



**AGENDA FOR A HEARING BY COMMISSIONERS TO BE HELD AT WAITAKERE CENTRAL,  
6 HENDERSON VALLEY ROAD, HENDERSON, WAITAKERE, ON THURSDAY, 9 JULY 2009  
COMMENCING AT 9.30 AM**

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**1 LIMITED NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991 BY EMERALD FOREST LIMITED TO CONSTRUCT A NEW BUILDING FOR AN EXISTING CHILDHOOD CENTRE AT 142 CONNAUGHT STREET, GREEN BAY.**

**WARD: NEW LYNN 4**

**RMA: LUC 2008-0947**

**N.B. This report sets out the advice of Consent Services to the Hearing Commissioners 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 Hearing Commissioners.**

**APPLICATION DETAILS**

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Planner:	James Dowding
Site Address:	142 Connaught Street, GREEN BAY
Applicant:	Emerald Forest Limited
Date Received:	11/06/08
Resource Consent No:	LUC2008-0947
Building Consent No:	Not yet applied for
Ward:	New Lynn 4
Legal Description:	Allotment 382 Parish of Waikomiti
Address for Service:	c/- John Childs PO Box 52077 Kingsland AUCKLAND 1352
Site Area:	20,334m <sup>2</sup>
Waitakere Ranges Heritage Area:	No
District Plan:	
Human Environment:	Open Space Environment
Natural Area:	General Natural Area and Managed Natural Area
Landscape Elements:	Ecological Link Opportunities, Riparian Margin (10m)
Hazards:	None known
Roading Hierarchy:	Local Road – Connaught Street Local Road – Portage Road
Further Information Required:	Yes
Date Requested:	29/08/08
Date Received:	03/03/09, 11/03/09

## 1.0 INTRODUCTION AND RECOMMENDATION

### 1.1 Nature of the Application

The applicant, Emerald Forest Limited, seeks to extend the existing Green Bay Early Childhood Centre ("GBECC") by constructing a new single level building (area: 122m<sup>2</sup>) that will be linked by an existing deck to the current pre-school building (area: 130m<sup>2</sup>), which will facilitate the increase in the number of children enrolled from 26 to 76 (26 of which will be under two years of age) and the number of staff from 4 to 10. The proposed expanded facility will continue to operate Monday to Friday 7.00 am - 6.00 pm. Consent is required for the following infringements: vegetation clearance, building height, height in relation to boundaries, yards, building coverage, building location / natural landscape element, traffic generation, and signs.

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

### 1.2 Resource Management Issues Raised

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

The environmental effects of this proposal are primarily related to the amenity values and the effects on the immediately adjoining sites arising from the construction and establishment of the proposed building, and also the increased traffic and noise that would be potentially generated by the increase in number of children enrolled and staff.

### 1.3 Planner's Recommendation

The planner who has prepared this report recommends that, subject to any contrary or additional evidence submitted at the Hearing, **consent be granted** to the application for the construction of a new building at the GBECC. It is considered that the environmental effects that may be generated by the activity would be no more than minor or could be adequately avoided, remedied or mitigated by the imposition of conditions, and that the relevant objectives and policies of the District Plan will be satisfied.

## 2.0 LOCATION PLAN



**Figure 1: Subject Site (Ortho Urban 2008 imagery)**

(NB: the inset shows the GBECC within the subject site of 142 Connaught Street)

<b>Legal Description:</b>	Allotment 382 Parish of Waikomiti (CT NA83/228)
<b>Human Environment:</b>	Open Space Environment
<b>Natural Area:</b>	General Natural Area, Managed Natural Area.
<b>Landscape Elements:</b>	Riparian Margin (10m), Ecological Linkage Opportunities, Outstanding (Natural Character) Coastal Area
<b>Hazards:</b>	None known
<b>Roading Hierarchy:</b>	Local Road (Connaught Street), Local Road (Portage Road)

## 3.0 PROPOSAL

The applicant, Emerald Forest Limited seeks to extend the existing Green Bay Early Childhood Centre (“GBECC”) by constructing a new single level building (area: 122m<sup>2</sup>) immediately to the west of the existing building (area: 130m<sup>2</sup>), in the southern part of the existing children’s playground area.

It is proposed to add a new deck and access ramp along the northern face of the existing GBECC building. The ramp will provide access to a new outdoor playground area (165m<sup>2</sup>) that will abut the northern and eastern faces of the existing building, which will be enclosed by a new 1.5m high modular metal fence (northern and eastern boundary) and the existing close boarded fence (internal boundary). There will also be minor internal changes to the existing building, including a new office.

The new GBECC building will be north-facing and have an east-west length of 17.9m and a north-south width of 6.8m, with a 1.5m width for the covered deck. The external entry area will be located in the south-eastern corner of the building, with an office and laundry positioned north of this area. Two indoor learning / playing areas (“Areas 1 and 2”) comprise the bulk of the middle half of the building and will be bisected by the kitchen in the south and a toilet / changing room in the north, and two sleeping rooms will be located in the western portion of the building. A covered deck will run along the length of the building’s northern face and will be accessed from Areas 1 and 2 within the new building.

This deck will connect to the covered deck on the western face of the existing building via new stairs. A 295m<sup>2</sup> outdoor playing area will abut the new building to the north, and it will be enclosed by a new 1.8m high boarded fence (eastern boundary) and the existing boarded fences (northern boundary and the internal separation between the outdoor areas).

The new building will facilitate the increase in the number of children enrolled at GBEC from 26 to 76 (of which 26 will be under two years of age) and an increase in staff from 4 to 10. The proposed expanded facility will continue to operate according to its current hours; specifically Monday to Friday 7.00 am - 6.00 pm.

The building coverage associated with the GBEC will increase to 252m<sup>2</sup> as a result of the new building, accounting for 10.9% of the site area. The height of the new building will be 5.7m and 5.0m along the northern and western elevations respectively, while the western portion of the building will encroach to within 1.2m of the road reserve (western boundary).

Roof water from the proposed building will drain to existing kerb discharge in Portage Road. Wastewater will drain via the existing wastewater drain to a public manhole located in the road frontage near the north-western corner of the GBEC grounds. Water will continue to be supplied via the existing 100 Ø AC water main on the western side of Portage Road.

The building platform for the new building will require the removal of four protected trees; specifically, three exotic specimens (one Flowering Cherry, *Prunus spp.*; two Chinese Sweet Gums, *Liquidambar formosana*) and one native specimen (one Kanuka, *Leptospermum ericoides*). Replacement planting is proposed by the applicant as mitigation for the removals. In addition, excavation and construction works associated with new boundary fencing will also occur within driplines of protected trees; specifically, one Japanese Cedar (*Cryptomeria japonica*) and one Pohutukawa (*Metrosideros kermadecensis*).

It is proposed to undertake 60m<sup>2</sup> / 40m<sup>3</sup> of earthworks in the areas immediately adjacent to the proposed building platform.

Six car parking spaces (2.5m x 5.0m) will be provided along the northern edge of the internal road, immediately south of the new building, with the easternmost of these spaces being designated as a Mobility Impaired space. The aforementioned spaces will be for exclusive use by the GBEC. In addition, a further 14 existing spaces (width: 2.5m, angle: 90°) are located along the southern side of the internal road, to the south/south-east of the existing building, and these are shared with the other Scout-based facilities within the wider Motu Moana Reserve site. A dedicated loading bay will not be provided.

The expanded GBEC facility is anticipated to generate an additional 25 – 30 vehicle movements during peak arrival and departure periods, 7.30 am - 9.00 am and 4.30 pm - 6.00 pm respectively (ie: 12 – 15 inbound and 12 – 15 outbound).

A 1.8m high boarded (acoustic) fence will be constructed along the western boundary of the GBEC grounds, while a 1.5m high modular metal fence will be constructed along the eastern boundary and eastern third of the northern boundary.

The applicant is applying for retrospective consent for two existing signs, which provide identification, contact and operational information. One is a free-standing pole sign (sign area: 2.52m<sup>2</sup>, height: 3.5m) located in the north-western corner of the GBEC grounds, while the other (sign area: 0.4m<sup>2</sup>) is affixed to the southern face of the existing childhood centre building.

The proposed building would be constructed on a site which is not on a sensitive ridgeline and is not known by Council to be subject any natural hazards. The on-site area of proposed works is relatively level and exhibits only a slight east-west gradient.

The applicant had consulted with the following persons (Note: persons identified below with \*\* formally withdrew their approval thereafter (refer to Section 6.1 – Submissions):

- B. McCaughley (National Advisor – Special Duties) [The Scout Association of New Zealand] – 142 Connaught Street, BLOCKHOUSE BAY (ALLOT 382 SO 8478 WAIKOMITI), 27/02/08;
- C. Dickson (occupier) – Unit 1, 2 Godley Road, GREEN BAY (LOT 57 DP 13925), 16/03/08;
- L. Paratene (occupier) – Unit 2, 2 Godley Road, GREEN BAY (LOT 57 DP 13925), 16/03/08;
- M. Munro (occupier) – Unit 3, 2 Godley Road, GREEN BAY (LOT 57 DP 13925), 16/03/08;
- P. Walker (occupier) – Unit 4, 2 Godley Road, GREEN BAY (LOT 57 DP 13925), 15/03/08;
- B. Kiri (occupier) – Unit 6, 2 Godley Road, GREEN BAY (LOT 57 DP 13925), 16/03/08;
- \*\*G.M. Honan (owner / occupier) – 211 Portage Road, GREEN BAY (LOT 58 DP 13925), 09/03/08;
- B. Guttenbeil (owner) – 213 Portage Road, GREEN BAY (LOT 59 DP 13925), 09/04/08;
- J.T. Moses (occupier) – 213 Portage Road, GREEN BAY (LOT 59 DP 13925), 07/04/08; and
- \*\*R.A. and L. Evans (owner / occupiers) – 215 Portage Road, GREEN BAY (LOT 60 DP 13925), 09/03/08.

#### 4.0 REASONS FOR THE APPLICATION

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

##### 4.1 Operative District Plan

###### General Natural Area:

Controlled Activity consent required pursuant to RULE 2.2 – VEGETATION ALTERATION for works proposed to construct the new fencing occurring within the driplines of two protected trees, being one Japanese Cedar (*Cryptomeria japonica*, height: 14.0m, width: 8.0m, girth: 2.0m) and one Pohutuawa (*Metrosideros kermadecensis*, height: 11.5m, width: 15.0m, girth: 5.0m).

Limited Discretionary Activity consent required pursuant to RULE 2.3 – VEGETATION ALTERATION for the removal of four protected trees, being one Kanuka (*Leptospermum ericoides*, height: 9.5m, width: 8.0m, girth: 1.3m), one Flowering Cherry (*Prunus spp.*, height: 10.0m, width: 6.0m), and two Chinese Sweet Gums (*Liquidambar formosana*, heights: 10.5m and 10.0m, widths: 8.5m and 8.0m, girths: 1.0m and 2.33m).

###### Open Space Environment:

Non-Complying Activity consent required pursuant to RULE 2.4 – BUILDING HEIGHT for a building which is not a Permitted Activity, Limited Discretionary Activity or a Discretionary Activity. The proposed building will have a height of 5.0m along the western and 5.7m along the northern elevations, but as it is not a Parks Building it is not provided for in the Rule.

Non-Complying Activity consent required pursuant to RULE 3.4 – HEIGHT IN RELATION TO BOUNDARIES for a building which is not a Permitted Activity, Limited Discretionary Activity or a Discretionary Activity. The proposed building will comply with height in relation to boundaries requirements, but as it is not a Parks Building it is not provided for in the Rule.

Non-Complying Activity consent required pursuant to RULE 4.4 – YARDS for a building which is not a Permitted Activity, Limited Discretionary Activity or a Discretionary Activity. The proposed building will be set-back from the road (western) boundary by 1.2m, but as it is not a Parks Building it is not provided for in the Rule.

Non-Complying Activity consent required pursuant to RULE 5.4 – BUILDING COVERAGE for a building which is not a Permitted Activity, Limited Discretionary Activity or a Discretionary Activity. At 122m<sup>2</sup>, the proposed building addition will increase the building coverage of the GBECC to 252m<sup>2</sup>, but as it is not a Parks Building it is not provided for in the Rule.

Non-Complying Activity consent required pursuant to RULE 6.4 – BUILDING LOCATION – NATURAL LANDSCAPE ELEMENTS for an activity which is not a Permitted Activity, Limited Discretionary Activity or a Discretionary Activity. The proposed building will not be located on land identified as a sensitive ridge or headland/cliff/scarp, but as it is not a Parks Building it is not provided for in the Rule.

Non-Complying Activity consent required pursuant to RULE 7.4 – PARKING, ACCESS AND TRAFFIC GENERATION for a building which is not a Permitted Activity, Limited Discretionary Activity or a Discretionary Activity. Twenty (20) car park spaces will be provided, while traffic generated by the proposal will comprise an additional 25 to 30 vehicle movements (ie: around 12-15 inbound movements and 12-15 outbound) during periods of peak arrivals and departures, but as it is not a Parks Building it is not provided for in the Rule.

Discretionary Activity consent required pursuant to RULE 11.3 – SIGNS for two existing signs where the maximum sign area exceeds 1.5m<sup>2</sup>. This retrospective infringement relates to one freestanding pole sign (sign area: 2.52m<sup>2</sup>, height: 3.5m) and one sign attached to the existing GBECC building (sign area: ~0.4m<sup>2</sup>).

#### **4.2 Proposed Plan Change 26**

As the subject site is located within the Open Space Environment, the *Proposed Plan Change 26 – Living Environment Bulk and Location Rules* are not considered relevant to the proposal.

**4.3** Overall, the application is considered to be a Non-Complying Activity. The proposal complies with all other development control rules under the District Plan.

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

##### SUBJECT SITE:

The Green Bay Early Childhood Centre (“GBECC”) occupies a portion of 142 Connaught Street, Green Bay (Allotment 382 Parish of Waikomiti) (“subject site”) adjacent to the western boundary and immediately north of the private internal road and contains a childcare building with an adjoining outdoor play area. The subject site has an area of 20,234m<sup>2</sup>, comprises the north-western quadrant of the wider Motu Moana Scout Camp site (“wider site”), and is located at the corner of Connaught Street (local road) and Portage Road (local road). A caretaker’s dwelling is located in the north-western corner of the subject site.

Vehicle and pedestrian access to the subject site and GBECC is gained via an existing vehicle crossing that connects to Portage Road midway along the subject site’s western boundary.

There is an unmarked car parking area (containing 6 spaces) located immediately to the south-west of the existing GBECC building on the northern side of the internal road (which traverses the wider site). Another parking area (12 – 14 spaces) is located to the south / south-east of the existing building on the southern side of the internal road.

The subject site exhibits a gentle slope in an east-west direction towards Portage Road. There is also a moderate gradient to the south of the internal road that opens out onto a plateau, before falling moderate-steeply towards Green Bay beach in a southern direction (beyond the subject site's southern boundary). The subject site is not connected to the public reticulated stormwater system.

On-site vegetation within the vicinity of the GBECC includes both protected native and exotic trees, along with vegetation screening along the western boundary. A maturing Kauri tree (*Agathis australis*) has been incorporated within a deck structure attached to the western face of the existing building.

A171-A173 Photographs of the subject site are attached at pages A171 to A173 as Appendix 12.

#### WIDER SITE:

The wider site (Allotment 382 - 383 Parish of Waikomiti, Allotment 381 and Allotment 384 Parish of Waikomiti and LOT 1 DP 45710), has an area of 86,541m<sup>2</sup> and is known as Motu Moana Scout Camp. The wider site consists of four similarly shaped and sized sites, with the subject site occupying the north-western quadrant. The wider site is privately owned by The Scout Association of New Zealand and has been used for Scout based activities since the 1940s. Accordingly, the wider site contains several Scout based buildings that form part of the Scout Camp and are located both north and south along the length of the private internal road, including: Takarangi Hall, dormitory accommodation, and the Orpheus Titirangi Sea Scouts storage shed.

Vehicle and pedestrian access to the wider site is gained via the vehicle crossing on Portage Road, and via another located on the northern boundary connecting to Connaught Street. Car parking is concentrated in several marked and unmarked parking areas along the internal road, commonly in front of or adjacent to the buildings within the wider site.

The wider site exhibits a progressive east-west directional slope and southern fall towards the beach, the latter punctuated by steep cliff faces. An unnamed watercourse (10m riparian margin) is located within the wider subject site (approximately 100m to the south of the GBECC).

Within the wider site there is a significant on-site area of native vegetation (including Kanuka, *Kunzea ericoides*; and Cabbage Tree, *Cordyline australis*), which covers the majority of the western and south-western two-thirds of the site. The remainder of the wider site is in grass, with the exception of the impermeable areas such as the private internal road.

#### SURROUNDING NEIGHBOURHOOD:

The surrounding environment consists of residential properties located opposite the subject site on the western side of Portage Road. These sites are typically, although not exclusively, characterised by single dwellings set within 1,000m<sup>2</sup>.

The Titirangi Golf Course and Shadbolt Park (including skateboarding facilities and the Suburbs Rugby Club fields and buildings) are located approximately 55m and 190m to the north-west and north of the north-western corner of the subject site respectively.

Craigavon Park, a public park owned by Auckland City Council, is located on the northern side of Connaught Street.

## 6.0 ISSUES IDENTIFIED THROUGH THE SUBMISSION PROCESS

It must be noted that when the applicant first lodged the application in June 2008, written approvals from the following persons were provided (Note: persons identified below with \*\* formally withdrew their approval thereafter (refer to Section 6.1 – Submissions):

- B. McCaughley (National Advisor – Special Duties) [The Scout Association of New Zealand] – 142 Connaught Street, BLOCKHOUSE BAY (ALLOT 382 SO 8478 WAIKOMITI), 27/02/08;
- C. Dickson (occupier) – Unit 1, 2 Godley Road, GREEN BAY (LOT 57 DP 13925), 16/03/08;
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- B. Guttenbeil (owner) – 213 Portage Road, GREEN BAY (LOT 59 DP 13925), 09/04/08;
- J.T. Moses (occupier) – 213 Portage Road, GREEN BAY (LOT 59 DP 13925), 07/04/08; and
- \*\*R.A. and L. Evans (owner / occupiers) – 215 Portage Road, GREEN BAY (LOT 60 DP 13925), 09/03/08.

The applicant was advised that all parties considered to be affected would be served notice of the application, including those that had already given their written approval. Notice of this application was served on all identified affected persons on 23 April 2009. The period for submissions closed on 20 May 2009. Three submissions were received within the submissions period, all of which were in opposition to the application.

A16-A138

Please refer to Appendix 2 attached at pages A16 to A18 for copies of the submissions that were received. A map showing the location of the submitters is attached at page A19 to A116 under Appendix 3. The application as notified is attached at pages A117 to A138 under Appendix 4.

### 6.1 Submissions received

Person and Address	Support /Oppose	Reasons
<p>R.A. EVANS – (owner/occupier)</p> <p>215 Portage Road, Green Bay</p> <p>Received: 18/05/2009.</p>	<p>OPPOSE</p>	<p>AFFECTED PERSONS APPROVAL:</p> <ul style="list-style-type: none"> <li>• Formal withdrawal of previous affected persons approval.</li> </ul> <p>TRAFFIC IMPACTS:</p> <ul style="list-style-type: none"> <li>• Increased children enrolled and staff at the GBECC will have: “deleterious effect on traffic and resultant noise levels” (eg: additional vehicle movements, insufficient on-</li> </ul>

		<p>site parking leading to on-street parking and hazards for pedestrian safety, potential for accidents, residents' access affected, entry/exit delays, car horns).</p> <ul style="list-style-type: none"> <li>• Conflict with traffic generated by Green Bay beach access and the West Auckland Toy Library (both located to the south along Portage Road).</li> </ul>
<p>G.M HORAN – (owner/occupier)</p> <p>211 Portage Road, Green Bay.</p> <p>Received: 18/05/2009.</p>	<p>OPPOSE</p>	<p>AFFECTED PERSONS APPROVAL:</p> <ul style="list-style-type: none"> <li>• Formal withdrawal of previous affected persons approval.</li> </ul> <p>TRAFFIC IMPACTS:</p> <ul style="list-style-type: none"> <li>• Physical address of subject site is 142 Connaught Street, Green Bay (Allotment 382-383 Parish of Waikomiti). No such address as 200 Portage Road, Green Bay; therefore, access via the Portage Road vehicle crossing constitutes the "backdoor".</li> <li>• Existing traffic problems: speed, on-street parking, unreported accidents, vehicle damage (associated with Portage Road vehicle crossing).</li> <li>• Potential conflict with traffic generated by Green Bay beach access, the West Auckland Toy Library, and home operated businesses (all located along Portage Road).</li> <li>• Increase in children enrolled at GBECC will result in an increase in traffic volumes.</li> <li>• Parking provisions will be insufficient for the proposed increase in children enrolled and at staff at GBECC, combined with the Scout-based activities and periodic detention workers, and will lead to on-street parking and heavy vehicles using the Portage Road vehicle crossing.</li> </ul> <p>NOISE (TRAFFIC AND GBECC):</p>

		<ul style="list-style-type: none"> <li>• Traffic noise: braking, engine revving, deceleration/acceleration (Portage Road and vehicle crossing).</li> <li>• GBECC noise: children and staff in outdoor play areas. Absence of acoustic treatment.</li> </ul> <p>WASTE AND WASTEWATER MANAGEMENT:</p> <ul style="list-style-type: none"> <li>• Increased water usage and strain on existing wastewater system due to increase roll.</li> <li>• Odour (Health and Safety) issues resulting from storage of soiled nappies.</li> </ul> <p>HOURS OF OPERATION:</p> <ul style="list-style-type: none"> <li>• Existing hours established under LUC-2004-1111 without residents' approval, resulting in traffic and noise effects.</li> </ul>
<p>B.A. CRANN – (owner/occupier)</p> <p>211 Portage Road, Green Bay.</p> <p>Received: 18/05/2009.</p>	<p>OPPOSE</p>	<p>AFFECTED PERSONS APPROVAL:</p> <ul style="list-style-type: none"> <li>• Formal withdrawal of previous affected persons approval.</li> </ul> <p>TRAFFIC IMPACTS:</p> <ul style="list-style-type: none"> <li>• Physical address of subject site is 142 Connaught Street, Green Bay (Allotment 382-383 Parish of Waikomiti). No such address as 200 Portage Road, Green Bay; therefore, access via the Portage Road vehicle crossing constitutes the "backdoor".</li> <li>• Existing traffic problems: speed, on-street parking, unreported accidents, vehicle damage (associated with Portage Road vehicle crossing).</li> <li>• Potential conflict with traffic generated by Green Bay beach access, the West Auckland Toy Library, and home operated businesses (all located along Portage Road).</li> <li>• Increase in children enrolled at GBECC will result in an</li> </ul>

		<p>increase in traffic volumes.</p> <ul style="list-style-type: none"> <li>• Parking provisions will be insufficient for the proposed increase in children enrolled and at staff at GBECC, combined with the Scout-based activities and periodic detention workers, and will lead to on-street parking and heavy vehicles using the Portage Road vehicle crossing.</li> </ul> <p>NOISE (TRAFFIC AND GBECC):</p> <ul style="list-style-type: none"> <li>• Traffic noise: braking, engine revving, deceleration/acceleration (Portage Road and vehicle crossing).</li> <li>• GBECC noise: children and staff in outdoor play areas. Absence of acoustic treatment.</li> </ul> <p>WASTE AND WASTEWATER MANAGEMENT:</p> <ul style="list-style-type: none"> <li>• Increased water usage and strain on existing wastewater system due to increase roll.</li> <li>• Odour (Health and Safety) issues resulting from storage of soiled nappies.</li> </ul> <p>HOURS OF OPERATION:</p> <ul style="list-style-type: none"> <li>• Existing hours established under LUC-2004-1111 without residents' approval, resulting in traffic and noise effects.</li> </ul>
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## 6.2 Struck-out submission

A fourth submission in opposition to the proposal was received from Glenn Turner of the Green Bay Ratepayers and Residents Association ("GBRRA") after the closure of the submissions period. It is noted that neither Mr Turner nor the GBRRA were identified as an individual or organisation that was to be directly notified of this proposal via the Limited Notification process. Therefore, this submission, which did not raise any additional concerns and issues beyond those already identified by the other submitters (refer Section 6.1), is considered struck-out.

## 7.0 STATUTORY REQUIREMENTS

### 7.1 Non-Complying Activities

The relevant policies and criteria which apply under the District Plan and the Resource Management Act 1991 are set out in more detail in Section 8.5.1 and 8.5.2 of this report.

This should be referred to as the legal framework within which the application should be addressed.

As noted, the proposal requires consideration as a non-complying activity under the provisions of the Resource Management Act 1991. Section 104D of the Resource Management Act 1991 sets a threshold test which all resource consent applications for non-complying activities must first pass before a consent authority has jurisdiction to grant consent, having regard to the matters specified in Section 104. In short, the proposal must be able to establish and operate without generating more than minor adverse effects on the environment, or must not be contrary to the relevant objectives and policies of the Operative District Plan. Council may disregard an adverse effect of an activity on the environment if the Operative Plan permits an activity with that effect.

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

However it should be noted that for council to grant consent to a non-complying activity application there should generally be some exceptional or unusual element to the proposal. If such unusual circumstances do not exist, then the proposal would effectively compromise the integrity of the District Plan and public confidence in the consistent administration of the plan may be undermined. It is considered that the proposal would be unusual because the subject site (and indeed the wider Motu Moana Scout Camp site) is zoned as Open Space Environment under the District Plan. However, the site is not owned by Waitakere City Council and is instead privately owned by The Scout Association of New Zealand. Consequently, the non-complying elements of this proposal, specifically the bulk and location infringements, derive from the anomalous nature of the land zoning and ownership, and from the resultant inability of the GBECC activity to be defined under the provisions of the Open Space Environment Rules such that the proposed new building represents *“any other building which is not a Permitted Activity, Limited Discretionary Activity or Discretionary Activity”*.

Council also has discretion to consider any precedent issues that may arise for a non-complying activity. According to the Court of Appeal decision in *Dye v Rodney District Council*, an adverse precedent effect can arise where the grant of a non-complying consent would influence the approach taken by Council to similar consent applications. Such a precedent effect does not arise here because each future application in this area would be taken on its own merits and would have to ensure that any effect on the character and appearance of the area was not detrimental.

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

## **7.2 Plan Weighting**

As discussed in Section 4.2, the subject site is located within the Open Space Environment and is not considered affected by the Plan Change 26 – Living Environment Bulk and Location Rules.

### 7.3 LIMITED NOTIFICATION – SECTION 94(1)

A139-A141 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. 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. This application was the subject of limited notification under section 94(1). A Section 93, 94 and 94A - 94D Determination Assessment was completed on 08 April 2009. The determination report is attached at pages A139 to A141 in Appendix 5 of this report and identified that the following parties would be adversely affected by the proposal:

<b>Affected Persons</b>	<b>Property Address</b>
B. McCaughley (National Advisor – Special Duties, The Scout Association of New Zealand)	142 Connaught Street, BLOCKHOUSE BAY (ALLOT 382 SO 8478 WAIKOMITI).
M. L., J. A. and S. M. Reeves (owners)	2 Godley Road, GREEN BAY (LOT 57 DP 13925).
C. Dickson (occupier)	Unit 1, 2 Godley Road, GREEN BAY (LOT 57 DP 13925).
L. Paratene (occupier)	Unit 2, 2 Godley Road, GREEN BAY (LOT 57 DP 13925).
M. Munro (occupier)	Unit 3, 2 Godley Road, GREEN BAY (LOT 57 DP 13925).
P. Walker (occupier)	Unit 4, 2 Godley Road, GREEN BAY (LOT 57 DP 13925).
The Occupier	Unit 5, 2 Godley Road, GREEN BAY (LOT 57 DP 13925).
B. Kiri (occupier)	Unit 6, 2 Godley Road, GREEN BAY (LOT 57 DP 13925).
G.M. Honan and B.A. Crann (owner / occupiers)	211 Portage Road, GREEN BAY (LOT 58 DP 13925).
B. Guttenbeil (owner)	213 Portage Road, GREEN BAY (LOT 59 DP 13925).
J.T. Moses (occupier)	213 Portage Road, GREEN BAY (LOT 59 DP 13925).
R.A. and L. Evans (owner / occupiers)	215 Portage Road, GREEN BAY (LOT 60 DP 13925).
N.H. and D.S. Bricknell (owner / occupiers)	217 Portage Road, GREEN BAY (LOT 61 DP 13925).
N.C. and A.W. Hutchings (owner / occupiers)	1/217 Portage Road, GREEN BAY (LOT 61 DP 13925).
J.L. Hammond (owner / occupier)	219 Portage Road, GREEN BAY (LOT 62 DP 13925).
M.G. and E.H. Flannigan (owner / occupiers)	221 Portage Road, GREEN BAY (LOT 63 DP 13925).

## **8.0 EVALUATION IN ACCORDANCE WITH SECTION 104 OF THE RESOURCE MANAGEMENT ACT 1991**

In order to make a decision in terms of Section 104B of the Act it is necessary to undertake an analysis and assessment to determine whether the purpose and principles of the Act are being met (Part II) having regard to the matters set out in Sections 104, 104A - 104D as relevant, the Fourth Schedule and any other statutory considerations.

Section 104(1) of the Act requires that Council have regard to any actual or potential effects on the environment, any relevant objectives, policies, rules or other provisions of a plan or proposed plan and any relevant regional policy statement and regional plan or proposed plan, and any other matters the consent authority considers relevant and reasonably necessary to determine the application.

When considering an application Council must not have regard to any effect on a person who has given their written approval to the application (section 104 (3)(b)) and may disregard an adverse effect of an activity on the environment if the Operative Plan permits and activity with that effect (section 104(2)).

### **8.1 Assessment of Environmental Effects (s104(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 not considered to fall under the District Plan's definition of *Parks Building*, nor does it fall under: *Parks Facilities*, *Parks Field Structures*, *Parks Furniture*, *Parks Infrastructure*, *Parks Signs*, or *Parks Sports Fields*. Moreover, the subject site is privately owned and as such, the development is not provided for under the Open Space Environment Rules; therefore, any new building for the GBECC, regardless of size, scale, height, or on-site location will automatically fall into the Non-Complying Activity category. A number of bulk and location requirements are therefore applicable and highlighted by Section 4.1 of this report.

In light of the above, there are no comparable or non-fanciful activities that can be considered.

As such, there are no adverse effects that can be disregarded as permitted by the Plan.

#### **8.1.2 Receiving Environment**

The receiving environment for the purposes of s104(1)(a) includes the environment at present (includes those activities that have existing use rights or expressly authorised by resource consent) and how it might be modified by the utilisation to carry out permitted activities and unimplemented resource consents where implementation is likely.

The adverse effects of a proposed activity, at this point in the analysis, will be those effects that are not already impacting, or could potentially impact upon the receiving environment.

In terms of this application, the existing GBECC activity on the subject site is not entirely reflective of its underlying Open Space Environment zoning (see Section 7.1).

The existing environment is a mix of urban elements (residential sites on Portage Road) and characteristics that include recreational uses (buildings, structures and large expanses of open space within the subject site). Portage Road provides a distinct separation between the established residential neighbourhood to the west and the Motu Moana Scout Camp site to the east. The GBECC and associated Scout based activities now form an established part of the existing environment.

As noted above, the GBECC building and outdoor play areas form an integral part of the existing environment and were established by way of resource consent. Both of these consents (RMA 1992-2063 and RMA 2004-1111) set out clear parameters in terms of the effects on the site for the hours of operation, and numbers of children enrolled and staff working on the premises.

There are no unimplemented resource consents (likely to be implemented) that are considered to materially affect the nature of the receiving environment.

The proposal by its nature will introduce an activity where actual and potential effects will be those that impact upon the receiving environment over and above the current activity.

### 8.1.3 Water Quality and Quantity

The proposed activity will be located within the wider Motu Moana Scout Camp site with a total land area of 8.5ha; however, the effective area of the subject site (142 Connaught Street) is 20,334m<sup>2</sup>. The GBECC is contained within the General Natural Area, which permits up to 15% of the site being covered in impermeable surfaces, when the site is not serviced by a reticulated stormwater system. The proposal involves the establishment of 122m<sup>2</sup> of new impermeable surfaces resulting from the construction of the new GBECC building.

The increase in impermeable surfaces would result in the total, including buildings and sealed areas, comprising approximately 2,700m<sup>2</sup>, which accounts for 13.3% of the subject site's area.

A139-A141 The application has been supported by an infrastructural assessment titled: "INFRASTRUCTURE ASSESSMENT 142 CONNAUGHT STREET & 200 PORTAGE ROAD, BLOCKHOUSE BAY. Our Ref: 08297" ("Law Sue Davison infrastructure assessment"), prepared by Ross Davison of Law Sue Davison Limited (dated: February 2009). Ravinesh Chand (Ecowater, 03/03/2009) has assessed the proposal (refer to Appendix 5 attached at pages A139 to A141), and has reviewed the aforementioned infrastructure report and Council's records. Mr Chand has determined that the total impermeable surfaces proposed (roof and paved area within the subject site) will not exceed the 15% permitted level at this site which is not connected to the reticulated stormwater system. In addition, Mr Chand states that "stormwater runoff from the proposed addition will be minimal and will not have an adverse effect on the receiving environment". Consequently, Mr Chand is satisfied that this consent is generally in accordance with the *Council Code of Practice for City Infrastructure and Land Development*, and that EcoWater supports the consent with no conditions required.

The proposal would require the removal of only one native; specifically a Kanuka (*Leptospermum ericoides*). The applicant proposes to utilise an opportunity for restoration and enhancement via native screen planting between the western face of the new building and the site's western boundary.

The proposed GBECC activity is approximately 100m and 260m to the north of the nearest watercourse (unnamed stream, 10m riparian) and water body (Manukau Harbour, 20m coastal edge) respectively. In terms of water quality, the earthworks proposed are relatively small in scale (60m<sup>2</sup> / 40m<sup>3</sup>) and the recommendation of conditions requiring the implementation of sediment and erosion control measures being imposed will mitigate any adverse effects on the aforementioned watercourse and harbour arising due to earthworks.

According to Council's records, there are no known flooding hazards associated with the subject site that would be exacerbated by the increase in impermeable surfaces, nor would any likely result thereafter.

Mr Chand's specialist assessment is accepted and the reporting planner is satisfied that any adverse effects on water quality and quantity will be no more than minor subject to the imposition of appropriate conditions of consent.

#### 8.1.4 Native Vegetation, Vegetation and Fauna Habitat

The proposal involves the removal of four established exotic and indigenous trees from the GBECC portion of the subject site: one Kanuka (*Leptospermum ericoides*, height: 9.5m, width: 8.0m, girth: 1.3m), one Flowering Cherry (*Prunus spp.*, height: 10.0m, width: 6.0m), and two Chinese Sweet Gums (*Liquidambar formosana*, heights: 10.5m and 10.0m, widths: 8.5m and 8.0m, girths: 1.0m and 2.33m). The remainder of the GBECC area is surrounded by a variety of established vegetation, both indigenous and exotic in origin occurring largely at the perimeters of the site, which serve to screen and soften the elevated built structure.

A142-A147 Chris Boucher (Consultant Arborist, 21/08/2008) assessed the application (refer to Appendix 6 attached at pages A142 to A147) in respect to the implications for protected vegetation including the submitted Arboricultural Report titled: "*Project: Green Bay Early Childhood Learning Centre. Prepared for: John Childs Planning Consultant – ECE Management Ltd*" ("Peers Brown Miller arboricultural report"), prepared by Mike Brown of Peers Brown Miller Arboricultural Consultants Limited (dated: 27/03/2008). Mr Boucher also undertook a site visit (07/07/2008). The Peers Brown Miller arboricultural report provides a comprehensive assessment of effects in terms of the trees that are to be removed and also provides a tree protection methodology for the two trees that are to be retained within which dripline works will occur.

The new building platform will occupy the southern part of the existing on-site outdoor play area and requires removal of the three exotic trees, which Mr Boucher describes as "*nondescript*" but do provide shade during summer and contribute to "*collective visual amenity benefits beyond the site as backdrop to streetscape vegetation*". The fourth tree to be removed is located immediately adjacent to the north-eastern corner of the existing building and its removal will facilitate construction of the new deck and wheelchair access ramp on the northern face of the existing GBECC building.

Replacement planting comprising four specimens of size PB 95 (or equivalent) and minimum height at time of planting of 1.5m, is proposed as suitable mitigation of adverse environmental effects caused by removal of the existing trees. Mr Boucher asserts that replacement planting needs to be cognisant of a requirement to replicate the shade provision currently afforded to children attending the GBECC facility.

It is noted that as the subject site is within the Open Space Environment, it is important to ensure that none of the trees proposed for removal are known to be threatened, endangered or uncommon, of which none of the identified species are.

In addition to the tree removals, minor localised excavations and construction activity associated with new 1.5m high modular metal boundary fencing is also proposed to occur within the driplines of two protected trees adjacent to the eastern site boundary; being one Japanese Cedar (*Cryptomeria japonica*, height: 14.0m, width: 8.0m, girth: 2.0m) and one Pohutuawa (*Metrosideros kermadecensis*, height: 11.5m, width: 15.0m, girth: 5.0m). The Peers Brown Miller report identifies five fence postholes will occur between 1.8 - 2.9m from the base of the trunk of the Japanese Cedar, while three will occur between 4.2 - 6.0m from the base of the Pohutukawa, and recommends that these works be supervised by an arborist engaged by the consent holder. Accordingly, appropriate conditions of consent will be recommended.

It is also noted by Mr Boucher (and not discussed within the Peers Brown Miller report) that the maturing Kauri tree (*Agathis australis*) growing within the deck structure attached to the western façade of the existing building is approximately 10m in height (well within the size threshold for protection status) and contributes to amenity of the site. From the drawings provided and location of the tree, Mr Boucher is of the opinion that the deck and position of the access stairs to the new building, whilst of no real concern at the present time, will need to be modified in order to accommodate incremental growth and development of this specimen. The retention and preservation of the Kauri is seen by Mr Boucher as a mandatory requirement if consent is to be issued by the Council for development of the site as proposed.

Greater protection and preservation of its root zone will be necessary, given that the area surrounding the tree will lose much of its present permeability, being covered by the increased building footprint.

According to Council's records, there are no known natural hazards (including flooding, stability, erosion, or subsidence) associated with the subject site that would be exacerbated by the vegetation removals and works within driplines, nor would any likely result thereafter.

Overall, Mr Boucher generally supports the proposal provided the development proceeds in general accordance with the recommendations within the Peers Brown Miller Report, and he summarises accordingly:

- Any adverse environmental effects of the proposal are considered to be no more than minor as replacement planting can mitigate adverse environmental effects of the proposal, while conditions of consent will ensure the present health and wellbeing of trees to be retained on the site;
- The consent-holder is to engage an arborist to supervise and monitor the project for the duration of works on the site;
- Proximity based damage caused to trees by machinery, excavations, construction activities and material storage can be largely prevented by placing secure fencing around them and at sufficient distance to preserve root zones. Assuming of course that sufficient distance can be maintained to provide an adequate growing environment in which to continue growth and development;
- The fencing must be strong and appropriate to the degree of construction activity taking place on the site. The areas beyond the protective fencing are considered sacrosanct and no works must be carried out and no materials must be stored within the protected areas;
- Given site access logistics, the relatively confined location, the presence of retained protected trees in close proximity and the nature of works proposed on the site, construction activity may not be entirely isolated from several of the maturing trees locally. It is important therefore that all proposed site development activities must be strictly controlled and addressed by adequate direction, supervision and monitoring from the consent holder's specialist staff including an arborist, specifically engaged for this purpose; and
- Disposal of excavated spoil, concrete waste and washings off site so that contamination of adjacent trees, vegetation and areas proposed for replacement planting is avoided.

Therefore, Mr Boucher's specialist assessment and recommendations are accepted and the reporting planner is satisfied that any adverse effects of undertaking the construction works and the effects once works are completed will be no more than minor subject to the imposition of appropriate conditions of consent.

#### **8.1.5 Land / Soil**

The proposal will involve 60m<sup>2</sup> / 40m<sup>3</sup> of earthworks with a maximum cut of 1.0m outside the approved building platform in the areas immediately adjacent to the new building platform. By virtue of their size and location, the proposed earthworks will not dominate or be disproportionate in scale with that anticipated at the subject site and within the surrounding area.

Given the relatively gentle sloping nature of the site and modest depth of cut proposed, there will be limited changes to the soil and existing landform at the subject site as a result of the proposal. In addition, the site has already been modified, is within the urban area, and is not known to Council to be affected by natural hazards (including flooding, stability, erosion, or subsidence).

The scale of the proposed earthworks is considered small, and can be mitigated by the use of appropriate sediment control measures specific to the site to the level of being no more than minor.

#### **8.1.6 Air**

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

#### **8.1.7 Ecosystem Stability**

The GBECC portion of the subject site does not contain significant specimens of trees that may not be found on Open Space Environment sites elsewhere within the City. The subject site contains significant existing cleared areas to the east and south of the GBECC, with vegetation concentrated along the northern and western boundaries and a large area in the south-eastern quadrant of the site, while smaller stands of vegetation (included protected specimens) are interspersed throughout the subject site often in close proximity to buildings.

Four trees are proposed to be removed, while works within the dripline of two trees and a small degree of pruning of some trees is required as a part of the development works on the subject site. The applicant has not provided an ecological assessment, however they have provided a comprehensive arboricultural assessment (refer to the Peers Miller Brown report) relating to the vegetation alteration proposed on the subject site. Council's Consultant Arborist, Chris Boucher, has reviewed the proposal and the Peers Miller Brown arboricultural report and he is generally in support of the application. The reporting planner accepts Mr Boucher's comments in this regard.

Furthermore, the excavations proposed for the development are relatively small in scale (being 60m<sup>2</sup> / 40m<sup>3</sup>) and any adverse effect of the excavations can be mitigated by the imposition of appropriate conditions of consent relating to the implementation of sediment and erosion control measures. These conditions acknowledge the need for controls, whilst accommodating development on a site created for built development use.

Given the extent of vegetation alteration, earthworks and impermeable surfaces proposed it is considered that the ecosystems existing within the site are unlikely to be adversely affected by the proposed development. Therefore, it is considered that, with the imposition of appropriate conditions will ensure that any adverse effect on the stability of ecosystems and site biodiversity would be no more than minor.

#### **8.1.8 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). The proposed activity would not therefore adversely affect any outstanding natural features.

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

The subject site is located within the Outstanding (Natural Character) Coastal Area (refer District Plan Map 3.5(c)). The subject site has views southwards out towards the Manukau Harbour. However, the distance of the GBECC from the coast (260m), the sloping nature of the intervening topography, and density and location of vegetation provide a physical and visual buffer for development occurring on the subject site. Therefore, as the development would not be visible from the coastal edge, the natural character, actions and processes of the coastal area would not be adversely affected.

### 8.1.10 Outstanding Landscapes

The subject site is not identified in the District Plan as being within an area of “outstanding landscape” within the City (refer Map 3.6B). However, as discussed in 8.1.8 above, the site is located within the Outstanding (Natural Character) Coastal Area.

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

Amenity Values are defined in the Resource Management Act 1991 (and the District Plan) 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.”*

The District Plan also provides a definition of *Neighbourhood Character*:

*“Neighbourhood is that small local area, usually the same number of streets around a dwelling or workplace that a person identifies with and knows most thoroughly of all parts of the City. Usually people have a strong sense of belonging and place associated with a neighbourhood. It is the most localised, personal and intense expression of the relationship or people with their environment.*

*Such neighbourhoods reflect the general amenity values of the surrounding landscape or local area but have distinctive versions of those general features that allow inhabitants to see them as unique and special. This is a neighbourhood character that defines a neighbourhood as unique. Often the particular streetscape contributes strongly to the local neighbourhood, although it is personal perceptions of residents that ultimately define the nature of that neighbourhood.”*

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

The new building as proposed would infringe building height, height in relation to boundary, yards, building coverage, building location – natural landscape elements, and signs (relating to the Open Space Environment). These bulk and location infringements are the result of the new building not constituting a Permitted, Limited Discretionary or Discretionary Activity, and as the new building is not a Parks Building it is not provided for under the Open Space Environment rules.

The adverse effects on overshadowing, loss of sunlight, scale, form, height, bulk, physical dominance, and privacy are considered no more than minor for the following reasons:

The new building will have a maximum building height of 5.7m along the northern elevation and 5.0m along the western elevation. These building heights are both within the 8.0m maximum required as a Discretionary Activity for Parks Buildings; however, as explained above, the new building is not provided for under the Open Space Environment rules. Similarly, the total building coverage at the GBECC site will be 252m<sup>2</sup>, while at the western (Portage Road) boundary the new building will encroach to within 1.2m of the road reserve. Notwithstanding, any physical bulk, domination and overshadowing effects of the building heights and yard separation will be lessened to a degree by the visual screening provided by the 1.8m boarded fence and proposed vegetation planting between the building and boundary, and the grassed buffer on the eastern side of the carriageway.

In addition, the western elevation of the new building will only contain two windows that will each have an area of 1.2m<sup>2</sup> and be set at 3.1m above ground level, which will reduce the potential for privacy intrusion upon the residential properties opposite the new building on the western side of Portage Road (numbers 211 - 221) and Godley Road (number 2). The new building's northern elevation contains a greater level of glazing than the western elevation, being comprised of two double-opening doors (at 4.4m<sup>2</sup> each), two windows (1.2m<sup>2</sup> each) and one door (1.6m<sup>2</sup>). The northern aspect of the new building will cause it to front on to the rear (southern) face of the caretaker's dwelling beyond the GBCEC outdoor play area. However, the separation distance of approximately 22m, combined with the presence of the existing boarded fence, and the limited glazing on the southern face of the dwelling will lessen the potential for privacy intrusion of the new building on the caretaker's dwelling.

The residential properties located opposite the GBCEC along the section of Godley Road (number 2) and Portage Road (numbers 211 - 221), and the caretaker's dwelling located to the north within 142 Connaught Street will potentially experience adverse effects to their visual and residential amenity resulting from the presence of the new building derived from its size, bulk, visual prominence, and physical closeness to the western site boundary. However, it is also considered that the east-west orientation of the new building will result in it appearing less dominant in terms of when the narrower western elevation (width: 8.3m) is viewed from the road, as opposed to the wider southern elevation (width: 17.9m) of the building when viewed from the on-site car parking area.

In addition, one existing pole sign (sign area: 2.52m<sup>2</sup>, height: 3.5m) is located in the north-western corner of the GBCEC playground area while another sign is affixed to the southern face of the existing childcare centre building (sign area: ~0.4m<sup>2</sup>). Both signs are for identification, contact and operational information purposes. The freestanding pole sign is only visible from Portage Road when travelling in the southern direction and is otherwise screened by vegetation along the western boundary, while the sign affixed to the southern face of the GBCEC building is not visible from beyond the subject site owing to separation distance and vegetation screening. The respective sign areas, bulk, height, and location of the signs exert only limited effects with respect to overshadowing, loss of daylight and sunlight, privacy, visual amenity, and streetscape.

The underlying zone for the subject site is Open Space Environment, which Huia Kingi (Parks Planner, 30/06/08) states "*would have been intended to encourage the use of the land for outdoor and recreational activities*"; therefore, subject to rules and conditions, it is a reasonable expectation that some form of development is anticipated upon the site, which could include the extension of an existing childhood centre where children can participate in a measure of supervised outdoor and recreational activities.

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

As the large subject site is within the Open Space Environment of the City, it is considered that there would be a reasonable expectation that some form of additional on-site development occur over time. It is considered that the location, design, scale and materials of the proposed new building would be consistent with the character of the existing environment and surrounding neighbourhood, and the adverse effects would be no more than minor.

The subject site is within the Open Space Environment and it accommodates Scout based activities, buildings (including a meeting hall, dormitory accommodation, storage sheds, and a caretaker's dwelling), internal road and parking. The Scout based activity has operated at the site since the 1940's. However, the subject site also accommodates the non-Scout based, privately operated GBCEC activity, with its existing building, outdoor playing and parking areas. The forerunner to the GBCEC was a Montessori Pre-School, which was initially established in 1992 under RMA-1992-2063.

Within the vicinity of the GBECC, the subject site exhibits a gentle slope in an east-west direction towards Portage Road. On-site vegetation includes both protected native and exotic trees, along with vegetation screening along the western boundary. A maturing Kauri tree (*Agathis australis*) has been incorporated within a deck structure attached to the western face of the existing GBECC building. Given that only four trees will be removed from the site and replacement planting of equivalent (if younger) number and species are proposed, it is considered that the character of the neighbourhood will not be significantly compromised, and that the amenity values of the wider neighbourhood will be maintained. Furthermore, the applicant has provided a comprehensive arboricultural report which outlines a tree protection methodology, which has been reviewed by Chris Boucher (Council's Consultant Arborist, 21/08/2008), who supports the proposal subject to the imposition of appropriate consent conditions.

On the opposite (western) side of Portage Road are residential properties, the majority of which are approximately 1,000m<sup>2</sup> in size, typically contain one dwelling per site, and are predominantly one-storey. There is also a six unit property at the corner of Godley Road and Portage Road.

The new GBECC building would be partially visible from the road, particularly when viewed from the west and south-west, despite the proposed screen fencing and planting; however, the effects would be no more than minor.

### Noise

A16-A18

Noise and its effects are subjective and in the context of the residential properties to the west and north of the GBECC it is important to recognise the relationship between the quantity of noise associated with the increased intensity of use at the subject site. The significant increase in numbers of children (26 to 76), staff (4 to 10) and vehicle traffic will result in the potential for increased noise to be experienced at the nearby residential properties along Portage Road, Godley Road and Connaught Street (identified in Appendix 2 attached at pages A16 to A18). These residential properties, located to the west (opposite) and north of the GBECC, will experience noise derived from increased numbers of children playing in the GBECC's outdoor play areas, an increase in the numbers of accelerations and decelerations associated with more vehicles arriving and leaving to drop-off and pick-up children throughout the day, and the sound of increased numbers of vehicle doors opening and closing, car horns and alarms, as well as voices within the parking areas.

To address the aforementioned issues, this consent application included a report titled: "ASSESSMENT OF NOISE EFFECTS – EARLY CHILDHOOD CENTRE AT 200 PORTAGE ROAD. Project No. EMEFO-WTK-001" ("Golder Associates" report), prepared by John Crawley and Michelle Lee of Golder Associates (dated: 11/06/08). Given the operating hours (Monday – Friday, 7.00 am - 6.00 pm) and the Human Environment zonings of the subject site (Open Space Environment) and sites on the western side of Portage Road (Living 2 Environment), the report identifies the relevant design criterion as the daytime L<sub>10</sub> 50 dB(A) limit for the Living Environment and acknowledges that the District Plan requires that the effects of noise be measured and assessed in accordance with the provisions of New Zealand Standards NZS 6801:1991 – Measurement of Sound and NZS 6802:1991 Assessment of Environmental Sound. No performance standards under the Waitakere City District Plan exist for noise received on land zoned as Open Space Environment.

The existing GBECC building will be retained, while the new building will be constructed in the southern part of the existing children's playground area, immediately west of the existing building. The Golder Associates report contends that the new building layout "will provide sufficient setback distance for active play rooms (the rooms closest to Portage Road will be sleep rooms), plus the attenuation available through ventilating windows, to control noise from within the building to compliant levels at the identified receivers. As the existing building is further away from the receivers, noise levels from this source will be lower" (p.2).

The outdoor play area will decrease in size to 295m<sup>2</sup>, and will be located on the northern side of the two buildings adjacent to the western site boundary. The children's outdoor playing time will be weather dependent and also determined by the operational requirements of the facility. The Golder Associates report states there will be no restrictions on access to the outdoor play area, and *"typically about half of the older children would normally be outside during scheduled outdoor play periods as they tend to spread themselves equally between indoor and outdoor activities. The proportion of younger children outside at any one time tends to be considerably smaller"* (p.2). The periods of outdoor play will be constantly supervised by the trained staff and excessively noisy behaviour will be discouraged, while outdoor use of percussive toys and similar potentially noisy equipment will be limited.

Residential properties (Living 2 Environment) are located opposite the proposed project area on the western side of Portage Road, 20m away from the on-site outdoor play area. The Golder Associates report asserts that the *"distance separation combined with the screening afforded by the proposed 1.8m high acoustic fence along the western boundary of the outdoor play area will readily achieve the required level of noise attenuation to comply with the L<sub>10</sub> 50 dB(A) noise limit"* (p.2).

A dwelling that is inhabited by the caretaker of Motu Moana Scout Camp is located in the north-western corner of the subject site 142 Connaught Street, to the north of the GBCEC's playground. As this dwelling is located within the Open Space Environment, it is not necessary to comply with the performance criterion that is applicable to the residentially zoned properties (Living 2 Environment) discussed above.

On-site vehicle movements will be effectively limited to morning (7.30 am - 9.00 am) and evening (4.30 pm - 6.00 pm) peak periods, and possibly around midday. The Golder Associates report identifies the increase in vehicle numbers expressed within the TEAM Traffic report (refer to discussion below), which based on a 50% increase in vehicle numbers: *"will result in an increase in traffic noise levels of no more than 2 dB(A) and this is unlikely to have any adverse effect as the minimum increase that is noticeable to most people is 2-3 dB(A)"* (p.2). Similarly, the existing parking area located on the northern side of the private internal road is over 40m from the nearest residential property on the western side of Portage Road *"and the distance separation alone will provide sufficient noise attenuation"* (p.2). The potential effects of noise and vehicle movements and car park users' voices could be addressed by extending the proposed 1.8m high acoustic fence (which is to be constructed along the western side of the outdoor play area) to the northern side of the vehicle crossing (p.2).

Andrew Charlton (Environmental Health Officer, 14/07/08) has assessed application and the aforementioned Golder Associates report. Mr Charlton states he has no particular concerns in relation to this application and supports the proposal contingent upon the inclusion of conditions of consent, which he is satisfied will mitigate the adverse effects.

### **Infrastructural capacity and availability**

Issues relating to stormwater disposal have been discussed in Water Quality and Quantity earlier in this report (refer to Section 5.2.1).

Ravinesh Chand (Ecowater, 03/03/09) reviewed the application with respect to the infrastructural (Three Waters) aspects, which included a review of Council's records and an assessment of the Law Sue Davison infrastructure assessment submitted by the applicant. Mr Chand noted the following:

#### **Stormwater:**

The subject site is not connected to the reticulated stormwater system. Public stormwater drainage occurs in Portage Road, with a series of catchpits and drains which fall to the south towards the Manukau Harbour.

The Law Sue Davison infrastructure assessment cites an investigation by HydroTech Drainage Ltd (03/02/09) that revealed: *“the stormwater from the roof areas drains to the west to a kerb discharge in Portage Road. Stormwater from the sealed carpark and access road areas drains to a pair of catchpits each side of the property entrance and drains to an open watercourse that flows south through the reserve and parallel to Portage Road”* (p.2). Roof water from the proposed development will drain to the existing kerb discharge in Portage Road.

Wastewater:

The Law Sue Davison infrastructure assessment identifies a public wastewater manhole (#284737) located in the road frontage near the north-west corner of the GBECC grounds. In addition, that the private wastewater from the GBECC *“flows from the inspection point at the building to the north-west, where it meets another private drain from the east (expected to be from the house on the corner of the property)”* (p.3). Wastewater will drain via the existing wastewater drain to the aforementioned manhole.

Water supply:

The report identifies that the property is served by a 100 Ø AC water main on the western side of Portage Road, with water for the development sourced from the existing supply.

Mr Chand's specialist assessment and his approval of the proposal is accepted, it is noted that he has no requirement for conditions of consent to be included; therefore it is considered that adverse effects on infrastructural capacity and availability would be no more than minor.

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

*A16-A18* The significant increase in numbers of children (26 to 76) and staff (4 to 10) will generate additional vehicle traffic with the potential to affect the nearby residential properties along Portage Road and Godley Road (identified in Appendix 2 attached at pages A16 to A18).

*A150-A152* The proposed development involves the utilisation of the existing vehicle crossing, internal road and car parking areas (with provision of a new mobility / disabled space). John Carroll (Transport Assets, 25/06/2008) has assessed the application (refer Appendix 8 attached at pages A150 to A152), including the report titled: Traffic Engineering Assessment report titled: *“APPLICATION FOR RESOURCE CONSENT FOR AN EXTENSION TO THE EXISTING PRE-SCHOOL PORTAGE ROAD, GREEN BAY: TRAFFIC ENGINEERING ASSESSMENT. M78/071. ISSUE b”* (“TEAM traffic report”), prepared by Geoffrey Brown of G&H Transportation Consultants Limited (12/12/2007). Mr Carroll is satisfied that the TEAM traffic report adequately discusses the proposal, the subject site, adjacent road network and neighbourhood character, traffic generation, parking and loading facilities, on-site layout and access, pedestrian safety, and overall traffic impacts.

Parking:

The TEAM traffic report determines a nominal parking requirement of 19 spaces for the GBECC (one space per four children), based on the Waitakere City Council's Parking and Driveway Guideline, and identifies that parking is available *“for around 20 cars”* (p.2). The peak parking demand is estimated to be in the order of 15 spaces (p.3).

In addition, the TEAM traffic report notes that although this parking area is shared with other recreational activities within the wider subject site these other uses do not generally occur during the times that the GBECC operates. In addition, the remaining six spaces will be located immediately adjacent to the new and existing GBECC buildings (along the northern side of the internal road), and will be for the exclusive use of the Centre.

The parking space located closest to the building's entry ramp will be allocated as a Mobility Impaired space. The existing parking area located opposite the GBEC building on the southern side of the private internal road will accommodate 12 – 14 parking spaces. These spaces have a nominal width of 2.5m and are orientated at a 90° angle to the central manoeuvring aisle, which will facilitate the ease of dropping-off/picking-up of children (p.4). The two parking areas are physically separated from areas where children will play; therefore, the TEAM traffic report asserts that vehicle movements within these areas "should have little impact on the safety of children attending the facility" (p.4).

The absence of a dedicated loading bay will not have any adverse impacts because:

- (i) deliveries to the centre will be relatively infrequent and likely comprise small courier style vans, and;
- (ii) any deliveries are expected to occur before the commencement of the morning peak, or between 9.00 am and 3.00 pm when most of the parking spaces will be vacant (p.4).

#### Access to/from and within the site:

Vehicular and pedestrian access to the subject site is gained via the existing vehicle crossing connecting to Portage Road, approximately 90 – 95m from the Portage Road and Connaught Street intersection. The TEAM traffic report contends that the vehicle crossing is "capable of accommodating simultaneous two-way traffic flow", and its alignment "effectively restricts vehicle speed" (p.2). The additional traffic flows anticipated (25-30 vehicle movements, combined inbound and outbound peaks) will be adequately accommodated within the two-way internal road while delays in entering/exiting the site will be minimal as queues will rarely exceed one vehicle (pp.4-5). Sight distance at the point of connection with Portage Road is greater than 200m in both directions, which exceeds the 115m minimum requirement for arterial roads where the operating speed is in the order of 60km/hr under the current NZTA (formerly known as Land Transport New Zealand) guidelines.

#### Road network:

The subject site is located at the corner of Connaught Street and Portage Road. Both Connaught Street and this section of Portage Road are designated as Local roads in Council's roading hierarchy in the operative District Plan. The report states that current traffic flows along Connaught Street are approximately 2,400 vehicles per day (two-way) on a typical weekday, while peak hour flows are approximately 350 vehicles per hour (morning) and 250 per hour (evening) (p.2). The traffic volumes along this section of Portage Road, which has a carriageway width of 10m (within a 20m wide road reserve), are estimated in the TEAM traffic report "to be in the order of 1,000 vehicles per day" (p.2). Mr Carroll states that Council's RAMM (Road Assessment and Maintenance Management) database provides an April 2003 estimate only of 9,100 ADT (Average Daily Traffic), representing high traffic flows for Local Road status, but he contends it is probable that this figure relates to the District Arterial section of Portage Road, which is to the north of the Connaught Street intersection, as opposed to the Local road section of Portage Road located south of the intersection, along which the existing vehicle crossing into the subject site is located. In addition, the carriageway width of this southern section of Portage Road facilitates single traffic lanes in each direction, with parking permitted on both sides of the road.

#### Traffic generation:

The TEAM traffic report references research documentation in determining the traffic generation potential of the GBEC. Pre-school centres such as the type proposed typically generate ~0.8 vehicle-movements per child per hour (combined arrivals and departures) during peak arrival/departure periods (p.3). The GBEC will operate 7.00 am – 6.00 pm; however, the peak arrivals will likely occur between 7.30 am – 9.00 am and the peak departures between 4.30 pm – 6.00 pm, with minimal traffic movements to/from the subject site outside these peak periods.

Accordingly, the TEAM traffic report contends that the proposed expanded Centre “will generate an additional 25 to 30 vehicle movements (ie: around 12-15 inbound movements and 12-15 outbound) during periods of peak arrivals and departures. This additional traffic at each end of the day will be spread over a 1.5 to 2 hour period” (p.3). The TEAM traffic report further asserts that these additional movements will have an “insignificant impact on either the traffic carrying capacity along Portage Road or on the crash potential in the vicinity of the site” (p.3).

The increase in traffic in the immediate vicinity of the site during peak periods will be localised, exerting only limited impact upon overall traffic flows, and be sufficiently accommodated by the roading infrastructure capacity without creating significant adverse traffic impacts. Notwithstanding this, the owners and occupiers of the residential properties along Portage Road, located directly opposite the GBECC, will experience the week-day increase in vehicle movements, resulting in a degree of inconvenience with respect to entering and exiting their properties during the peak periods in particular. For this reason those properties are considered to be potentially adversely affected by the increase in traffic generation.

Mr Carroll states that “[t]he project very generally complies with the requirements of Waitakere City Council’s District Plan and the Parking and Driveway Guideline included in Section 3 Transportation of Council’s Code of Practice for City Infrastructure and Land Development. The proposal should have less than minor effect on the safe operation of the roading network”. Consequently, Transport Assets generally agree with the report without the requirement for conditions of consent to be included, and the reporting planner accepts Mr Carroll’s assessment of the proposal that the adverse effects on the traffic and parking issues would be less than minor.

#### **Other relevant issues**

Huia Kingi (Parks Planner, 30/06/2008) has assessed the application and states that despite the subject site being zoned as Open Space Environment, it is privately owned land, with the owners being The Scout Association of New Zealand. Thus, Ms Kingi asserts that given the private ownership of the site “*there is no ability [by Council] to require public access to or through the land*”. Ms Kingi states that “*it appears that the land was zoned as Open Space as it is owned by the Boy Scouts Association and this zoning would have been intended to encourage the use of the land for outdoor and recreational activities*”.

In addition, Ms Kingi identifies that as Council does not own any land immediately adjacent to the subject site, there are no good connections through the site that Parks would be seeking through a private agreement. Overall, Ms Kingi is satisfied that there are no parks issues relating to the application and no conditions of consent are required.

#### **8.1.12 Heritage**

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

#### **8.1.13 Waitakere Ranges Heritage Features**

The subject site is not located within the Waitakere Ranges Heritage Area. Therefore, the Waitakere Ranges Heritage Act is not relevant to this proposal at this site.

#### **8.1.14 Summary**

In accordance with Section 104D(1) of the Act, it is considered that overall and subject to the recommended conditions, any adverse effects of the proposed activity on the environment would be no more than minor.

It is noted that the subject site currently accommodates both Scout and non-Scout based activities (including the GBECC), and has done so since the 1940s and 1992 (respectively). The expansion of a non-residential activity on the site is anticipated by the District Plan due to the underlying Open Space Environment zoning; however, it is recognised that as a privately owned site the proposed new building does not constitute a Parks Building under the District Plan definition and is therefore not provided for under the Open Space Environment rules. It is further noted that development of the GBECC within the subject site is constrained by the location of the existing GBECC building and associated grounds, effectively forcing development to be adjacent to the western boundary. Therefore, any extension to the existing GBECC activity within the subject site would have an impact on the residential properties located on the opposite (western) side of Portage Road and the caretaker's dwelling (within the subject site, to the north).

Notwithstanding the implications for the surrounding residential environment, whilst the proposal involves the removal of and works within the dripline of protected trees, and numerous bulk and location infringements (building height, height in relation to boundary, yards, building coverage, building location, signs, and parking, access and traffic generation), it is considered that the proposed design and siting of the new building is in keeping with the existing activities on the subject site and is an effective use of the site that provides opportunities for children to learn and play both individually and collectively, participating in both indoor and outdoor activities, within a safe and supervised environment.

## **8.2 National Policy Statement (s104(1)(b)(i))**

The only National Policy Statement in place at the time of writing (notwithstanding the NZCPS) is the National Policy Statement on Electricity Transmission. This policy statement is not considered relevant with respect to this application.

## **8.3 New Zealand Coastal Policy Statement (s104(b)(ii))**

The subject site is located within the Outstanding (Natural Character) Coastal Area in Waitakere City and therefore the New Zealand Coastal Policy Statement (NZCPS) is relevant to this proposal.

The purpose of the New Zealand Coastal Policy Statement (NZCPS) is set out in Section 56 of the Resource Management Act 1991, which states:

*"The purpose of a New Zealand coastal policy statement is to state policies in order to achieve the purpose of this Act in relation to the coastal environment of New Zealand."*

Policy 1.1.1 of the NZCPS states that:

*It is the national priority to preserve the natural character of the coastal environment by:*

- a) Encouraging appropriate subdivision, use and development in areas where the natural character has already been compromised and avoiding sprawling or sporadic subdivision, use or development in the coastal environment.*
- b) Taking into account the potential effects of subdivision, use or development on the values relating to the natural character of the coastal environment, both within and outside of the immediate location; and*
- c) Avoiding cumulative adverse effects of subdivision, use and development in the coastal environment.*

The NZCPS seeks that development in the coastal environment should be located in areas where the natural character has already been compromised to some degree. Development should therefore be located in coastal settlements or in other areas where there will be no more than minor adverse effects. As referred to *Policy 3.2.2* plans should define what form of development would be appropriate.

As previously mentioned, the subject site is located within the Outstanding (Natural Character) Coastal Area (refer District Plan Map 3.5(c)). The subject site and wider Motu Moana Scout Camp site has an historic association with non-residential, typically Scout-based activity and development. Development is characterised by large buildings used for Scout-based activities, accommodation or storage. The development proposed within the GBECC portion of the subject site will be of a scale and extent compatible with the other development located within the subject site and wider site. Furthermore, the subject site (including the GBECC portion) is physically separated (260m north of the coast) and visually screened from the Manukau Harbour by the buffer provided by the intervening topography and vegetation. Therefore, as the development would not be visible from the coastal edge, the natural character, actions and processes of the coastal area would not be adversely affected. The proposal would not be visually obtrusive having regard to its current visual landscape qualities and other natural landscape elements, and as such the proposal is not considered contrary to the policies contained within the NZCPS, for reasons discussed elsewhere in this report.

#### **8.4 Auckland Regional Policy Statement, Plan or Proposed Regional Plan (s104(1)(b)(iii) and (iv))**

The Auckland Regional Policy Statement (ARPS) sets out the broad resource management issues, objectives and policies for the Auckland Region to achieve the integrated management of its natural and physical resources. The Policy Statement functions as an umbrella policy document for environmental planning and policy development within the region under which the Waitakere District Plan has been prepared.

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

The ARPS is also concerned that expansion of activities beyond the Metropolitan Urban Limits (MUL) does not threaten environmental qualities and thresholds (Urban Growth Management) and is not exploiting cheaper land costs. In this case the subject site is within the MUL and the area around the GBECC has been significantly modified over time as evidenced by the presence of multiple buildings, internal roading and car parking areas, cleared areas, and Scout and non-Scout based uses. Concurrently, residential development has occurred on the sites which surround the subject property and it is therefore not unreasonable to anticipate that some iterative development would be proposed on the subject site.

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

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

A155-A165

**8.5.1 District Plan Policies and Objectives** (attached at pages A155 to A165 as Appendix 10).

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:

<b>OBJECTIVE</b>	<b>1</b>
<b>POLICIES</b>	<b>1.15, 1.5, 1.6, 1.8, and 1.9</b>

**Discussion:**

Objective (1) and Policies (1.15, 1.5, 1.6, 1.8, and 1.9) relate to managing the effects of landuse on the environment in a manner that avoids, remedies or mitigates the effects on the quality and quantity of the City's water resource.

The proposal involves a relatively small amount of earthworks (60m<sup>2</sup> / 40m<sup>3</sup>) outside the approved building platform. The movement of soils, sediment and other contaminants into receiving waters during rain events will be minimised via a condition of consent requiring erosion and sediment control measures to be implemented. Therefore, the proposal will not contribute to the degradation of water quality to the extent that in-stream vegetation and fauna are impacted upon, nor affect the food-source potential or impacts on the clarity, quality and flow.

The subject site is not connected to the public stormwater system, thus stormwater runoff from the new building will drain to the existing kerb discharge in Portage Road. In addition, the site is served by a 100 Ø AC water main on the western side of Portage Road, with water for the development sourced from the existing supply. This arrangement has been reviewed by Ravinesh Chand (Ecowater, 03/03/2009), who supports the proposal without the requirement of conditions being imposed.

The rectangular shape and east-west orientation of the proposed new building will result in the removal of only four protected trees; with only one of these, a Kanuka, being a native specimen. Locating the new building within a largely pre-existing cleared on-site area will not preclude the potential for regeneration of native vegetation elsewhere within the large subject site; particularly in the heavily vegetated south-eastern quadrant. Similarly, given the location of the GBECC grounds within the subject site (being approximately 100m and 260m north of the riparian margin and coastal edge respectively), the removal of the four trees will not reduce the extent, range or linkage between areas of native vegetation.

The structure and form of the nearest watercourse and riparian margin (unnamed stream, 10m riparian) and coastal edge (Manukau Harbour - 20m coastal edge) would not be affected by virtue of the new building's proposed location, separation distance from these, and the absence of any proposed piping or culverting works.

It is therefore considered that the proposed activity will not be contrary to the objective and policies identified above.

<b>OBJECTIVE</b>	<b>2</b>
<b>POLICIES</b>	<b>2.3, 2.4, 2.11, 2.12, and 2.13</b>

**Discussion:**

Objective (2) and Policies (2.3, 2.4, 2.11, 2.12, and 2.13) relate to the impact of landuse on native fauna and flora and the protection of outstanding areas of native vegetation.

The proposed construction of the new building involves the removal of 4 protected trees from the GBCEC grounds within the subject site; specifically one Kanuka (*Leptospermum ericoides*, height: 9.5m, width: 8.0m, girth: 1.3m), one Flowering Cherry (*Prunus spp.*, height: 10.0m, width: 6.0m), and two Chinese Sweet Gums (*Liquidambar formosana*, heights: 10.5m and 10.0m, widths: 8.5m and 8.0m, girths: 1.0m and 2.33m), so it is well below the 300m<sup>2</sup> threshold (Policy 2.3). Chris Boucher (Council's Consultant Arborist) describes the three exotic trees as "nondescript", but acknowledges that they do provide shade during summer and contribute to "collective visual amenity benefits beyond the site as backdrop to streetscape vegetation".

No significant and outstanding native vegetation and fauna habitat is present in the GBCEC grounds of the subject site (as the high quality bush is located 65m away in the south-eastern quadrant of the subject site), and no clearance is proposed within Riparian Margins or Coastal Edges Natural Areas. Neither the Peers Brown Miller arboricultural report nor Mr Boucher asserts that any of the affected trees are highly representative of their species, rare or significant in a landscape context. Similarly, given the small number of trees to be removed and their location within the middle of what is currently an outdoor playing area, the removals will not have significant implications with respect to edge effects, ecosystems, linkages or movements between areas of native vegetation or fauna habitat.

Mr Boucher has made note of one maturing, 10m tall Kauri tree within the GBCEC grounds (growing within the existing building's deck structure), which he considers the retention, incremental growth and development of this specimen needs to be ensured via a condition of consent requiring protection and preservation of its root zone. The proposal will not involve any new or additional infrastructure; therefore, further native vegetation removal beyond that required for the new building is not necessary. Overall, Mr Boucher supports the proposal, subject to the imposition of appropriate conditions.

It is therefore considered that the proposed activity will not be contrary to the objective and policies identified above.

<b>OBJECTIVE</b>	<b>3</b>
<b>POLICY</b>	<b>3.2</b>

**Discussion:**

Objective (3) and Policy (3.2) relate to the impact of development on soil, impact of soil disturbance on the environment, and soil quality in Waitakere City.

The GBCEC and the subject site are zoned Open Space Environment, and they are not located within a town centre or near a railway stations (Objective 3). Notwithstanding, the proposed earthworks, by virtue of their scale and extent (60m<sup>2</sup> / 40m<sup>3</sup>), and the absence of significant cut / fill (maximum 1m) would have minimal impacts on surrounding topsoil and soil structures. Furthermore, the subject site has a relatively gentle slope, and is not known to be affected by any geotechnical or stability sensitivity. It is recommended that conditions of consent be imposed to mitigate any potentially adverse effects on the environment resulting from the proposed earthworks.

It is therefore considered that the proposed activity will not be contrary to the objective and policy identified above.

<b>OBJECTIVE</b>	<b>4</b>
<b>POLICY</b>	<b>4.3</b>

**Discussion:**

Objective (4) and Policy (4.3) relate to managing the effects of landuse on the environment in a manner that maintains air quality and contributes to the maintenance of the atmosphere at a local, national and global level.

Opportunities for reduced motor vehicle usage are possible as pedestrian access (including parents with prams) to and from the GBECC will be facilitated via the sealed and sufficiently wide footpath network throughout the surrounding area and use of the existing Portage Road vehicle crossing. However, it is noted that a footpath is only located along the western side of this section of Portage Road. Similarly, the sealed, marked and sufficiently wide road network combined with the aforementioned vehicle crossing will allow cycle access (if and where appropriate) to the GBECC.

It is therefore considered that the proposed activity will not be contrary to the objective and policy identified above.

<b>OBJECTIVE</b>	<b>5</b>
<b>POLICIES</b>	<b>5.1, 5.2, 5.3, and 5.7</b>

**Discussion:**

The Objective (5) and Policies (5.1, 5.2, 5.3, and 5.7) relate to the resilience of the Green Network and natural regeneration processes within the City in order to provide linkages between significant and outstanding native vegetation and fauna habitat.

The proposal involves the removal of four established trees (one Kanuka, one Flowering Cherry, and two Chinese Sweet Gums) from the GBECC portion of the subject site, which due to their size and location contribute to the site's amenity. Replacement planting as mitigation for the removals is proposed, comprising four specimens of size PB 95 (or equivalent) and minimum height at time of planting. The remainder of protected vegetation will be retained at the site, including a mature Kauri (*Agathis australis*). Consequently, the resilience of the Green Network would not be compromised by the proposed works (Policy 5.7). Chris Boucher (Consultant Arborist, 21/08/2008) has assessed the application including the Peers Brown Miller arboricultural report, undertaken a site visit and generally approves of the proposal contingent upon the inclusion of conditions of consent.

Neither the GBECC nor the subject site contains any Restoration Natural Area, and the Ecological Linkage Opportunities areas identified within the subject site are located 35m and 25m to the north and south of the proposed new building respectively (Policy 5.1). The existing activity and proposed new building will occur within privately owned, Open Space Environment land (Policy 5.3), with no portion of the activity to occur within the Transport Environment (Policy 5.3).

It is therefore considered that the proposed activity will not be contrary to the objective and policies identified above.

<b>OBJECTIVE</b>	<b>6</b>
<b>POLICY</b>	<b>6.2</b>

**Discussion:**

The Objective (6) and Policy (6.2) relate to maintaining the form, integrity and extent of the City's outstanding natural features.

The GBEC and subject site are not located within an area of outstanding natural features (landforms, geological sites, and representative soil types). It is therefore considered that the proposed activity will not be contrary to the objective and policy identified above.

<b>OBJECTIVE</b>	<b>7</b>
<b>POLICY</b>	<b>7.4</b>

**Discussion:**

The Objective (7) and Policy (7.4) relate to preserving and enhancing the natural character of the coastal environment, water bodies and water courses and their margins.

The subject site is located within the Outstanding (Natural Character) Coastal Area (refer District Plan Map 3.5(c)). Only four protected trees, including one native, are proposed to be removed in order to accommodate the new building. The trees to be removed are located in the southern portion of the GBEC's existing outdoor play area. In addition, the major concentration of native vegetation, which is located in the south-eastern quadrant of the subject site, will not be affected at all by the proposal. Consequently, no clearance is proposed within either the Riparian Margins or Coastal Edges Natural Areas, which are associated with an unnamed stream and Manukau Harbour respectively located 100m and 260m to the south of the works area. The separation distance, and nature of the intervening topography and vegetation provide a physical and visual buffer for development occurring on the subject site. Therefore, the natural character, actions and processes of the nearest riparian margin and coastal edge would not be adversely affected by the proposal.

It is therefore considered that the proposed activity will not be contrary to the objective and policy identified above.

<b>OBJECTIVE</b>	<b>8</b>
<b>POLICIES</b>	<b>8.2, 8.4, 8.7, and 8.8</b>

**Discussion:**

Objective (8) and Policy (8.2, 8.4, 8.7, and 8.8) relate to the protection and maintenance of aspects of the environment which are of significance to tangata whenua.

Whilst there is a limited amount of protected vegetation removal proposed to enable the construction of the new building, it is considered that the proposed mitigation planting and retention of the remainder of on-site vegetation would result in the development works not adversely affecting the mauri of the vegetation on the site or surrounding area (Policy 8.2). In addition, the new building will not be placed on any Outstanding Natural Feature or Natural Landscape Element (Policy 8.4).

No activity is proposed to occur within the nearest Riparian Margins or Coastal Edges Natural Areas, which are located 100m and 260m to the south of the new building location, while the subject site does not contain either Coastal Natural Area or Protected Natural Area (Policy 8.7).

No harvesting of plant materials is proposed (Policy 8.8).

It is therefore considered that the proposed activity will not be contrary to the objective and policies identified above.

<b>OBJECTIVE</b>	<b>9</b>
<b>POLICIES</b>	<b>9.3, 9.5, 9.9, 9.12, 9.13, and 9.14</b>

**Discussion:**

Objective (9) and Policies (9.3, 9.5, 9.9, 9.12, 9.13, and 9.14) relate to the protection of the quality and significance of outstanding landscapes.

The subject site is not identified in the District Plan as being within an area of “outstanding landscape” within the City, nor is it located on a sensitive ridgeline or within an associated buffer (Policy 9.3). Nonetheless, the new GBECC building is designed to be essentially consistent in appearance with the existing building through its symmetrical rectangular shape, the use of a covered deck, equivalent construction materials, and its on-site placement immediately adjoining the western face of the existing building. Similarly, the new 1.8m high boarded fence along the western boundary and 1.5m high modular metal fence along the eastern boundary and eastern third of the northern boundary, will connect to the existing fences that demarcate the GBECC grounds and will appear consistent due to their heights, materials and locations. Furthermore, the existing road network, vehicle crossing and driveway / parking areas will be utilised (Policy 9.5); while no new kerbing, channelling or formed footpaths are proposed.

The proposed new building will result in the removal of four protected trees, with only one of these being a native. Although it is not located within the Waitakere Ranges, the subject site is located within an Outstanding (Natural Character) Coastal Area (Policy 9.9). However, the combination of minimal native vegetation removal and the separation distance (260m), and nature of the intervening topography and vegetation (with the GBECC being elevated and not mutually visible from the coast) will sufficiently avoid and mitigate any effect on the coast resulting from the tree removals.

Similarly, the vegetation alteration, earthworks and impermeable surfaces required to complete the proposed works are such that by virtue of their scale, extent and on-site location that they will not significantly modify the form and structure of the subject site, including its inherent landscape elements; specifically native vegetation and scarp / cliff (as per Maps 3.6(c) and 3.6(d) of the District Plan Policy Section respectively) (Policy 9.12).

None of the public views identified in Map 3.6(e) and Appendix K of the District Policy Section will be affected by the proposal (Policy 9.13).

The proposal does not involve subdivision (Policy 9.14).

Therefore, for the reasons identified above there will effectively be no change with respect to the natural landscape character and quality, form and structure, and visual amenity of existing landscape elements due to this proposal.

<b>OBJECTIVE</b>	<b>10</b>
<b>POLICIES</b>	<b>10.3, 10.5, 10.6, 10.7, 10.11, 10.14, 10.16, 10.20, 10.27, and 10.28</b>

### Discussion:

Objective (10) and Policies (10.3, 10.5, 10.6, 10.7, 10.11, 10.14, 10.16, 10.20, 10.27, and 10.28) relate to the maintenance and enhancement of amenity values that contribute to the physical health and wellbeing of residents and visitors and their ability to enjoy their environment.

This is achieved by managing activities that can cause nuisance and by controlling the characteristics of a proposal, such as bulk and location controls. This objective is not concerned with maintaining a static landscape; it is more concerned with protecting certain elements and characteristics and recognising that there is considerable scope for flexibility and change that allows each area to evolve and respond to changing circumstances, within a framework comprised of that which people value. In terms of the proposed development, it is recognised that the new building as proposed, by virtue of it not being provided for under the Open Space Environment Rules, would infringe several bulk and location rules: building height, height in relation to boundaries, yards, building coverage, building location, traffic generation, and signs (in addition to vegetation infringements), which could potentially adversely affect neighbouring residential properties. Due to the anomalous status of the subject site, being privately owned land which is zoned as Open Space Environment, the applicants are not able to design a fully compliant new building on the subject site, irrespective of the size and shape of the building and due to the existing vegetation on the site. Whilst it is acknowledged that there are some adverse effects, they would be no more than minor subject to the imposition of appropriate consent conditions and because this type of built development and activity is evident throughout the subject site and wider site.

The proposal by virtue of its operating hours (Monday to Friday 7.00 - 6.00 pm) will not result in artificial lighting of Portage Road or Connaught Street, the driveway / internal road, or the GBECC grounds themselves. In addition, the two existing signs are not illuminated nor have flashing components. Furthermore, the separation distance to the nearby residential properties and dwellings, combined with on and off-site vegetation would maintain the ability of residents to achieve uninterrupted and adequate levels of sleep (Policy 10.3).

The separation distance between the new GBECC building and the nearby residential properties on the western side of Portage Road (and the caretaker's dwelling located within 142 Connaught Street), combined with the height of the new building are such that adequate levels of daylight will continue to reach the adjacent properties; while the extent of glazing present on the northern and western faces of the new building will also allow adequate daylight into its habitable rooms (Policy 10.5).

The proposed location of the new GBECC building is between the existing building and western site boundary. Thus, the overall separation distance, 1.8m high fence, and existing and proposed planting along the western boundary will maintain privacy and on-site amenity of the residential properties along the western side of Portage Road (as well as the caretaker's dwelling) (Policy 10.6). Similarly, the location of the car parking areas along the internal road will continue to be screened to a degree by on-site fences, vegetation and positional orientation such that privacy and on-site amenity will be maintained. In addition, the permeable nature of the fencing along the remainder of the subject site's western boundary will maintain a degree of surveillance of the area of the western portion of the Motu Moana Scout Camp grounds from Portage Road (Policy 10.7).

The proposed development involves the utilisation of the existing vehicle crossing, driveway/internal road and car parking areas. John Carroll (Transport Assets, 25/06/2008) has assessed the application, including the TEAM traffic report. Mr Carroll supports the proposal being satisfied that the TEAM report adequately discusses the proposal, the subject site, adjacent road network and neighbourhood character, traffic generation, parking and loading facilities, on-site layout and access, pedestrian safety, and overall traffic impacts (Policies 10.11, 10.14 and 10.16 – refer to discussions below).

The proposal provides for 20 parking spaces (14 shared spaces; 6 spaces for exclusive use by GBCEC users, including one Mobility Impaired space) within the existing parking areas located on the northern and southern sides of the internal road, being located immediately south of the new GBCEC building and to the south-east. The two parking areas are physically separated from the children’s outdoor playing areas at the GBCEC. The GBCEC will not have a dedicated loading bay given that deliveries will be relatively infrequent and likely comprise small courier style vans, and are expected to occur before the commencement of the morning peak, or the non-peak period between 9.00 am and 3.00 pm (Policy 10.11).

With respect to Policies 10.14 and 10.16, the following is noted. The subject site is located at the corner of Connaught Street and Portage Road, both of which are designated as Local roads in Council’s roading hierarchy in the operative District Plan in the vicinity of the subject site (refer to Section 8.1.10 for a discussion of the ADT volumes). The carriageway width of this southern section of Portage Road is deemed by Mr Carroll to safely facilitate single traffic lanes in each direction, with parking permitted on both sides of the road. The peak arrivals and departures will likely occur 7.30 am - 9.00 am and 4.30 pm - 6.00 pm (respectively), with minimal in- and outbound traffic movements outside these peak periods. Under this proposal, the estimated additional traffic flows along Portage Road (25-30 vehicle movements, combined inbound and outbound peaks) are anticipated to be adequately accommodated both within the two-way internal road (which will provide safe internal circulation) and by the road carriageway, while delays in entering/existing the subject site will be minimal. At the vehicle crossing on Portage Road the site distance in both directions is greater than 200m, which will assist the safety of road users including vehicles, pedestrians and cyclists. The presence of cars parked on the street may act to reduce sightlines. It is anticipated that the residential properties on the western side of Portage Road, especially those opposite the subject site’s vehicle crossing may experience a slight degree of inconvenience in terms of their ability to enter/exit their properties during the GBCEC’s weekday peak pick-up/drop-off periods.

The proposal does not involve subdivision (Policy 10.20).

A Development Contribution is to be charged for this land use – refer to Section 8.5.7 (Policy 10.27).

The subject site is located within the Open Space Environment, but as it is in private ownership, being owned by The Scout Association of New Zealand, it is not considered public open space (Policy 10.28).

It is therefore considered that the proposed activity will not be contrary to the objective and policies identified above.

<b>OBJECTIVE</b>	<b>11</b>
<b>POLICIES</b>	<b>11.2, 11.3, 11.4, 11.7, 11.8, 11.9, 11.11, and 11.32</b>

**Discussion:**

Objective (11) and Policies (11.2, 11.3, 11.7, 11.8, 11.9, 11.11, and 11.32) relates to creating a quality of settlement and associated activities, which are sympathetic to, protect and enhance the dominant natural and physical features that contribute to amenity value and neighbourhood character.

The proposal involves the removal of four protected trees, including one native, to accommodate the new building within the GBECC grounds. Therefore, the removal of a solitary native tree, notwithstanding its protected status, will have little impact upon the amenity value associated with the large areas of remaining native vegetation within the subject site (Policy 11.2). It is acknowledged by Chris Boucher (Council's Consultant Arborist, 21/08/2008) that the native tree, in combination with the three exotic trees, do contribute to a degree to amenity and neighbourhood character by virtue of their overlapping shade producing canopies; however, this will be offset by appropriately selected replanting species and retention of all other protected native vegetation. No native vegetation will be removed from along either Riparian Margins or Coastal Edges Natural Areas.

The new building will have an impact upon the neighbourhood character, visual amenity and characteristic streetscape of the area given that it will encroach to within 1.2m of the western boundary (Policy 11.3). The nearness of the building to the western boundary will be offset to a degree by the presence of a 1.8m high fence, mitigation planting (to be located between the new building and the boundary) and the grassed buffer within the road reserve. In addition, the northern aspect of the building and limited glazing along its western face will mean that it will not face the street and subsequently will limit the opportunities for the overlooking of Portage Road from the building. The characteristic links between the private (subject site) and public (road reserve) spaces will be largely maintained in that aside from the caretaker's dwelling, the remaining buildings within the subject site are introspective and generally front the private internal road as opposed to the public roads (Portage Road and Connaught Street).

This proposal does not involve any structures within the Transport Environment (Policy 11.4).

No new infrastructure is proposed. Existing infrastructure will be utilised, as is, where is; therefore, amenity values, neighbourhood and streetscape character will be maintained while there will be no visual intrusion, disturbance of natural and physical features, or physical domination (Policy 11.7).

The new building will have a symmetrical rectangular form, and as a single-storey building will have a maximum height of 5.7m. These factors will avoid physical domination of surrounding sites and buildings when combined with the physical separation distances with regards to the residential dwellings located over 20m away on the western side of Portage Road (and the caretaker's dwelling on the subject site) (Policy 11.8). The presence of the new building on this privately owned, Open Space Environment site is consistent in terms of its design, form, bulk, and glazing to the various other buildings located throughout the site; and given the length of time which the subject site has accommodated such Scout-based and childcare activities the new building does not significantly detract from the nearby residential properties. In addition, by virtue of its on-site location the new building will not encroach upon views or landscape character, and will have only limited effect on amenity values resulting from the closeness of the building to the western boundary and removal of four protected trees to accommodate it.

The subject site does not contain a sensitive ridgeline or associated buffer. Notwithstanding, the on-site location, height and design of the new building, and the use of the existing vehicle crossing and accessway will ensure that they will not encroach visually on natural landscape elements (Policy 11.9).

The two existing GBECC signs will not intrude visually on the amenity of the surrounding area, detract from neighbourhood character or pose a safety hazard for vehicles or pedestrians (Policy 11.11). The signs are for identification and information purposes only. Neither sign is located within the Transport Environment, with the 3.5m tall freestanding one being adjacent to the road reserve in the north-western corner of the GBECC grounds and the smaller sign not being visible from the road as it is affixed to the southern wall of the existing building. In addition, neither sign is light or has illuminated or moving parts.

The subject site is located within the Open Space Environment, but as it is in private ownership, being owned by The Scout Association of New Zealand, it is not considered public open space (Policy 11.32).

It is therefore considered that the proposed activity will not be contrary to the objective and policies identified above.

<b>OBJECTIVE</b>	<b>12</b>
<b>POLICIES</b>	<b>12.1, 12.6, 12.7, and 12.9</b>

**Discussion:**

Objective (12) and Policies (12.1, 12.6, 12.7, and 12.9) seek to manage the effects of activities on the City’s valued heritage via maintenance of its diversity, recognition of its spatial significance, protection of its surrounding context, and integration with people’s everyday lives.

The subject site is not located within the Waitakere Ranges, but is identified within the District Plan Policy Map 3.5(c) as being within an Outstanding (Natural Character) Coastal Area. Although the proposal involves the removal of four protected trees to accommodate the new GBCEC building, it is of note that the heritage value and sense of identity for nearby residents will be preserved as none of the trees proposed for removal are considered rare or threatened, while the applicant also proposes mitigation replacement planting (Policy 12.1).

None of the protected vegetation proposed to be removed is listed as heritage vegetation (Policies 12.6 and 12.7).

The GBCEC is located within a privately owned subject site that is zoned Open Space Environment; therefore, the site is not considered public open space (Policy 12.9).

It is therefore considered that the proposed activity will not be contrary to the objective and policies identified above.

*A166-A170* **8.5.2 Rules and Assessment Criteria** (attached at pages A166 to A170 as Appendix 11)

The District Plan Assessment Criteria have been developed to address the issues covered in the objectives and policies and are a useful guide in assessing the effect of an activity. The proposed activity is assessed in relation to each of the relevant criteria as follows:

**General Natural Area Rules:**

**RULE 2 – VEGETATION ALTERATION**

*Assessment of Controlled Activity applications will be limited to the matters of landscape treatment, scale, method and location and will be considered in accordance with Assessment Criteria 2(a) – 2(m).*

*Assessment of Limited Discretionary Activity applications will be limited to the matters of landscape treatment, scale, method and location and will be considered in accordance with Assessment Criteria 2(a) – 2(m).*

Construction of the new GBCEC boundary fencing and new building would result in:

- works within the dripline of protected vegetation; specifically one Japanese Cedar (*Cryptomeria japonica*, height: 14.0m, width: 8.0m, girth: 2.0m) and one Pohutuawa (*Metrosideros kermadecensis*, height: 11.5m, width: 15.0m, girth: 5.0m); and,

- the removal of four protected trees; specifically one Kanuka (*Leptospermum ericoides*, height: 9.5m, width: 8.0m, girth: 1.3m), one Flowering Cherry (*Prunus spp.*, height: 10.0m, width: 6.0m), and two Chinese Sweet Gums (*Liquidambar formosana*, heights: 10.5m and 10.0m, widths: 8.5m and 8.0m, girths: 1.0m and 2.33m).

The applicant has submitted an Arboricultural Report titled: "*Project: Green Bay Early Childhood Learning Centre. Prepared for: John Childs Planning Consultant – ECE Management Ltd*" ("Peers Brown Miller Report"), prepared by Mike Brown of Peers Brown Miller Arboricultural Consultants Limited (dated: 27/03/2008), which contains a tree protection and works methodology, and proposes mitigation planting. Chris Boucher (Council's Consultant Arborist, 21/08/2008) has reviewed the proposal and the report therein in terms of the vegetation removal and dripline works. Subsequently, Mr Boucher supports the proposal subject to the imposition of appropriate conditions.

Although the subject site is within the Open Space Environment, none of the trees proposed for removal are known to be examples of threatened, endangered or uncommon species.

According to Council's records, there are no known natural hazards (including flooding, stability, erosion, or subsidence) associated with the subject site that would be exacerbated by the vegetation removals and works within driplines, nor would any likely result thereafter.

The proposed development is therefore considered to be in accordance with the Assessment Criteria 2(a) – 2(m).

#### **Open Space Environment Rules:**

The new GBECC building would result in the following bulk and location infringements under the Open Space Environment Rules: building height, height in relation to boundary, yards, building coverage, building location – natural landscape elements, and signs. These infringements arise as the new building does not meet the definition of a Parks Building under the District Plan definition and, therefore, is not provided for as it does not constitute a Permitted, Limited Discretionary or Discretionary Activity.

Given the underlying zone for the subject site is Open Space Environment, Huia Kingi (Parks Planner, 30/06/08) who has reviewed the GBECC proposal states that despite the anomaly of being privately owned Open Space Environment, the site "*would have been intended to encourage the use of the land for outdoor and recreational activities*", with associated development (subject to rules and conditions); therefore, as Ms Kingi contends, some form of development is anticipated upon the site.

#### **RULE 2 – BUILDING HEIGHT**

*Any Activity involving ... any other building, which is not a Permitted Activity or a Limited Discretionary Activity or a Discretionary Activity under the above rules shall be deemed to contravene a rule in the Plan and shall be a Non-Complying Activity.*

The proposal will have a maximum building height of 5.7m along the northern elevation and 5.0m along the western elevation. These building heights are both within the 8.0m maximum required as a Discretionary Activity for Parks Buildings; however, as explained above, the new building is not provided for under the Open Space Environment rules.

Notwithstanding, the physical bulk, domination and overshadowing effects of the building heights (and associated 1.2m yard separation) will be lessened to a degree by the potential for some visual screening to occur from the 1.8m boarded fence and proposed vegetation planting between the building and boundary. This is supplemented by the eastern side of the road reserve having a grassed buffer prior to the carriageway, with the residential properties being located on the western (opposite) side of the road.

In addition, the western elevation of the new building will only contain two windows that will each have an area of 1.2m<sup>2</sup> and be set at 3.1m above ground level, which will limit the potential for privacy intrusion on the residential properties opposite the new building on the western side of the road (211 - 221 Portage Road, 2 Godley Road).

It is also considered that the east-west orientation of the new building will result in it appearing less dominant in terms of when the narrower western elevation (width: 8.3m) is viewed from the road, as opposed to the wider southern elevation (width: 17.9m) of the building when viewed from the on-site car parking area. The new building's northern elevation contains a greater level of glazing than the western elevation, being comprised of two double-opening doors (at 4.4m<sup>2</sup> each), two windows (1.2m<sup>2</sup> each) and one door (1.6m<sup>2</sup>). The northern aspect of the new building will cause it to front on to the rear (southern) face of the caretaker's dwelling beyond the GBCEC outdoor play area, within 142 Connaught Street. However, the separation distance of approximately 22m, the presence of the existing boarded fence and the limited glazing on the southern face of the dwelling will lessen the potential for privacy intrusion of the new building on said the caretaker's dwelling.

As the new building is not provided for under the Open Space Environment rules and the subject site is privately owned Open Space Environment, neither are subject to an Operative Reserve Management Plan, Parks Concept Plan, Waitakere City Parks Strategy, or Regional Parks Management Plan.

The proposed development is therefore considered to be in accordance with the Assessment Criteria 2(a) – 2(f).

### RULE 3 – HEIGHT IN RELATION TO BOUNDARIES

*Any Activity involving ... any other building, which is not a Permitted Activity or a Limited Discretionary Activity or a Discretionary Activity under the above rules shall be deemed to contravene a rule in the Plan and shall be a Non-Complying Activity.*

The proposal will result in an infringement of the height in relation to boundaries rule because, as explained previously, the new building does not constitute a Permitted, Limited Discretionary or Discretionary Activity, and as it is not a Parks Building it is not provided for under the Open Space Environment rules.

Notwithstanding, the new building will be positioned adjacent to the western boundary, which is the road boundary and thus not subject to a recession plane. Similarly, the maximum building height closest to the western boundary will be 5.7m along the roof ridgeline, while the roof itself has a east-west ridgeline so the pitch falls away either side (in a north and south direction). The physical separation distance (minimum 20.0m) between the new building and the residential properties located on the western side of Portage Road (211, 213, 215, 217, 219, 221 and 2 Godley Road), created by the presence of the grassed buffer on the eastern side of the road reserve that precedes the carriageway, will ensure that reasonable sunlight and daylight access would be received at the residential properties. Similarly, at approximately 22.0m, the physical separation distance between the northern face of the new building and the southern face of the caretaker's residential dwelling (located within the subject site, north of the GBCEC) will allow sufficient sunlight and daylight access to the dwelling.

The high degree of glazing on the northern face of the new building (two large double-opening doors, two large windows and another door) and the smaller amounts of glazing on the western and southern faces, combined with the absence of other buildings located in close proximity (aside from the existing building abutting the new building's eastern face) will allow sunlight and daylight access into the building and will take advantage of the east-west path of the sun during the day.

As the new building is not provided for under the Open Space Environment rules and the subject site is privately owned Open Space Environment, neither are subject to an Operative Reserve Management Plan, Parks Concept Plan, Waitakere City Parks Strategy, or Regional Parks Management Plan.

The proposed development is therefore considered to be in accordance with the Assessment Criteria 3(a) – 3(e).

#### RULE 4 – YARDS

*Any Activity involving ... any other building, which is not a Permitted Activity or a Limited Discretionary Activity or a Discretionary Activity under the above rules shall be deemed to contravene a rule in the Plan and shall be a Non-Complying Activity*

The proposal will result in an infringement of the yards rule because, as explained previously, the new building does not constitute a Permitted, Limited Discretionary or Discretionary Activity, and as it is not a Parks Building it is not provided for under the Open Space Environment rules.

Notwithstanding, the western face of the new building will encroach to within 1.2m of the western boundary. However, at its closest point, the new building will still be a minimum of 20.0m away from the nearest residential properties (Living 2 Environment) on the western side of Portage Road. The GBCEC portion of the subject site will be fenced and vegetated along the western boundary, but the visually permeable nature of the boundary fencing along the remainder of Motu Moana Reserve's western boundary will facilitate both a protection of privacy for the residences with opportunities for surveillance of the park.

The impact on neighbourhood character derived from the proposed location of the new building would be softened to a degree due to the fenced and vegetated nature of the western boundary (opportunity exists for the proposed mitigation planting to occur along the western boundary), which would act in combination with the existing grassed buffer that separates the subject site and Portage Road carriageway. The new building would, by virtue of being closer to the western boundary than the existing building, appear more visibly prominent to the residential properties along the western side of Portage Road. However, the physical separation distance, fencing and vegetation screening, and narrower appearance of the western elevation (width: 8.3m) would limit the effects on those properties in regards to experiencing changes in neighbourhood character. Furthermore, the closeness of the new building would appear less prominent when the total north-south length of the subject site's western boundary (approximately 150m) is considered.

As the new building is not provided for under the Open Space Environment rules and the subject site is privately owned Open Space Environment, neither are subject to an Operative Reserve Management Plan, Parks Concept Plan, Waitakere City Parks Strategy, or Regional Parks Management Plan.

The proposed development is therefore considered to be in accordance with the Assessment Criteria 4(a) – 4(g).

#### RULE 5 – BUILDING COVERAGE

*Any Activity involving ... any other building, which is not a Permitted Activity or a Limited Discretionary Activity or a Discretionary Activity under the above rules shall be deemed to contravene a rule in the Plan and shall be a Non-Complying Activity.*

The proposal will result in an infringement of the building coverage rule because, as explained previously, the new building does not constitute a Permitted, Limited Discretionary or Discretionary Activity, and as it is not a Parks Building it is not provided for under the Open Space Environment rules.

The total building coverage attributable to the GBEC following construction of the new building will be 252m<sup>2</sup>. At the western (Portage Road) boundary the new building will encroach to within 1.2m of the road reserve. In the context of the subject site, with its area of 20,234m<sup>2</sup>, the proposed 122m<sup>2</sup> of additional building coverage is not considered to be excessive given the clustering of the new building with the existing building within the GBEC grounds, the east-west orientation of the new building (which will result in it appearing less dominant when the narrower western elevation is viewed from the road), the opportunities for planting of lawns and trees within the grounds, and the degree of visual screening provided by the new fence and the vegetation along the western boundary. These factors, combined with the physical separation distance between the new building and the residential sites along the western side of Portage Road (and the caretaker's dwelling to the north on the subject site itself) will not result in the new building physically dominating these sites nor detract markedly from amenity values and neighbourhood character.

The clustering of the new building with the existing will confine the additional building coverage to the area immediately adjacent to existing building coverage, which will not detract from the open space character or natural landscape of the subject site.

As the new building is not provided for under the Open Space Environment rules and the subject site is privately owned Open Space Environment, neither are subject to an Operative Reserve Management Plan, Parks Concept Plan, Waitakere City Parks Strategy, or Regional Parks Management Plan.

The proposed development is therefore considered to be in accordance with the Assessment Criteria 5(a) – 5(g).

#### RULE 6 – BUILDING LOCATION – NATURAL LANDSCAPE ELEMENTS

*Any Activity involving ... any other building, which is not a Permitted Activity or a Limited Discretionary Activity or a Discretionary Activity under the above rules shall be deemed to contravene a rule in the Plan and shall be a Non-Complying Activity.*

The proposal will result in an infringement of the building location rule because, as explained previously, the new building does not constitute a Permitted, Limited Discretionary or Discretionary Activity, and as it is not a Parks Building it is not provided for under the Open Space Environment rules.

The new GBEC building will be located immediately to the west of the existing building, occupying the southern portion of the existing outdoor play area. The new building is not located on a sensitive ridgeline or within a sensitive ridge buffer; irrespective of this, the building will not be visible from the sea or protrude above the skyline due to the large amount of vegetation and steep nature of intervening topography in the southern portion of the wider site.

As the new building is not provided for under the Open Space Environment rules and the subject site is privately owned Open Space Environment, neither are subject to an Operative Reserve Management Plan, Parks Concept Plan, Waitakere City Parks Strategy, or Regional Parks Management Plan.

The proposed development is therefore considered to be in accordance with the Assessment Criteria 6(a) – 6(g).

#### RULE 7 – PARKING, ACCESS AND TRAFFIC GENERATION

*Any Activity involving ... any other building, which is not a Permitted Activity or a Limited Discretionary Activity or a Discretionary Activity under the above rules shall be deemed to contravene a rule in the Plan and shall be a Non-Complying Activity.*

The proposal will result in an infringement of the parking, access and traffic generation rule because, as explained previously, the new building does not constitute a Permitted, Limited Discretionary or Discretionary Activity, and as it is not a Parks Building it is not provided for under the Open Space Environment rules.

The proposed development involves the utilisation of the existing vehicle crossing, internal road and car parking areas, which will result in the open space character of the natural landscape being maintained. Twenty (20) car park spaces will be provided under the proposal, with the peak parking demand anticipated at 15 spaces. Six spaces, including one Mobility Impaired space (which will promote accessibility by virtue of operating in conjunction with the access ramp), will be for the exclusive use by the GBECC. Another 14 spaces will be shared with other uses/activities within the subject site. These two parking areas are physically separated from areas where children within the GBECC will be at play; thus, vehicle movements should not pose a hazard to the safety of children enrolled at the centre.

Vehicular, pedestrian (including pram) and cyclist access to the subject site will continue to be gained via the existing Portage Road vehicle crossing, which can facilitate speed appropriate, simultaneous two-way traffic flow within the subject site; while the sight distances at the point of connection with Portage Road exceed 200m in both directions.

The carriageway width of this southern section of Portage Road facilitates single traffic lanes in each direction, with parking permitted on both sides of the road. An additional 25 to 30 vehicle movements (ie: around 12-15 inbound and 12-15 outbound) are anticipated during periods of peak arrivals and departures, which will potentially result in slight delays in exiting the subject site, and potentially create inconvenience for entry/exit of owners and occupiers of the residential properties on the western side of Portage Road.

John Carroll (Transport Assets, 25/06/2008) has assessed the application, including the TEAM traffic report. Mr Carroll is satisfied that the TEAM report adequately discusses the proposal, the subject site, adjacent road network and neighbourhood character, traffic generation, parking and loading facilities, on-site layout and access, pedestrian safety, and overall traffic impacts. Consequently, Transport Assets generally agree with the report without the requirement for conditions of consent to be included.

As the new building is not provided for under the Open Space Environment rules and the subject site is privately owned Open Space Environment, neither are subject to an Operative Reserve Management Plan, Parks Concept Plan, Waitakere City Parks Strategy, or Regional Parks Management Plan.

The proposed development is therefore considered to be in accordance with the Assessment Criteria 7(a) – 7(e).

#### RULE 11 – SIGNS

*Assessment of Discretionary Activities applications will be considered in accordance with Assessment Criteria 11(a) - 11(f) and any other matters that are relevant to Section 104 of the Act.*

The GBECC has two existing signs. A freestanding pole sign (sign area: 2.52m<sup>2</sup>, height: 3.5m) is located in the north-western corner of the playground area, while a fixed sign (sign area: ~0.4m<sup>2</sup>) is located on the southern face of the existing GBECC building. The two signs provide identification, contact and operational information. The pole sign is visible from Portage Road when travelling in the southern direction only and is otherwise screened by vegetation along the western boundary. This sign, by virtue of its sign area, bulk, height, and on-site location will exert minimal effects with respect to overshadowing, loss of daylight and sunlight, privacy, visual amenity, and streetscape. The sign affixed to the GBECC building is not visible from beyond the subject site due to a combination of placement, separation distance and vegetation screening.

As the new building is not provided for under the Open Space Environment rules and the subject site is privately owned Open Space Environment, neither are subject to an Operative Reserve Management Plan, Parks Concept Plan, Waitakere City Parks Strategy, or Regional Parks Management Plan.

The proposed works would therefore be considered in accordance with the Assessment Criteria 11(a) – 11(f).

**8.5.3 Any Other Matters the Consent Authority considers relevant and reasonably necessary to determine the Application (s104(1))(c)).**

**Long Term Council Community Plan (LTCCP)**

Waitakere's Long Term Council Community Plan (LTCCP) 2006-2016 sets out the five over arching strategic priorities and nine strategic platforms which guide decision making by Council. Of the five strategic priorities, three relate directly to this application:

**Sustainable Development**

***The Vision:*** Waitakere City development demonstrates ongoing progress towards a sustainable society.

***Summary:*** This priority requires that all major programmes demonstrate ongoing social, economic environmental and cultural benefit for current and future communities.

**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 a 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.

**Lifelong Learning**

***The Vision:*** A city where everyone can access flexible, creative and inspirational affordable learning and can participate in City life.

***Summary:*** This priority requires that consideration is given to how programmes support lifelong learning in the City.

The proposal aims to enhance Council's commitment to these priorities and platforms by providing flexible and creative learning, recreational and playing opportunities in a safe environment; specifically to enhance the wellbeing of children, while minimising environmental impacts. Therefore the proposal is aiming to meet the goal of sustainable development. Overall, the proposed extension of the GBEC through construction of a new building and an increase in enrolment (and staff numbers) will aim to achieve Council's strategic direction under the platforms and priorities outlined in the LTCCP.

**8.5.4 Financial Contributions**

**Long Term Council Community Plan**

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 as at 29 June 2009 is \$2,813.81 (incl. GST).

It is noted that the Development Contributions and Financial Contributions Policy is being reviewed and the new policy takes effect from 1 July 2009. Therefore, the development contribution amount to be paid will be estimated after that point.

There are no 'other matters' considered relevant or reasonably necessary in the consideration of this application.

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

#### Property Values and disputes resolution

Through the submission process, the potential issue of detriment to property values, and the absence of a disputes resolution process (between the GBECC and neighbouring residents) were raised. The Resource Management Act and the associated resource consent process deal with the environmental effects of the development and; therefore, do not directly consider property values or civil matters. Case law on the effects that such a development would have on property values has been clear that the economic value of property cannot be considered as an environmental adverse effect. Similarly, the issue of dispute resolution between the applicant and neighbouring residents cannot be considered as an environmental adverse effect.

### **8.5.6 Monitoring**

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

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

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

### **8.6 Lapsing of Consent**

Under Section 125 of the Resource Management Act 1991, unless it is given effect to, a consent lapses either on the date 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 the works described and because a number of the conditions are intertwined (e.g. tree removal and silt control). A lapse period of five (5) years is therefore recommended.

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

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

The purpose and principles of the Resource Management Act 1991 have primacy over all other considerations that are set out in section 104 of the legislation. In summary, sections 5, 6 and 7 require that resources must be sustainably managed in such a way

that any adverse effects on the environment can be avoided, remedied or mitigated. Furthermore, the Resource Management Act 1991 requires that amenity values and the quality of the environment are to be maintained and enhanced.

It is considered that the proposal is consistent with sustainable resource management. In particular this proposal is concerned with the sustainable management of the Open Space Environment in such a way that the communities' social and cultural aspirations are realised whilst the quality of the environment and amenity values of the neighbourhood are maintained. The proposal would allow for the establishment of a new building on a large site that has historically, and presently continues to accommodate built development and non-residential activities and uses. The proposed building would be similar in scale and design to other buildings, and would be co-located within the subject site and would therefore be appropriate within the environment and would be able to operate in such a way that the amenities of the neighbourhood would not be adversely affected.

The proposal is not considered to adversely affect any matters of national importance. It is considered that the adverse effects arising from the proposal and the proposed mitigation are limited in significance to the surrounding Living Environment.

Section 7 identifies a number of "other matters" to be given particular regard by Council in the consideration of any assessment for resource consent, and includes the efficient use of natural and physical resources, and the maintenance and enhancement of amenity values.

The potential effects of the proposal on the amenity and character of the area have been discussed in detail in the effects assessment contained in Sections 8.1.10 and 8.5.1 of this report. Subject to conditions, it is concluded that the proposed development would be compatible with the surrounding built and natural environment and the existing amenity of the area would not be significantly reduced.

## **10.0 EVALUATION IN ACCORDANCE WITH SECTION 104D OF THE RESOURCE MANAGEMENT ACT 1991**

The threshold test in Section 104D of the Resource Management Act 1991 states that a consent authority must not grant consent to a non-complying activity unless it is satisfied that the adverse effects on the environment will be minor (104D(a)) or the activity will not be contrary to the objectives and policies of a plan or proposed plan (104D(b)).

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

## **11.0 CONCLUSION**

The applicant, Emerald Forest Limited seeks consent to extend the existing Green Bay Early Childhood Centre by constructing a new single level building (area: 122m<sup>2</sup>), a new covered deck and access ramp on the existing building, and new boundary fencing at 142 Connaught Street, Green Bay. An increase in the number of children enrolled (from 26 to 76) and staff employed (from 4 to 10) is also sought. The site is zoned Open Space Environment, General Natural Area and Managed Natural Area under the Operative District Plan. Construction of the new building would involve the following infringements: vegetation alteration, building height, height in relation to boundaries, yards, building coverage, building location – natural landscape elements, traffic generation, and signs.

It is considered that the proposal **meets** the criteria for granting consent as the potential adverse environmental effects are **no more than minor** and **can** adequately be mitigated through the imposition of appropriate conditions of consent.

It is considered that the construction and establishment of the new building, being a Non-Complying Activity, will not lead to a decline in the amenity values of the area in which it is proposed to be constructed.

The proposal is considered to be consistent with the objectives and policies of the District Plan which seek to:

- Manage the effects of land use on the environment and in particular, avoid, remedy or mitigate effects on the quantity and quality of the City's water resources;
- Protect the City's native vegetation and fauna habitat;
- Maintain and enhance those natural and physical characteristics (amenity values) that contribute to the well being of residents and workers;
- Achieve a quality of settlement and associated activities within each of the City's Human Environments which is sympathetic to, and protects and enhances, the dominant natural and physical (including building) features which contribute to the amenity value and the neighbourhood character of an area;
- Protect and enhance the amenity of the urban area through the provision of a range of activities but also maintaining the residential and open space coherence of the neighbourhood;
- Manage effects of land use on the environment, particularly maintaining air quality;
- Protect processes of natural regeneration within the City, and promote and maintain links between areas of significant and outstanding native vegetation and fauna habitat;
- Protect the quality and significance of the City's outstanding landscapes;
- Preserve and enhance the natural character, action and processes of the City's coastal environment and margins;
- Protection of the City's valued heritage;
- Maintenance of the form, integrity and extent of the City's outstanding natural features;
- Protection of the environment for the long term benefit of future generations; and
- Protection of the aspects of the environment of significance to tangata whenua.

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

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

## 12.0 RECOMMENDATION

That pursuant to Sections 104, 104B, 104D, 108 and 113 of the Resource Management Act 1991, and subject to additional and/or contrary information being presented at the hearing, consent be **granted** to the application by Emerald Forest Limited to construct a new building and increase in the number of children enrolled from 26 to 76 (26 of which will be under two years of age) and the number of staff from 4 to 10 at the Green Bay Early Childhood Centre at 142 Connaught Street, GREEN BAY being Allotment 382 Parish of Waikomiti for the following reasons:

- (i) Any actual or potential effects on the environment by the proposal are considered to be no more than minor and will be adequately avoided, remedied or mitigated by appropriate conditions of consent;
- (ii) The established neighbourhood character and amenities of the locality, which combines residential and open space elements, would not be significantly adversely affected by the proposed building as it would be of a similar character and design and constructed of materials that can be found elsewhere in the locality (including within the subject site);

- (iii) The size, scale, on-site location, design and height of the proposed building would be consistent with the surrounding environment and would not physically dominate, be visually obtrusive, or interrupt the view of neighbouring residential sites;
- (iv) The height and setback of the new building will not result in the loss of sunlight / daylight, or visual and privacy intrusion upon neighbouring and nearby residential amenities due to separation distances; and screening provided by fencing, and existing and mitigation planting;
- (v) The proposed earthworks are be consistent with the level of development being undertaken, will be of a temporary duration, and are able to be controlled by the imposition of appropriate consent conditions;
- (vi) Separation distances between the new building and residential dwellings on the western side of Portage Road, and the dwelling within the subject site to the north, when combined with the presence of some fencing and screen vegetation, and the respective levels of glazing is adequate enough to ensure sunlight / daylight access and privacy is maintained for the occupants of the subject and adjoining sites;
- (vii) The proposed activity will meet the permitted levels of noise, which identifies that the noise effects in this zone are reasonable under the District Plan. As such, any adverse effects associated with this aspect will be no greater than that permitted by the Plan. A condition requiring certification will be included to this effect;
- (viii) Adequate vehicle access, internal circulation, parking and vehicle manoeuvring will be provided to ensure that vehicles entering/exiting and moving within the site are able to do so in a safe, efficient manner;
- (ix) The additional impermeable surfaces will not place additional pressure on the receiving environment;
- (x) The development of the site would be concentrated to the western side of the subject site, with the remainder of the subject site that contains high quality native vegetation in the south-eastern quadrant being left untouched. This, combined with the proposed mitigation planting along the western boundary would offset the removal of vegetation to facilitate the construction of the new building;
- (xi) Any works which involve vegetation would be undertaken under the supervision of a competent and able Works Arborist;
- (xii) The proposal will enhance the capabilities of the GB ECC facility to provide for a broader range of educational/learning, outdoor and recreational activities for the well-being of children from the local community;
- (xiii) The proposal would not be contrary to the relevant Objectives, Policies, Rules and Assessment Criteria of the Waitakere City District Plan;
- (xiv) The proposal would be consistent with the Long Term Council Community Plan;
- (xv) The proposal would not be contrary to the relevant provisions of the New Zealand Coastal Policy Statement and the Auckland Regional Policy Statement; and
- (xvi) The proposal would not be contrary to Part II of the Resource Management Act 1991.

Consent shall be subject to the following conditions:

#### **GENERAL**

1. The development shall proceed in accordance with the plans titled:
  - "SITE PLAN. proposed pre-school addition: Portage Road, Green Bay. job no. 07/105. sheet no. 1", *prepared by Simmonds Design Limited.*
  - "WEST ELEVATION, sheet no. 2",
  - "NORTH ELEVATION. FLOOR PLAN, sheet no. 3".

2. Pursuant to section 125 of the Resource Management Act 1991, this consent shall lapse after a period of five years after the commencement of the consent.
3. A consent compliance monitoring fee of \$702.00 (inclusive of G.S.T.) has been paid to the Council. This fee is to recover the actual and reasonable costs incurred ensuring compliance with the conditions of this consent. If, on inspection all conditions have not been satisfactorily met, a re-inspection shall be required at the relevant hourly rate applicable at the time the re-inspection is carried out.
4. A copy of this resource consent and conditions shall be kept on site at all times throughout the period of work. Prior to works commencing, it shall be the responsibility of the consent holder to **explain the Conditions of Consent to all contractors, sub-contractors and work site supervisory staff that are carrying out any works associated with the project.**

#### PRE-START CONDITION

5. **Prior to commencement of any works on site**, the consent holder shall organise a pre-start meeting with Council's Environmental Monitoring Officer, Council's Consultant Arborist and the applicant's appointed Works Arborist to discuss the conditions of consent onsite. The consent holder shall ensure that their representative and all contractors' representatives are present at this meeting.

**Inspections must be requested by calling Council's Call Centre (09 839 0400) and requesting a monitoring inspection. Council's response time can be up to five (5) working days.**

The pre-start meeting will address the following:

- Tree protection measures and the proposed works procedures relating to retained vegetation can be explained by the consent holder and Appointed Arborist to the work site supervisory staff of all contractors and sub-contractors who shall be engaged to carry out any works associated with this consent;
- The extent of the required vegetation clearance shall be agreed to at this meeting and this shall be marked out on site using warning tape or equivalent; and
- Ensure that adequate sediment and erosion control measures are constructed in accordance with Auckland Regional Council Technical Publication No.90 "*Erosion and Sediment Control Guideline for Earthworks.*"

#### EARTHWORKS CONDITIONS

6. 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 – Resource Management (ph 8390400) 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).

## VEGETATION CONDITIONS

7. All tree work (including removals, pruning and works within root zones) the subject of the application to undertake additions to the pre-school facility at 200 Portage Road, Green Bay shall be carried out in general accordance with details, specifications and recommendations provided within the *Arboricultural Report* from *Peers Brown Miller Limited*, dated 27 March 2008 and under the on-site direction and supervision of an experienced arborist (hereafter called the **Appointed Arborist**), retained by the consent holders at the consent holder's expense. Except that the following amendments shall apply:
  - (a) All trees retained on the site in close proximity to the works shall be protected by the installation of temporary fencing (where appropriate) in accordance with recommendations from the **Appointed Arborist**. This requirement specifically includes protection and preservation of the Kauri tree located within the deck structure attached to the western façade of the existing building on the site. Well-composted mulch material shall be spread within the root zone of the tree and a roof-water down-pipe shall be allowed to disperse water within the root zone for continuing benefit of this specimen, in accordance with recommendations from the **Appointed Arborist**; and
  - (b) The temporary protective fences should be strong and appropriate to the degree of construction works taking place on the site. All areas beyond the protective fencing are considered as sacrosanct and no work shall be carried out within the protected areas without on-site consultation and direction of the **Appointed Arborist**.
8. The **Appointed Arborist** shall assume responsibility for all tree protection, preservation and construction activity within the root zones of retained trees and maintenance and monitoring during construction of the project. Within one month of completion of the development, the **Appointed Arborist** shall provide a written statement confirming that works and activity associated with the project has been conducted in accordance with the conditions of this consent and that adverse effects on the protected trees has been no greater than that anticipated by the consent.
9. Within the next planting season (i.e. autumn to spring) immediately following completion of all construction works on the sites, the consent holder shall plant at least four (4) **appropriate** replacement trees with a minimum root ball size of PB 95 (or equivalent) and a minimum height of 1.5 metres at the time of planting.
  - (a) The replacement trees shall be located in suitable position on the site within outdoor child-play areas to provide shade benefits and are to be of suitable species to replace larger-scale landscape treatments and amenity for the site and streetscape. All of the replacement trees shall be maintained thereafter in correct arboricultural fashion; and
  - (b) Should the replacement trees die or decline to a point that in the opinion of the Council's Environmental Monitoring Officer, they are of no value at any time during two years following initial planting, they shall be replaced with like species and be of similar size.
10. Washings from concrete trucks and/or associated machinery shall be disposed off site. All excavated spoil shall be disposed of in similar fashion also.

11. Any underground reticulated services to be installed shall be excluded from areas within the root zones of retained, protected trees on the site. Unless they are installed by way of directional drilling or thrusting, with opening pits located clear of important tree roots, under direction and supervision of the **Appointed Arborist**.

## NOISE

12. Noise from the preschool shall not exceed the following levels as measured at near any residential boundary:

Monday to Saturday	7.00 am - 7.00 pm 50dBA L <sub>10</sub>
Monday to Saturday	7.00 pm - 10.00 pm 45dBA L <sub>10</sub>
Sundays and public holidays	7.00 am - 10.00 pm 45dBA L <sub>10</sub>
Monday to Sunday (inclusive)	10.00 pm - 7.00 am 40dBA L <sub>10</sub> and 70dBA L <sub>max</sub>

Noise shall be measured and assessed in accordance with "NZS6801:1991 Measurement of Sound", and "NZS6802:1991 Assessment of Environmental Sound"

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

Monday to Sunday (inclusive)	10.00 pm - 7.00 am
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14. The preschool shall not operate outside of the following hours:

Monday to Friday	7.00 am - 7.00 pm
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15. Pursuant to s128(a)(i) of the Act, within 6, 9 and 12 months of the commencement of the operation of the new GBECC building, the applicant shall provide to Council at the applicant's cost, the results of a noise monitoring programme undertaken by a suitably qualified and experienced Acoustic Engineer (Note: Golder Associates is considered to fulfil this requirement) carried out under a variety of operating and weather conditions. This report shall also include, if compliance with the standards is not achieved, recommendations for alterations either to the acoustic screening measures, and/or the operation of the GBECC sufficient to ensure compliance with the Permitted Activity standards of the District Plan for Noise. These recommendations shall be undertaken at the applicants cost within 3 months of Councils receipt of said report.

## Advice Notes:

- Where indicated in the conditions it is the consent holder's responsibility to inform the Environmental Monitoring Officer when inspection is required. Inspections can be requested through the Call Centre on 839 0400;
- If a pre-construction meeting is required by any ARC consent, this should be timed to coincide with the Pre-Start Meeting identified in Condition No. 5 as well for convenience;
- The replacement trees as identified in Condition No. 9 of this consent are protected via conditions of this consent. These specimens may not be removed, pruned or altered in any way without prior consent from the Council; and

- This consent is granted subject to the information presented with the application and subject to conditions and recommendations provided by the Council's Consultant Arborist. If during implementation of this consent, further work is required within the protected root zones of trees and vegetation located at 142 Connaught Street, Green Bay, all such works will be subject to additional consents from the Council.

**Report prepared by:** James Dowding, Resource Planner.

