The building is set-back 11m from the nearest site boundary, and as a maximum height of 7.3m.

The appearance of the proposed building will not be incongruous with other buildings on site, which have an eclectic mix of designs and materials. The proposed building would compliment existing buildings on-site.

#### *Building Coverage*

The proposed Community Centre building coverage of 634.14m<sup>2</sup>. The proposed buildings on Tui Glen Reserve will create a proposed total building coverage of 1,742.14m<sup>2</sup> or 2.9% of the site area, being below the 35% District Plan limit, stated in the District Plan as the upper limited for a Discretionary Activity.

The increased building coverage would be confined to the eastern part of the site and would be clustered with the existing buildings, such as the heritage buildings and thereby reducing the effect of bulk and massing from the proposed development and concentrating the built form on site. Furthermore, existing and proposed vegetation will both soften and screen the development, particularly from views within the reserve.

Vegetation and the layout of the building will ensure its continued 'physical' and 'visual' separation from the reserve, including nearby heritage items, and from its predominantly recreational amenities. The open character of the 'wider' reserve will be retained.

#### *Building Height*

The proposed building is 7.3m (maximum) in height at the northern end, while the building height on the southern portion of the building is 5.6m which is keeping with the scale of existing buildings within Tui Glen Reserve, but also neighbouring residential sites. The

east-facing elevation that faces onto the residential boundary of No.1 Claude Brooks Drive is single-storey in nature with an eaves height of 4.9m with the bulk of the building orientated towards and within the reserve. This reduces the visual presence of the building from neighbouring properties which is further re-enforced by separation distances and a close-boarded fence. .

### *Signage*

A sign is proposed to be constructed at the entrance of Claude Brooks Drive and will be attached to the existing reserve signage. The proposed signage shall advise of the location of the Community Resource Centre and shall not be illuminated. It is considered that the proposed signage shall be in similar character to the existing reserve signage located at the intersection of Claude Brooks Drive and Edmonton Road.

### **Photograph Three – Existing Signage**



*Effect of the proposal on neighbouring residential amenity and the area generally*

### *Design, Height, Scale, Bulk*

The design of the building is in keeping with the surrounding residential type and style. The building will not be over imposing on the landscape or the neighbouring built form and will not detract from views across the reserve in a way which is materially greater than that which currently exists.

A distance of approximately 11m separates the proposed building from No 1/1 Claude Brooks Drive. It is considered that these distances are sufficient to ensure that, given its design and the materials which are in keeping with site and surrounding neighbourhood, the proposal will not have more than minor adverse visual impact on the surrounding area. With particular regard to No 1/1 Claude Brooks Drive, the existing fence will be

upgraded to a 1.8m high close-boarded fence that will further reduce overlooking either from the building or the associated parking area.

The proposed building will be located on the dip in the landscape resulting in the building being lower than the surrounding residential sites and thereby restricting further any potential overlooking caused by the proposed building into neighbouring properties.

As the proposed building is single storey and combined with proposed screen fencing to a height of 1.8m there shall be no overlooking potential created or afforded.

The height of the proposed building will not block views into the reserve. Notwithstanding this, surrounding vegetation will continue to dominant the immediate surrounds being single storey results in less of an impact on park surveillance by higher properties as the proposed building will therefore not block any views into the park.

The proposed building would of a scale in keeping with nearby built development and would not cause any loss of amenity to neighbouring occupiers in terms of increased sense of enclosure or loss of privacy with its visual impact further reduced by a dip in the landscape and its distance from neighbouring boundaries.

#### *Building Height*

Though the proposed building will be seen from properties to the south of the reserve, the existing buildings and vegetation on site will provide a backdrop to the proposal which minimises its visual impacts. A sufficient distance separates all neighbouring dwellings.

The proposed building height is considered to be in keeping with the design and character of the surrounding neighbouring buildings, will not reduce neighbouring amenity values and will not visually dominate the landscape.

The height of the proposed building will not block views into the reserve. Notwithstanding this, surrounding vegetation will continue to dominant with built-development visually subordinate to its natural surroundings. Furthermore, additional planting will provide further screening of the building, and in particular from within the reserve.

#### *Daylight and Sunlight*

The proposed building will not reduce daylight or sunlight into neighbouring properties due to its location approximately 11m (minimum) from the boundary with any neighbouring occupiers. In addition the proposed buildings position in a dip in the landscape results in it being much lower than the surrounding residential buildings to the east thereby preventing overshadowing from neighbouring residential properties.

The proposed building will detract from the open space character of the park however the sitting of the proposed building will ensure that built form on site is clustered in the western portion of the park leaving adequate open space for passive and active recreation in the northern and eastern portions of the reserve. Pedestrian access through the park will be maintained.

The proposed building will be a sufficient distance from the boundary with residential properties to ensure that it is separated from the residential element of the neighbourhood.

The proposed building will not physically dominate the adjoining sites due to the buffer spacing between the proposed building platform and the adjoining residential sites, in addition an existing fence provides a screen between the reserve and the residential neighbourhood giving a clear separation of built form.

Overall it is considered that the proposed building will fit well within the existing character of the area without compromising the separate visual identity of the open space which provides a break in the general suburban built environment.

### *Parking*

A Traffic Impact Assessment has been undertaken by TEAM, who recommend 32 car parking spaces based on a ratio of 1 per 20m<sup>2</sup> of gross floor area for the community facility.

The application proposes eleven (11) parking spaces to the south of the proposed building. The difference is proposed to be accommodated with existing parking areas within Tui Glen Reserve, with 112 parking spaces available within the reserve.

Whilst only 11 car parking spaces are available around the Community Resource Centre, Council's Transport Engineer, Mr Sam Shumane considers that there is sufficient alternative parking within the Tui Glen Reserve to accommodate expected parking demands.

At present, there 90 parking spaces currently available with a further 22 spaces under construction. The additional parking areas are located away from any residential boundary.

Pedestrian connectivity to the 'wider' reserve is also proposed to ensure that appropriate pedestrian access is available across the reserve.

The internal accessways, parking spaces and loading areas have been designed to accommodate appropriate vehicles that allow the efficient and safe access by both motor vehicles and pedestrian traffic. All manoeuvring of vehicles would occur within the site and well clear of road frontages. As such the proposal would have negligible impact on Edmonton Road. Mr Shumane recommends that all parking and manoeuvring areas are marked to comply with MOTSAM.

The ability to 'share' car parking spaces will also assist in retaining the open space character, elsewhere in the reserve and avoid the inevitable increase in impermeable surfaces. In light of parking capacity across the site, and the parking demand generated by the proposed activity, it is considered that the reserve is sufficient to serve both the proposed activity and existing reserve users and will not adversely affect the functioning of surrounding roads, most notably Claude Brooks Drive, or the residential amenities of neighbouring and nearby properties.

In terms of parking supply, or the offsetting of parking demand, the proposal nor its assessment has factored in further off-street parking is available in Alderman Drive (via the pedestrian bridge). The subject area also lies on the fringes of Henderson Town Centre, a significant public transport hub, and Edmonton Road is also a noted bus route. It is, however, acknowledged that utilisation of these features may be limited despite its location.

Notwithstanding the above, the functioning of the Community Facility in terms of its subsequent operational requirements may generate adverse effects on the environment which may arise from the exercise of this consent not anticipated by this assessment. This is intrinsically linked to occupancy levels, hours of operation and peak demand (whether daytime / evening time). It is therefore, appropriate to recommend a review condition in light of the above to ensure that recreational and residential amenities are maintained, and will not detract from matters of road safety.

The TEAM Report refers to stopping restrictions on Claude Brooks Drive being implemented, and according makes no further reference as this lies outside of their jurisdiction. Mr. Shumane considers that it is highly unlikely that any visitors to the new centre will use Claude Brooks Drive for parking due to the gradient and narrowness of the street and walking distances to the proposed building. Mr Shumane has also stated that any stopping restrictions along Claude Brooks Drive would also impact upon the residential amenities currently enjoyed by residents along Claude Brooks Drive.

#### *Traffic Generation*

The proposed community centre shall have a collective capacity of 135 people, and is expected to result in a maximum of an additional 32 trips during inter-peak period.

When the application was lodged Claude Brooks Drive had a formed width of 5.7m. Subsequently, as part of LUC 2007-1887, Claude Brooks Drive is to widened to 6m to accommodate two-way traffic movements.

Council's Traffic Engineer, Mr Sam Shumane considers the 6m widening (as opposed to the 6.5m recommended by TEAM) together with kerb, channel and footpaths on one side of the road to ensure safe pedestrian access is of a sufficient width.

The proposed development could potentially generate an additional 20 trips in the morning period, 32 during the inter peak period and 22 trips in the evening peak period. Mr Shumane considers that this additional traffic generated will be a small percentage of the passing flow along Edmonton Road. However, the additional traffic generation could potentially impact upon the safety of the intersection at Edmonton Road and Claude Brooks Drive.

At present the current intersection is not ideal. As a consequence of the traffic generated by the proposed activity, Mr Shumane but the traffic generated by the activity considers it to be inadequate in terms turning movement capacity along with safety concerns as the visibility is restricted by geometric constraints along Edmonton Road.

To safely accommodate additional traffic movements, it is proposed that traffic movements from Claude Brooks Drive are limited to left turns only. Consequently the nature of the left hand turns only, will change the behavioural patterns of the access and egress for the surrounding residential properties which gain immediate access from Claude Brooks Drive.

Notwithstanding the proposed development, it has been highlighted that visibility is low and particularly right-hand turns. It is noted from the traffic safety, right-hand turns calculate to be roughly 50% of traffic movements. Any right hand turn movements would become increasingly difficult as a result of continuing traffic growth as the density of traffic increases on the existing roading network.

The proposed road improvements will enhance traffic safety to all users by requiring only left-hand turn only out of Claude Brooks Drive. This safer option alternative mitigates the adverse effect(s) associated with restricted traffic movements, and in particularly to residential properties that are reliant on Claude Brooks Drive for vehicular access.

The proposed development would result in traffic being generated. The proposed road improvements, and appropriate conditions of consent would ensure that the proposal does not adversely affect the free flow of traffic, detract from matters of road safety, nearby amenities, access/egress of adjoining and nearby properties, or the positioning of either Edmonton Road or Claude Brooks Drive in the roading hierarchy.

### *Noise*

Noise and disturbance caused by the proposed building will be internalised to within noise levels as specified with the District Plan, with the potential high generators of noise, namely the meeting rooms are placed away from the residential boundaries.

The proposal, however, introduces parking immediately adjacent to the eastern boundary and will utilise parking across the site. The application has been reviewed by Council's Field Advisor (Noise) Andrew Chalton highlighted this aspect where the potential for breakout noise could potentially occur.

It is not been demonstrated that compliance would be achieved between the hours of 10.00 pm to 7.00 am. The car park area with the entering / leaving of vehicles may not be able to comply. The applicant has however agreed to ensure that (non-residential) activities would only occur between the hours of 7.30 am to 9.30 pm where higher noise levels apply, and that service vehicles do not visit the site between 10.00 pm to 7.00 am. This is accordingly attached as a recommended condition of consent if granted.

It is noted that the proposed hours of operation have been specified and therefore noise generated by the activity will predominantly occur between these hours, but also allows for a buffer with activities ceasing at 9.30 pm.

The proposed activity is intrinsically linked to traffic being generated to which parking would be both accommodated on-site and within the Tui Glen Reserve. By placing a limitation on the hours of operation, this would ensure that any adverse effects would be minor onto adjacent and nearby residential properties, with parking expected to be confined to the proposed car park and to dedicated parking spaces within the reserve.

The close-boarded fence along the southern external boundary with 1/1 Claude Brooks Drive is considered of minimal acoustic value due to gaps between the palings. Upgrading of the fence would be required to reduce traffic noise generated on site to adjacent residential properties. This is accordingly attached as a recommended condition of consent if granted.

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

The proposed development, subject to conditions if granted, would not emit noise that would cause a nuisance to adjoining residential occupants and would retain the characteristic levels of quiet associated with this environment notwithstanding the existing background. The environmental effects are considered to be minor.

### *Lighting*

Lighting would be implemented after construction of the building for the purposes of amenity and security lighting. A lighting plan is therefore required to be submitted for the approval of the Manager: Resource Consents that both details the lighting details / structures and confirms compliance with Rule 10.1 of the Open Space Environment. Certification, thereafter, will also be required.

### **8.1.12 Heritage**

There would be negligible adverse effects in respect of heritage items as the proposed activity would not create any alterations to the two heritage items within Tui Glen Reserve, as the proposed works are a sufficient distance away, approximately 7m from the McLeod's Cottage and buildings associated with the previous campground.

The proposed building while within close proximity to the McLeod's Cottage of 7m, there shall also be a lack of visual connectivity between the two buildings as the proposed Pohutukawa trees behind McLeod's cottage are proposed to be retained and shall screen the buildings from each other.

### **8.1.13 Summary**

Though the proposal will change the character of the southern area of Tui Glen Reserve on which the building is to be sited, the effect on the overall open space character of the park as a whole will be minor, and as a consequence this will retain the open space character throughout the northern portion of the site.

The effects of the proposal on the residential amenity specifically is considered to be no more than minor due to the siting of the proposed building within a cluster of built form within the park away from the residential boundaries, and shall be a sufficient distance from any adjoining heritage features. The height, bulk, massing and design of the proposed building is in keeping with the area generally and will not overly dominate the surrounding neighbourhood or harm views through the park.

The proposed activity is intrinsically linked to traffic noise being generated to which parking would be both accommodated on-site and within the Tui Glen Reserve, and placing a limitation on the hours of operation, and requiring a noise report demonstrating the proposed building can comply with the noise requirements of the District Plan, this would ensure that any adverse effects would be minor onto adjacent and nearby residential properties.

The proposal would generate additional traffic movements to the site via Claude Brooks Drive, and this additional traffic generation would impact on the safety of the intersection at Edmonton Road. However, it is considered that the proposed road improvements will enhance traffic safety by requiring only left-hand turn only out of Claude Brooks Drive.

This safer option alternative shall mitigate the adverse effect(s) associated with restricted traffic movements created by the application, and in particular to residential properties that are reliant on Claude Brooks Drive for vehicular access.

The proposal shall create a shortfall in parking spaces, as 32 parking spaces are required by the Waitakere City Council Parking and Driveway Guidelines, however 11 spaces are proposed on-site. It is considered that Tui Glen Reserve shall adequately provide the additional parking spaces, with 112 parking spaces currently existing/being constructed as per the upgrade works under LUC2007-1887. In light of parking capacity across the site, and the parking demand generated by the proposed activity, it is considered that the reserve is sufficient to serve both the proposed activity and existing reserve users and will not adversely affect the functioning of surrounding roads, most notably Claude Brooks Drive, or to the residential amenities of neighbouring and nearby properties.

Overall, it is therefore 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 relevant objectives and policies in relation to this proposal are:

### **Objective 5**

**To protect processes of natural regeneration within the City, and promote and maintain links between areas of significant and outstanding native vegetation and fauna habitat, so that their resilience is protected and enhanced.**

The aim of this objective is to ensure that development maintains and enhances the Green Network.

The relevant policy which specifically relates to open space is:

### **Policy 5.3**

**Activities on any public land should be carried out in a way that promotes and enhances regeneration and the re-establishment of linkages between areas of native vegetation and fauna habitat within the Green Network, and the effectiveness of any adjacent Ecological Linkage Opportunities and Restoration Natural Areas in protecting the stability of native ecosystems.**

### **Discussion**

The City's parks and reserves provide oasis of green, within the urban area, which contribute to the linking of native vegetation. They also contribute to the establishment of areas which native fauna, particularly birds can use to roam more freely in search of food. The design of these parks and reserves and the way in which they are planted and the nature of the activities which take place within them, can re-establish and protect linkages between native resources. The General Natural Area is specifically excluded from the Green Network, in which all the proposed works are contained.

The Tui Glen Reserve is laid out in such a way that the built form within the park and the majority of impermeable surfacing is located in the south-western and south-eastern portions of the park. The proposed building lies within this locality. The sitting will minimise the effect of the proposed building on the open space character of the reserve.

The majority of the reserve will retain its open character and appearance and continue to provide ecological linkages from native fauna habitats throughout the City. The proposal will not reduce or remove any areas of Restoration Natural Area or Ecological Link Opportunity sites and is sited far away from the riparian margins.

Overall it is considered that the proposal, by way of its sitting and design will not preclude linkages between the areas of significant and outstanding native vegetation and fauna habitat.

### **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.***

Objective 10 is intended to achieve, at the very least, a minimum level of physical health and wellbeing for residents, workers and visitors. The Resource Management Act requires the District Plan to manage the effects of activities on the environment and humans. It also requires the Plan to have particular regard for the maintenance and enhancement of those natural and physical characteristics that contribute to people's appreciation of, amongst other things, its pleasantness. Any enjoyment or sense of pleasantness derived from the environment is fundamentally dependent on whether residents, workers and visitors find it a healthy place to be.

The relevant policies which specifically relate to the proposal are:

### **Policy 10.2**

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

#### **Discussion**

Noise, disturbance caused by the proposed building, and traffic generation has been identified by the residents as one of their significant concerns. Noise levels can contribute to stress, which can become a significant factor that affects people's health.

The proposed building will be effectively internalised to within noise levels as specified with the District Plan, with the potential high generators of noise, namely the meeting rooms are located away from the residential boundaries, on the northern side of the building and shall face towards the reserve.

The proposal, however, introduces parking immediately adjacent to the eastern boundary. To ensure compliance with the noise standards as specified in Rule 8.1 Open Space Environment, an acoustic fence is to be erected adjacent to the residential boundary with No.1 Claude Brooks Drive, and proposed hours of operation, including the exclusion of service vehicles between 10.00 pm to 7.00 am. By ceasing activities at 9.30 pm, this will allow a suitable buffer to vacant the premises and the reserve by 10.00 pm.

It is noted that parking across the reserve will be well-separated from residential boundaries.

The proposed development, subject to conditions if granted, would not emit noise that causes a nuisance to adjoining residential occupants and would retain the characteristic levels of quiet associated with this environment notwithstanding the existing background.

### **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 on-site amenity of adjacent residential properties, including the privacy of outdoor space.**

#### **Discussion**

The proposed building will be located a sufficient distance from the residential boundary and subsequent residential properties (minimum 11m) to ensure that privacy of residential occupiers is not compromised. Apart from No.1 Claude Brooks Drive, significant

separation distances exists with any overlooking potential further reduced by the size and layout of the building and existing and/or proposed vegetation.

With particular regard to No 1/1 Claude Brooks Drive, the existing fence will be upgraded to a 1.8m high close-boarded fence that will further reduce overlooking either from the building or the associated parking area.

The proposed building will be located on the dip in the landscape resulting in the building being lower than the surrounding residential sites and thereby restricting further overlooking potential caused by the proposed building into neighbouring properties. As the proposed building is single storey and combined with proposed screen fencing to a height of 1.8m there shall be no overlooking potential created or afforded. These aspects will increase the potential for privacy and on-site amenity of the adjoining residential properties.

### **Policy 10.8**

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

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

### **Policy 10.11**

**Activities should provide for:**

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

### **Policy 10.14**

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

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

#### Policy 10.28

Public open space should provide for the recreation needs of the city's residents by:

- Providing for a range of activities; facilities and experiences in existing and new parks;
- Ensuring that development is appropriate to the size and function of a park;
- Ensuring that development in parks is well designed, located and maintained particularly with respect to adjoining properties.

#### Discussion

Objective 10 aims to control the effects of development on the health and safety of residents and their ability to enjoy their environment. This is achieved by managing activities that can cause nuisance. In addition the policies seek to maintain the capacity of the roading network and infrastructure.

The proposed development would be serviced by appropriate waste and storm water connections and has been assessed by Mr Ravinesh Chand of Ecowater who supports the proposal, subject to providing a stormwater treatment and disposal system. The proposal will not exceed the capacity of the existing infrastructure to manage storm and waste water. Flooding on site will not be increased or exacerbated by the proposal.

The proposal has been assessed by Council's Principal Transport Engineer Mr Sam Shumane who supports the application. There is sufficient car parking within the reserve. The anticipated traffic generation caused by the proposal is adequately accommodated by the existing road network, however to ensure safety at the intersection of Claude Brooks Drive and Edmonton Road it is proposed to ban right turns.

It is considered that the subject site is located near the town centre and local roads which are served by public transport routes, even though Mr Shumane believes that the majority of people using the facility will not travel by public transportation means. In accordance with a focus on sustainability, policies and objectives in the District Plan, it is an aim to concentrate growth around town centres, railway stations and main transport routes, and therefore is considered appropriate that the proposed activity is situated near main transport route with public transport opportunities and adequate private vehicle access.

The proposed development would result in traffic being generated. The proposed road improvements, and appropriate conditions of consent would ensure that the proposal does not adversely affect the free flow of traffic, detract from matters of road safety, nearby amenities, access/egress of adjoining and nearby properties, or the positioning of either Edmonton Road or Claude Brooks Drive in the roading hierarchy.

Overall it is considered that the effect of the proposal on the health and safety amenity of the neighbouring sites and the area generally is no more than minor and will be sufficiently mitigated by the conditions of conditions. The proposal is in accordance with Objective 10 of the District Plan.

## 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.

## Discussion

Objective 11 is concerned with protecting those aspects of the environment that are particularly valued by the community and recognising the varying character of each part of the City. Unlike the management of activities within the City's outstanding landscapes, this Objective is not concerned with maintaining the total landscape as it presently exists. That is, while those elements and characteristics might be protected, there is also considerable opportunity for change and flexibility that allows an area to evolve and respond to changing circumstances, albeit within a framework of what people value. This Objective is concerned about the quality and nature of change, within a framework of commonly accepted values about what contributes to the amenity of an area. This Objective recognises the importance of maintaining and enhancing the particular elements and characteristics that define the various landscapes, local areas and neighbourhoods of the City. The management of activities as they affect amenity values is a significant resource management issue for the City.

## Policy 11.1

**Settlement should be of a type and a density that protects amenity values, including neighbourhood character of different parts of the City, by:**

- maintaining the low density of sites with high levels of private planting, large areas of open space around dwellings and detached housing characteristic in the Glen Eden, Green Bay and New Lynn local character areas and the Coastal and Rural Villages;
- allowing for development within the Kelston, Te Atatu South and Te Atatu Peninsula local character areas, provided that it maintains the existing low-density character high levels of planting, and openness of the area;
- providing for more intensive settlement in other parts of the Living Environment in a way that protects the wellbeing of residents and enhances the amenity of these areas;
- ensuring that settlement densities are consistent with the dispersed pattern of settlement within the Countryside Environment;
- providing for a permanent pattern of settlement in the Foothills Environment that is in keeping with complex, varied and overall natural character of the area;

- maintaining the characteristic patterns of settlement within the Rural Villages Environment and Coastal Villages Environment.

#### Policy 11.2

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

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

#### 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 11.9

Structures and access ways should be placed in such a way that they do not encroach visually on those natural landscape elements that have been identified as

contributing to the amenity of an area. Particular regard should be had for the placement of structures so that intrusion above any sensitive ridgeline when viewed from a public place is avoided or where unavoidable, remedied or mitigated.

#### **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 carparking, vehicle access and storage areas from view, from residential sites.

#### **Policy 11.13**

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 11.18**

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

#### **Policy 11.32**

Public open space should be managed in a way that balances the needs of the city's residents for recreational opportunities with the protection of the natural environment by:

- Ensuring that the management and development of recreational facilities on land in the Open Space Environment is sensitive to the natural landscape elements and qualities;
- Protecting outstanding natural features and vegetation in the Green Network form development;
- Ensuring that where necessary the natural environment is enhanced by planting and/or restoration;
- Maintaining the infrastructure and facilities on parks to provide a high level of environmental quality.

## Discussion

Objective 11 seeks to maintain the neighbourhood character of an area without restricting its ability to grow and evolve. Of the seven broad landscape areas identified in Part 3 of the District Plan the application site falls into “the urban landscape of houses, work areas, urban parks and bush remnants”. The site contains no outstanding natural features or landscapes and is a relatively flat and un-vegetated area surrounded by residential and community environments.

The proposal involves construction of a Community Resource Centre in the southern portion of the park. The design of the building is considered compatible with the residential character and appearance of the urban landscape area generally. The height, bulk, massing and scale of the proposal is in keeping with the design and style of the surrounding buildings and will not be overly dominant nor cause an adverse visual impact when viewed from outside the site.

The urban landscape environment is characterised by many features such as residential housing, community environment, open space environment and working environment (see Part 3 ‘The City’s Environment’ of the District Plan). The Community Resource Centre would not be inconsistent with the broad characteristics of the urban landscape generally, as identified in the District Plan.

The proposed building has been designed to be in keeping with the design of the existing park buildings on site and similar materials will be used in the construction. The proposed building will not visually dominate the reserve nor will it block views into or through the reserve.

The building would be able to be viewed from sites adjoining the reserve to the south, west and east, however, it will be set against the backdrop of existing buildings and therefore the visual impact of the proposed building will be reduced.

The size of the development results in less than 35% building coverage and therefore is considered to be of a size which is appropriate to the size of the reserve.

The application contributes to a range of facilities being made available in the reserve. The siting of the proposed building in a cluster with the other development on site allows retention of the majority of the reserve for activities which are currently enjoyed such as running, walking and other passive forms of recreation.

Overall the design and siting of the proposed development will ensure that the neighbourhood character, landscape character and local area character are maintained and the proposal will not have a more than minor effect on the character of the area generally or the rights of neighbouring occupiers to enjoy their properties.

## Objective 12

**To manage the effects of activities on the City’s valued heritage in a way that:**

- **Maintains its variety and complexity;**
- **Recognises and protects its national, regional and local significance;**
- **Protects the links between particular heritage objects and the surrounding context;**
- **Integrates that heritage with people’s everyday lives; where possible and appropriate.**

## Discussion

Objective 12 is concerned with protecting heritage that are particularly valued by the community and recognising the varying character of each part of the City. While allowing for heritage features to be protected, there is also considerable opportunity for change, flexibility and integration that allows an area to evolve and respond to changing circumstances, albeit within a framework of what people value. This Objective recognises the importance of maintaining and enhancing the heritage features within the City and the cumulative effect of these changes potentially undermining the heritage values of buildings, especially where the architectural style or feature has been a factor in their identification as a heritage item.

### Policy 12.4

**Activities on sites containing heritage items listed in the District Plan, should be managed and located, and be of a scale, form and appearance which does not detract from the appearance and integrity of the listed heritage item.**

## Discussion

The proposed building has a gross floor area of 634m<sup>2</sup> with an additional 111m<sup>2</sup> of external decking and ramps. The building is proposed to be clad in a mixture of brick veneer and plywood cladding with a coloursteel roof, and shall be of a single storey scale. Timber whaling will be used on the areas below floor level.

The proposed building will be setback 7m from the nearest heritage building. The appearance of the proposed building will not be incongruous with other buildings on site, which have an eclectic mix of designs and materials. The proposed building would compliment existing heritage buildings on-site.

## Conclusion

It is considered that the proposed development would be consistent with the objectives and policies of the District Plan.

### **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. The Objectives and Policies for the Auckland Region are 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's 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 Community Board Approval.**

The application site is in the ownership of Waitakere City Council and as such the applicant must obtain permission from Council for the use of the site. The West Auckland District Council of Social Services (WADCOS) applied to the Henderson Community Board for permission. Community Boards have been delegated responsibility for local decision making at the ward level, assessing and responding to local needs, providing input to the Council's strategic plans and annual budgets, and enhancing communication

with community associations and special interest groups. Henderson Community Board approved a lease between Waitakere City Council and WADCOSS to enter into a partnering agreement on the 29<sup>th</sup> of November 2006 for period to 2009 and to lease a part of Tui Glen Reserve for the purposes of constructing a new building and to develop its services for the benefit of the community as per Section 61(2A) (a) Reserves Act 1977.

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

### **8.5.1 Long Term Council Community Plan (LTCCP) 2006-2016**

Waitakere's Long Term Council Community Plan (LTCCP) 2006-2016 sets out the nine strategic platforms and five over arching priorities which guide decision making by Council.

Of the five priorities, two relate directly to this application:

#### **FIRST CALL FOR CHILDREN**

**The Vision:** A city where children and youth; participate in the development of the city; play and hang out safely; have good health care, education and housing; are free from violence; develop their own cultural identity and enjoy the city's diversity; access integrated transport systems; enjoy clean air water and green spaces; are free from poverty.

**Summary:** This priority requires that consideration is given to the needs and rights of children in all council activities and planning, and that the Council advocates for and supports the prioritisation of the wellbeing of children.

#### **SAFE CITY**

**The Vision:** Waitakere City - a safe place to be.

**Summary:** This priority requires that in addition to formal occupational health and safety considerations, the general safety of the community is integral to all of the Council's activities and planning and that the Council advocates for and supports safety initiatives with its planning partners.

The Community Resource Centre will provide a centre for health and safety education and general community support and workshops. In this way the proposal contributes to Council's commitments to provide for the health and safety of children and the creation of a safe city.

The nine strategic platforms provide the vision for what Council would ideally like to achieve for the city. These include:

#### **STRONG COMMUNITIES**

*He iwi kaha*

**The Vision:** People are active, informed, healthy and content. They feel safe and there is a strong sense of community. Our city is a great place for children. We enjoy our diversity of lifestyles and people.

**Summary:** This platform addresses how we support the health and wellbeing of the city's residents.

- Strong communities that "connect" with (mix and understand) each other;

- A safe and supportive environment for children;
- Community safety and accessible health and support services;
- Leisure facilities and services that people enjoy;
- Library, education and information services that meet residents' needs;
- Access to appropriate housing.

## **GREEN NETWORK**

### *He tuituitanga kakariki*

The vision: The Waitakere Ranges will be permanently protected. There will be a network of bush and trees, (the Green Network) from the Ranges, through town centres and suburbs, to the coasts, bringing the natural world into people's everyday lives and filling the streams and forests with life.

Summary: This platform is about caring for natural areas. The city's parks, bush and streams form a "Green Network" that provides homes and "highways" for wildlife and recreational areas for people. It also assists with managing and filtering stormwater. Protection and enhancement is sought on both public and private land, community involvement is encouraged, as is the protection of landscapes, native plants, wildlife and ecosystems, while providing appropriate recreational public access to waterways and friendly green areas throughout the city.

The proposed development will be located within the Green Network which is identified in the platform as providing a habitat and linkages for natural flora and fauna and for the recreation of people. The siting of the proposed building ensures that the character of the green network will not be significantly affected. In this way the proposal is not contrary with the Green Network Platform in the LTCCP.

The proposal aims to enhance Council's commitment to the Strong Communities Platform by contributing to a safe and supportive environment for the community through providing education, counselling and the ability for a wide range of community support facilities. Overall the use of the proposed building will promote Council's strategic direction under the platforms and priorities outlined in the LTCCP.

### **8.5.2 The Waitakere City Parks Strategy 1999 and Draft Parks and Open Spaces Strategy 2005.**

The 1999 Parks Strategy is the operative document for the strategic direction for parks in Waitakere City. A Draft Parks and Open Spaces Strategy 2005 has been written which has not completed the required consultation process.

The 1999 Strategy is based on the Waitakere City Council Greenprint and the Long Term Financial Strategy, which set out the broad aims for the Parks Strategy.

The Greenprint, which described the Council's strategic direction, contained a vision for weaving together social, economic and environmental goals in a holistic way, according to the principles of Agenda 21, has now been superseded by the LTCCP.

The 2005 Parks and Open Spaces Strategy provides an update of the 1999 Parks Strategy and helps to reflect the wider roles and range of open spaces in Waitakere. It clarifies issues missing from the 1999 Strategy and provides a robust structure to lead into the development of Activity Plans, development contributions and the LTCCP.

The proposal has obtained the permission of the Council's Parks Assets Department who supported the proposal through application to the Henderson Community Board and

therefore it is concluded that the proposal was duly considered in respect of Parks Assets operative and draft Strategies.

### **8.5.3 Development Contributions**

Under the Local Government Act 2002, Councils were permitted to take development contributions towards the costs that capital growth imposes on the community. The financial contribution policy of the Waitakere City Council's Long Term Council Community Plan incorporates a development contribution based on the City's capital expenditure for infrastructure and community facilities for that ten year period. The development contribution estimated for this proposal is \$16,721.77 (incl. GST).

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

All issues raised by submitters have been covered.

### **8.5.5 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 earthworks, noise, vegetation removal, mitigation planting and implementation of stormwater treatment and disposal methods.

### **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 specified in the consent, or if no date is specified, then five years from the date of 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 works described and because a number of the conditions are intertwined (i.e. parking and earthworks). A lapse period of five years is therefore recommended.

## **9.0 PART II 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. Sections 5, 6 and 7 require that all natural and physical resources must be sustainably managed.

Sustainable management is defined as:

"Managing the use, development, and protection of natural and physical resources in a way, or at a rate which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while –

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to reasonably meet the needs of future generations; and
- (b) Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and
- (c) Avoiding remedying or mitigating any adverse effects of activities on the environment."

Overall it is concluded that the proposed development is in general conformity with the Policies and Objectives of the District Plan, the LTCCP and the Parks Strategy.

The proposal will reduce the availability of a small amount of open space within the City. Parks play an important role in contributing to the image of the city and the quality of life for its residents. They enhance the well-being of the city through the provision of a variety of quality open spaces. Parks and open spaces have multiple layers providing recreation, amenity values, protecting our natural environment and sites of cultural and historical significance. Therefore the removal of any piece of this green network is an important factor in the overall coherence of the City.

However in consideration of Part II of the Act, this application will also provide for people and communities to provide for their social, economic and cultural well being as well as their health and safety through the use of the proposed building on site, as a facility for community services to provide information and education to the general public.

In a consideration of whether the proposal meets with the requirements of Part II of the Act the loss of the open space must be balanced with the gain to the community of the ability to utilise a building for non-profit community groups.

This report concludes that there will not be any more than minor effects on the environment caused by the proposal and therefore the potential for natural and physical resources to sustain the reasonably foreseeable needs of future generations are assured. The proposal will not affect the life supporting capacity of air, water, soil or ecosystems and conditions of consent ensure that adverse effects are mitigated or remedied.

Overall it is considered that the use of the proposed building will allow individuals and communities to provide for their well being without reducing the reasonably foreseeable ways for future generations to meet their own needs.

It is therefore considered that the proposal would be consistent with the purposes and principles of the Resource Management Act 1991.

The proposal is not considered to adversely affect any matters of national importance nor affect Council's obligations under the Treaty of Waitangi in accordance with Section 8 of the RMA.

## 10.0 CONCLUSION

It is considered that the proposal meets the criteria for granting consent as the actual and potential adverse environmental effects are no more than minor, there are benefits to the community from the proposed use, the proposal will satisfy the objectives and policies of the District Plan and is consistent with Part II of the RMA. It is considered that the planning issues raised by the submitters have been adequately addressed. 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 West Auckland District Council of Social Services (WADCOSS) to construct a Community Resource Centre building on the Open Space Environment as a new Parks Building at 2 Claude Brooks Drive, Henderson being Lots 11 & 12 DP 6760, Lots 49 & 50 DP 65187 pursuant to section 113 of the RMA for the following reasons:

- (i) The design, scale, height, bulk and massing of the proposed building is considered to be sufficiently in keeping with the characteristics of the existing

buildings on site and the area generally so as to maintain the existing neighbourhood character.

- (ii) The sitting of the proposed building in a cluster with other buildings within the park maintains the maximum amount of open space and contains the built form on site into the southern portion of the park reducing the impact of the built development on the open space character of the park to acceptable levels.
- (iii) The design and sitting of the proposed building would not adversely affect nearby visual and residential amenities and the proposed use will not cause detriment to road safety.
- (iv) The proposed activity, in light of its nature and prescribed hours of operation will ensure adequate levels of quiet will be achieved with respect to neighbouring residential properties, with a noticeable absence of activities after 10pm.
- (v) The proposal does not adversely affect the free flow of traffic, detract from matters of road safety, nearby amenities, access/egress of adjoining and nearby properties, or the positioning of either Edmonton Road or Claude Brooks Drive in the roading hierarchy. This is dependant on alterations to the current intersection.
- (vi) The reserve is sufficient to serve both the proposed activity and existing reserve users in terms of anticipated parking demand that includes an additional (11) parking spaces being directly created by the proposal. Parking within the reserve will be well clear of residential boundaries, and will not adversely affect the functioning of surrounding roads, most notably Claude Brooks Drive, or the residential amenities of neighbouring and nearby properties.
- (vii) The use of the site as a Community Resource Centre would benefit the community and would promote Council's strategic direction under the platforms and priorities outlined in the LTCCP.
- (viii) Operational requirements may generate adverse effects on the environment which may arise from the exercise of this consent not anticipated by this assessment. This is intrinsically linked to occupancy levels, hours of operation and peak demand (whether daytime / evening). It is therefore, appropriate to recommend a review condition in light of the above to ensure that recreational and residential amenities are maintained, and will not detract from matters of road safety.
- (ix) Any actual or potential effects on the environment by the proposal are considered to be no more than minor and would be adequately avoided, remedied or mitigated by the conditions of consent.
- (x) The proposal satisfies the relevant objectives, policies, rules and other provisions of the Waitakere City Operative District Plan and The Regional Policy Statement.

Consent shall be subject to the following conditions:

**GENERAL CONDITIONS:**

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

"Community Waitakere Resource Centre, Site Plan, Dwg No A201, Revision A" dated May 2007

"Community Waitakere Resource Centre, Site Plan – Part, Dwg No A202, Revision A" dated May 2007

“Community Waitakere Resource Centre, Site Plan – Trees, Dwg No A203, Revision A” dated May 2007

“Community Waitakere Resource Centre, Floor Plan, Dwg No A301, Revision A” dated May 2007

“Community Waitakere Resource Centre, Elevations, Dwg A401” dated May 2007

“Community Waitakere Resource Centre, Elevations, Dwg A402” dated May 2007

“Community Waitakere Resource Centre, Elevations, Dwg A403” dated May 2007

“Community Waitakere Resource Centre, Excavation and Sediment Control, Dwg RC205” dated May 2007

“Community Waitakere Resource Centre, Site Plan - Trees, Dwg A203” dated May 2007

All undertaken by Graham & Keys Architects and all referenced by Council as LUC 2007-0961 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 5 years after the commencement of the consent.
3. A consent compliance monitoring fee of \$1,308.00 (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 re-inspection is carried out.

The \$1,308.00 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.

4. No service vehicles (including rubbish trucks) or delivery vehicles are permitted to visit the site between the following hours:

Monday to Sunday (inclusive) 10pm - 7am

5. The community centre shall not operate outside of the following hours:

Monday - Sunday (inclusive) 7am - 10pm

6. The maximum occupation of the building shall be 135 people, including staff at any one time

#### **PRIOR TO WORKS COMMENCING**

7. A pre-commencement meeting shall be arranged by the consent holder so that the Conditions of Consent are explained by the Works Arborist to all contractors, sub-contractors and work site supervisory staff who carrying out any works associated with the project within the dripline of any protected vegetation covered by this consent. The council's EMO and Arborist are to be in attendance. (Please contact the Council Call Centre on (839 0400 to arrange for an EMO to be present at the pre-commencement meeting, giving at least 48 hrs prior notice.)
8. A lighting plan of the western entrance, bollards and other suitable structures is to be submitted to for the written approval of the Manager, Resource Consents for the purposes of amenity and security lighting and to demonstrate compliance with Rule 10.1 Open Space Environment

**ECOWATER CONDITIONS:**

9. Provide separate private wastewater drainage system to the proposed development, with connection to the public system as specified below:
  - (i) Wastewater from the proposed development can be discharge into the existing wastewater manhole that is located within the property (refer to the plans provided by Graham & Keys Architects, drawing No: RC204, dated: May 2007).
  - (ii) If required, locate and relay any existing private drainage system that may be located within the footprint of the proposed development. Either grout fill, or remove, the abandoned private drainage under Council's supervision.
  - (iii) Construction of private drainage requires a building consent. Provide a copy of the private drainage As-Built plan for the property, prepared by a Registered Drainlayer, showing the separate private drains from the proposed development to the point of connection to the public drain.
  - (iv) Connections to the public system can only be carried out by Council's contractor. Apply for new connections at the Council, by completing the application form. Pay all costs associated with providing the new connections.
  
10. Design, provide and install a complete stormwater quality treatment system for the site in accordance with the Auckland Regional Council's TP10 '*Stormwater Management Devices Design Guideline Manual*', and WCC Code of Practice for City Infrastructure and Land Development (refer Section 4). Provide a copy of the ARC consent conditions, engineering plans and calculations to Council for approval prior to commencing works. Specific requirements:
  - (i) Provide design of the device for treatment of the stormwater runoff from the paved area.
  - (ii) Provide a surveyed as-built plan of the device showing all lid and invert levels.
  - (iii) Provide a maintenance manual for the treatment device.
  
11. Provide separate private stormwater drainage system to the proposed development, with connection to the public system as specified below:
  - (i) Stormwater runoff from the proposed development can be discharge into the existing stormwater manhole that is located within the property (refer to the plans provided by Graham & Keys Architects, drawing No: RC204, dated: May 2007).
  - (ii) If required, locate and relay any existing private drainage system that may be located within the footprint of the proposed development. Either grout fill, or remove, the abandoned private drainage under Council's supervision.
  - (iii) Construction of private drainage requires a building consent. Provide a copy of the private drainage As-Built plan for the property, prepared by a Registered Drainlayer, showing the separate private drains from the proposed development to the point of connection to the public drain.
  - (iv) Connections to the public system can only be carried out by Council's contractor. Apply for new connections at the Council, by completing the application form. Pay all costs associated with providing the new connections.

12. Provide a private water supply reticulation system to serve the proposed development in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer Section 6).

#### **TRANSPORT CONDITIONS**

13. On completion of the hard surfacing and prior to the occupation of the building, the car park spaces are to be pavement marked, with signs erected where necessary, to clearly define parking, circulation, and site access etc. All to comply with The Manual of Traffic Signs and Markings, (MOTSAM) published by Transit NZ & Land Transport NZ. Also refer to NZS 4121 (2001), "Design for Access and Mobility – Buildings and Associated Facilities".
14. Prior to the occupation of the building, reconfigure the Claude Brooks Drive approach to Edmonton Road to allow for left turns only. The design of the intersection shall be submitted for review and approval by the Manager, Transport Assets – Planning and Design.

#### **EARTHWORK CONDITIONS**

15. Before commencement of any works and until completion of exposed site works, adequate sediment and erosion control measures shall be constructed and maintained by the consent holder. The consent holder shall notify Council's Monitoring Officer when controls are in place. Work shall not commence until approval has been gained in writing from the Manager Resource Consents. The control measures must be maintained until the site has been adequately stabilised against erosion and sediment-laden run off. The construction and maintenance shall be in accordance with the Erosion/Sediment Control Measures Appendix to the Natural Area rules of the Waitakere City Council District Plan (Attached as Appendix A to this consent).
16. All perimeter controls shall be operational before substantive earthworks begin.
17. Footpaths, berms and kerbs shall be protected from damage by crossing or parking vehicles to the satisfaction of the Manager Resource Consents. Any damage which is attributed to the earthworks operation shall be rectified at the cost of the consent holder and at the direction of Council. The consent holder shall notify Council's Monitoring Officer when entranceway controls are in place
18. All development works on the site including earthworks and the use of associated heavy machinery shall be undertaken between the following hours only:-  

|                             |                    |
|-----------------------------|--------------------|
| Monday to Friday:           | 7.30 am to 7.00 pm |
| Saturday                    | 8.00 am to 5.30 pm |
| Sunday and Public Holidays: | No work            |
19. All areas of exposed earth shall be top-soiled and grassed or otherwise stabilised against erosion as soon as practicable and in a progressive manner as works are complete but no later than one week following the completion of works.
20. All necessary action shall be taken to prevent a dust nuisance to neighbouring properties to the satisfaction of the Manager Resource Consents. Should these measures not prove satisfactory on any particular occasion due to the prevailing wind or soil conditions, the contractor shall cease the work until conditions are suitable for the recommencement of the works.
21. A full copy of the Resource Consent Conditions, Approved Plans, including site management and Erosion and Sediment Control Plans shall be kept on the site at

all times. All personnel working on the site shall be made aware of and have access to the contents of this consent document and the associated Site Management and Erosion and Sediment Control Plans.

22. All excess excavated material shall be removed from the site before or immediately following the completion of earthworks, to a cleanfill facility.
23. The area within the driplines of trees, bush area, and the Riparian Margin Natural Area shall be protected during construction from fill, parking of vehicles, storage of materials and similar activities to the satisfaction of the Manager Resource Consents.
24. Stockpiles of earth shall be located as far as practicable from the stream and existing residences, to the satisfaction of the Manager Resource Consents. Approval to the landfill to be used shall be obtained from the Manager, Resource Consents prior to any work commencing.
25. Prior to work commencing signage shall be placed in appropriate locations to warn traffic about truck movements, to the satisfaction of the Manager Transport Assets and the Manager Resource Consents.

#### **VEGETATION ALTERATION CONDITIONS**

26. Except as provided for by this consent, no works on or within the rootzone of trees protected by Council's tree protection rules contained in the Waitakere City District Plan, shall proceed without further resource consent/s.
27. The consent holder shall employ a Council-approved arborist (Works Arborist) to monitor, direct and supervise all excavation and construction works within the dripline of all protected vegetation for the duration of the contract. The resource consent holder shall provide the name of the elected arborist for approval of Council's Environmental Monitoring Officer (EMO), prior to the commencement of any site works.
28. Prior to the commencement of any works, 1.8 metre high protective fences shall be erected around all protected vegetation being retained on the site (including the Japanese Cedar tree). The position of the protective fences shall be established at the pre-commencement meeting and approved by Council's Environmental Monitoring Officer prior to the commencement of any site works. The protective fences shall be strong and appropriate to the degree of construction works taking place on the site. The protective fences shall remain in place throughout the duration of the construction works.
29. All excavation and works within the dripline of protected vegetation shall be carried out in such a way as to attempt to retain all significant tree roots (>35mm in diameter) that may be encountered within the development. All significant roots exposed during the works shall be kept moist and covered from direct sunlight by a suitable material such as Geotextile fabric, Hessian or shade cloth until backfilling with topsoil can occur. Where significant roots cannot be successfully retained, the consent holder must be guided by the Works Arborist as to the most appropriate course of action.
30. Roots less than 35mm in diameter which are encountered during excavation work shall be pruned back cleanly, past any point of fracture. This work should be carried out using a sharp saw or a pair of secateurs.
31. The Pohutukawa identified as tree No.10 on site plan A203 shall be retained and protected.

32. The Camphor Laurel tree (identified as Tree No.18 and incorrectly identified as a Privet) located adjacent to the southern boundary shall be retained and the carpark modified to accommodate the roots and trunk of this tree. The location of supporting fence posts along the southeast boundary of the site shall be undertaken in the first instance by hand digging methods so that tree roots from the protected Camphor Laurel can be identified, protected and retained. Mechanical post hole borers may be used to complete the excavations following protection of any tree roots that are encountered.
33. That area of the car park that is within the dripline of the protected Camphor Laurel tree located close to the southeast boundary shall be constructed in such a way as to retain the roots of this tree. Excavations within the tree's dripline shall be limited to the levelling of that area using hand tools.
34. The removal of protected and unprotected vegetation at the site shall be undertaken by appropriately trained and skilled persons in accordance with modern arboricultural practices, so as not to cause damage to other protected vegetation growing beneath or alongside it.
35. The consent holder shall carry out replacement planting within the planting season immediately following removal of the protected trees (typically Apr – Sept) as mitigation for the removal of the seven Pohutukawa and one Norfolk Island Pine. The consent holder shall plant **EIGHT** appropriately selected native trees of PB 95 grade or equivalent and with a minimum height of 1.5 metres. The replacement trees shall be planted within the area surrounding the Community Resource Centre and the species and locations shall be chosen for their suitability for enhancing the development.
36. The replacement trees shall be protected and maintained thereafter in accordance with correct arboricultural practices. The replacement trees shall be planted in a position that will allow the trees to develop into their mature size and shape.
37. The consent holder shall transplant the two Wheki tree ferns located close to the southern edge of the existing dwelling at the site. These Wheki tree ferns shall be relocated to suitable planting locations within the site and protected from damage until all site works have been concluded. The transplanting of the Wheki tree ferns will be undertaken by appropriately trained and skilled persons in accordance with modern arboricultural practices. The consent holder will maintain the transplanted Wheki tree ferns for a period of two years. If the Wheki tree ferns die or significantly decline during the maintenance period, they will be replaced with suitable replacement tree ferns of Pb65 grade or equivalent and with a minimum height of 1.5 metres.
38. Pruning of retained protected vegetation at the site shall be limited to the removal of those branches that can be demonstrated as impeding construction at the site and after consultation with and agreement of the appointed Works Arborist. The Works Arborist will not allow the pruning of any protected tree where, in his/her opinion, the pruning will adversely affect the health, form and/or long term viability of the protected tree.
39. Maintenance pruning that includes 'canopy lifting' of protected vegetation retained at the site shall only be carried out after the conclusion of construction works at the site. This shall be undertaken according to the directions of the Works Arborist.
40. The developments excavated platform shall be limited to that area that is outside the dripline of all retained vegetation growing at the site.

41. No services shall be installed by trenching within the dripline of protected trees. Stormwater pipes within the eastern aspect of the development shall be installed by way of directional drilling, rerouted to avoid the driplines or installed within the footprint of the building.

#### **NOISE CONDITIONS**

42. Noise from the community centre shall not exceed the following levels as measured at or near any residential boundary

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

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

43. Noise from construction, maintenance, demolition and earthworks on the site shall not exceed the relevant noise levels and shall conform to the permitted hours of operation as specified in NZS6803P:1984 "The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work".
44. Prior to commencement of works, the fencing along the boundary adjoining 1/1 Claude Brooks Drive is required to be of 1.8m in height, board and batten material with palings being 25mm thick and no gaps or holes to ensure acoustic levels are maintained.

#### **SIGNAGE CONDITIONS**

45. The proposed signage is required to be erected on the existing Tui Glen Reserve sign structure at the intersection of Claude Brooks Drive and Edmonton Road.
46. The proposed signage is not to be illuminated or contain any hazardous material.
47. The proposed signage size and location shall be approved by the Manager, Resource Consent before erection.

#### **PARKS CONDITION**

48. Construction material shall not be stored on the adjoining park to the north before, during or after construction phase and shall be locked away securely overnight.

#### **LIGHTING CONDITION**

49. Within three months of installation, certification or a producer statement from a suitability qualified person that the lighting is installed as per the approved plan as required by Condition 8, and the lighting complies with Rule 10.1 Open Space Environment.

#### **REVIEW CONDITION**

50. Pursuant to Section 128 of the Resource Management Act 1991, the Council may, 6 months after the commencement of the activity, or anytime required by Waitakere City Council serve notice upon the consent holder with respect to Condition(s) 4-6 inclusive should it consider this to be necessary in order to deal with any adverse effects on the environment which may arise from the exercise of

this consent. The review shall be undertaken at the expense of the consent holder.

#### ADVICE NOTES

1. Enter into a "Works in over Parkland" agreement prior to carrying out any of the proposed earthworks or construction work by contacting the Parks Field Officer: Huw Hill Male on 836 8000 ext 8513.
2. A Development Contribution is payable for this landuse. This Development Contribution must be paid prior to the granting of the building consent. The Development Contribution will be assessed at the time of payment. The estimate of the amount payable at the date of this consent is \$16,721.77 including GST.

Report prepared by: Sonja Bury: Resource Planner.

