



Waitakere City Council
Te Taiao o Waitakere

NOTICE OF HEARING

HEARING BY COMMISSIONERS

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

DATE: Thursday, 20 August 2009 **TIME:** 9.30 am

MEETING
ROOM: Council Chamber

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

to consider a Resource Consent for 2 Humphrey Kemp Avenue, Henderson and to take any necessary action connected therewith.

6 August 2009

Maea Petherick
COMMITTEE SECRETARY

Telephone (09) 836 8000 extn 8104

MEMBERSHIP:

Commissioners: Cr VS Neeson, JP
Cr DQ Battersby, QSM, JP
Cr PA Hulse

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

**AGENDA FOR A HEARING BY COMMISSIONERS TO BE HELD AT WAITAKERE CENTRAL,
6 HENDERSON VALLEY ROAD, HENDERSON, WAITAKERE, ON THURSDAY,
20 AUGUST 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 KIWI CORNER LTD TO ESTABLISH A CHILDCARE FACILITY WITHIN AN EXISTING RESIDENTIAL PROPERTY FOR UP TO 20 CHILDREN AT 2 HUMPHREY KEMP AVENUE, HENDERSON.

RMA - LUC 2008-1710

Ward: Henderson 3

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

APPLICATION DETAILS

Reporting Officer:	Lisa Cameron
Site Address:	2 Humphrey Kemp Avenue, Henderson
Applicant:	Kiwi Corner Ltd
Date Received:	7 November 2008
Resource Consent No:	LUC 2008-1710
Building Consent No:	None submitted
Legal Description:	Lot 3 DP 51946
Address for Service:	c/- Cato Bolam Consultants, PO Box 21-355, Henderson, WAITAKERE CITY
Site Area:	675m ²
Operative District Plan:	
Human Environment:	Living
Natural Area:	General
Landscape Elements:	None
Hazards:	None known
Roading Hierarchy:	Local
Plan Change	26
Further Information Requested:	Yes
Date Requested:	5 December 2008, 28 January 2008, 16 April 2009
Date Received:	4 February , 25 February, 29 April 2009

1.0 INTRODUCTION AND RECOMMENDATION

1.1 Nature of the Application

The applicant seeks consent to establish a childcare facility within an existing residential property for up to 20 children as a non-residential activity in a Living Environment. Consent is required for the establishment of a non-residential activity, traffic generation, car parking and driveways, earthworks outside the building platform and increased impermeable surfaces.

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

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 significant resource management issues associated with this proposal relate to adjacent and nearby residential amenities, the effects associated with introducing a childcare facility including noise generation, parking, traffic generation and the extent in which the character, scale, hours of operation and intensity of the activity are compatible with amenity values and neighbourhood character

1.3 Planner's Recommendation

The reporting officer who has prepared this report recommends that, subject to any contrary or additional evidence submitted at the hearing, **consent be granted** to the application for the establishment of a childcare facility within an existing residential property for up to 20 children as a non-residential activity in a Living Environment that would require consent for the establishment of a non-residential activity, traffic generation, car parking and driveways, earthworks outside the building platform and increased impermeable surfaces.

It is considered that the environmental effects that may be generated by the activity would be minor or could be adequately avoided, remedied or mitigated by the imposition of conditions, and that the relevant objectives and policies of the District Plan will be satisfied.

2.0 LOCATION PLAN



Figure 1: Location of subject site edged in yellow

3.0 PROPOSAL

The applicant seeks consent to utilise the dwelling on the site as a childcare centre. The centre will be operated as an extension of the existing adjacent childcare centre at 43 Norcross Avenue. The site will be designed to accommodate 20 children. Two members of staff are proposed at the new facility. The facility will operate from 7.30 am - 5.30 pm, with staff occasionally on site outside of those times.

A new deck and ramp are proposed at the rear of the existing building. Internal alterations to the building are proposed to provide adequate operational areas to serve the childcare facility. It is also proposed that the existing vehicular crossing will be removed, with a new crossing provided for each property. The car parking area will also be extended.

Landscaping is proposed along the frontage to provide screening of the additional concrete area and the existing 1.8m high wooden fences adjacent to 45 Norcross Avenue and 4/4A Humphrey Kemp Avenue are proposed to be upgraded as per the recommendations of the submitted Acoustic Report.

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 (March 2003)

Living Environment

Rule 8 - Building Location (Privacy and Amenity)

Discretionary Activity Consent is required in terms of Rule 8.2 for any Non- Residential Activities not meeting the standards in Rule 8.1(b). The proposed car park area to the front of the property will not be fully screened from the road or the adjoining site at 43 Norcross Avenue.

Rule 10 - Non- Residential Activities

Discretionary Activity Consent is required for Non-Residential Activities not meeting the standards in Rule 10.2, provided there are no retail sales. The proposal relates to the establishment of a childcare facility.

Rule 11 - Traffic Generation

Discretionary Activity Consent for Non-Residential Activities not meeting the standards in Rule 11.1 or 11.2. Daily traffic movements generated by the proposal will be approximately 64.

Rule 12 - Car parking and Driveways

Limited Discretionary Activity Consent for Any Activity not meeting the standards in Rule 12.1 or 12.2 including:

- (i) car parking and driveways associated with all Non-Residential Activities except home occupations meeting the standards in Rule 10.1.

Rule 13 - Noise

Discretionary Activity Consent is required for Non-Residential Activities not meeting the standards in Rule 13.1. The proposal relates to the establishment of a childcare facility that will not comply with the permitted noise levels of the Living Environment at the adjacent property 43 Norcross Avenue. The proposal will comply with the permitted noise levels at all other adjacent properties.

General Natural Area

Rule 4 - Impermeable Surfaces

Limited Discretionary Activity Consent is required for the establishment of impermeable surfaces up to 15% of the site area where there is not connection available to a reticulated stormwater system. Impermeable surfaces of 48.9% are proposed in a non-reticulated area.

Rule 3 - Earthworks

Limited Discretionary Activity Consent is required for earthworks outside of the building platform exceeding 100m² in area. 190m² of earthworks are proposed including earthworks within 1m of the site boundary for the purpose of forming the driveway and parking areas.

4.2 Proposed Plan Change 26

There are no additional infringements as a result of this Plan Change.

4.3 Activity Status

Overall, the application is considered to be a Discretionary activity. The proposal complies with all other development control rules under the District Plan. No other consents are required in respect of this application.

4.4 Information Received

The following information has been provided:

- Application Form, Covering Letter, Assessment of Environmental Effects (prepared by Cato Bolam Consultants);
- Drawings 'Addition/alteration to existing dwelling convert to early learning centre' at 2 Humphrey Kemp Avenue dated 9 July 2008:
 - Site development plan;
 - Existing floor plan and demolition plan;
 - New floor plan;
 - Four elevations; and
 - Landscaping planting plan 'Early learning centre, 2 Humphrey Kemp Ave' dated 10 September 2008 by LASF Ltd.
- Stormwater Report dated 23 October 2008 by Romeo De La Cruz of Cato Bolam Consultants;
- Noise Report entitled 'Acoustic assessment, early learning centre, 2 Humphrey Kemp Avenue' dated 28 July 2008 by J.L. Exeter of JP Styles Environmental Acoustics and updated 3 February 2009 and also noise management plan received 29 April 2009; and
- Traffic Report entitled 'Proposed additions and alterations, Kiwi Corner childcare by J.A.J Hyland of PC Traffic Planning Consultants dated August 2008.

The following person(s) peer reviewed the information provided:

- Principal Engineer, Transport Assets: Sam Shumane;
- Drainage Engineer: Sri Pulla; and
- Acoustic Consultant: Nevil Hegley.

5.0 THE SITE AND NEIGHBOURHOOD DESCRIPTION

The subject site is located to the west of Humphrey Kemp Avenue, north of the intersection with Norcross Avenue. The site contains an existing weatherboard dwelling located towards the front of the site. The site generally falls away from the road towards the northwest corner of the site. The site is bordered by residential properties to the north and west and across Humphrey Kemp Avenue to the east. To the south is the Kiwi Corner Childcare Centre (the address of which is 43 Norcross Avenue). Access to the site is currently via a double vehicle crossing off Humphrey Kemp Avenue which serves the dwelling and the childcare centre.

6.0 LIMITED NOTIFICATION – SECTION 94(1)

Section 94(1) provides for "limited notification" if the adverse effects of a proposal would be no more than minor but not all adversely affected persons have given their written approval, whereby all affected persons will be notified (but not the public at large) and have the opportunity to make a submission and be heard. This application was the subject of limited notification under Section 94(1). A Section 93, 94 and 94A - 94D Determination Assessment was completed on the 18 May 2009.

This report concluded the following:

- The adverse effects on the environment will be no more than minor; and
- Written approval has not been obtained from every person who may be adversely affected by the proposal.

A134-A146 This report is attached at pages A134 to A146 as Appendix 7, and identified that 11 properties would be adversely affected by the proposal. However, not all persons identified as being affected gave their written approval.

As required by Section 94(1) notice of the application was therefore served on all persons who were identified as being adversely affected.

6.1 ISSUES IDENTIFIED THROUGH THE SUBMISSION PROCESS

In light of the above, the application was subject to 'limited' notification on the 5 June 2009 on all persons deemed to be adversely affected by the proposal.

A113-A122 The period for submissions closed on 3 July 2009. No submissions were received in support and /or neutral of the application. Two (2) submissions in opposition were received, copies of the submissions that were received are attached at pages A112 to A122 as Appendix 3.



Figure 2: Plan showing location of submitters

6.1.1 Submissions

1. HM & RD Prussing, 1 Humphrey Kemp Avenue, Henderson (submission dated 24 June 2009); and
2. Mr H and Mrs R Chauhan, 1 Elcoat Avenue, Henderson (submission dated 25 June 2009).

Summary of Reasons for Submissions

Traffic and parking. Concerns about the accuracy of the applicants' traffic survey and about parking on either side of the road at drop off and pick up times, narrowing the road and increasing the risk of accidents. There is an ongoing issue with parents who use the existing childcare centre blocking driveways.

Property values around daycares

The property being vacant after hours. The existing day care centre is used as a hangout for teenagers on weekends and holiday's, resulting in tagging, a suicide, break-in attempts and drinking that would not have occurred if the property was an occupied residence.

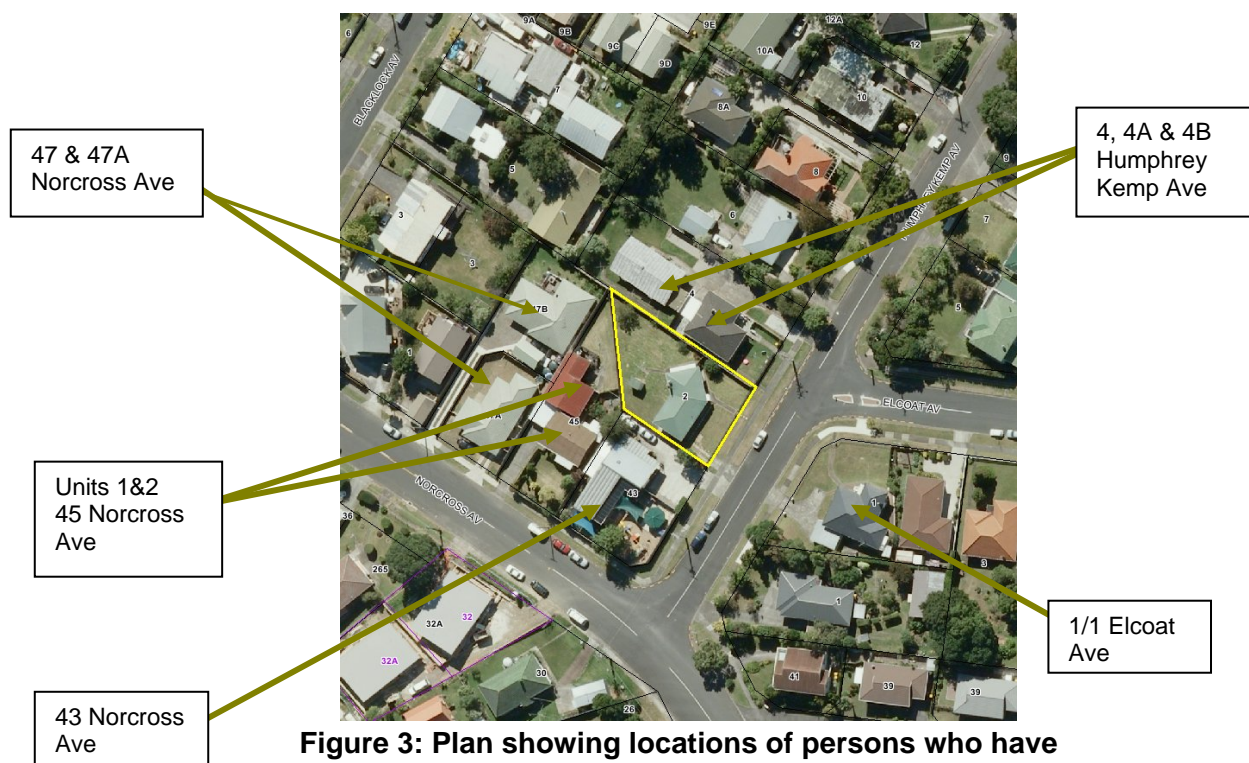
Affected neighbours. Five of the affected neighbours are tenants who don't pay rates and two of the four owners are opposed to the development.

Availability of other facilities. There are numerous childcare centres in a 2.5 km radius so why does this one, which is in a residential area, need to be extended especially with the economic downturn?

6.1.2 Written Approvals

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)). In this instance the following persons have given their written approval to the application.

PERSON (owner/occupier)	ADDRESS
Margaret Gillard	1/1 Elcoat Ave
Mavis Langford	Unit 1, 45 Norcross Ave
Sheena Spittles	43 Humphrey Kemp Ave
Ragini Nobilo	Unit 2, 45 Norcross Ave
Kato Kini	47A Norcross Ave (tenant)
Seletute Tuima	47 Norcross Ave (tenant)
Housing NZ	47 & 47A Norcross Ave (owner)
Dorothy Cooper & the Cooper Family Trust	4 Humphrey Kemp Ave
Toni Brown	4 Humphrey Kemp Ave
Ann Ryan	4A Humphrey Kemp Ave
Elizabeth Edmonds	4B Humphrey Kemp Ave



6.1.3 Pre-Hearing Meeting

No pre-hearing meeting has been undertaken.

7.0 STATUTORY REQUIREMENTS

7.1 Discretionary Activities

The relevant policies and criteria which apply under the District Plan and the Resource Management Act 1991 should be referred to as the legal framework within which the application should be addressed.

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

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

8.0 Evaluation In Accordance With Section 104 Of The RESOURCE MANAGEMENT ACT 1991

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

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

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

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

8.1.1 Effects permitted by the Plan

The establishment of non-residential activities other than home occupations will require a resource consent. The proposed activity is in excess of this. 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 existing permitted activities, activities that have existing use rights and existing activities expressly authorised by resource consent

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

In terms of this application, the existing activity on the subject site is reflective of its underlying Living Environment zoning and is wholly residential in nature.

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 residential activity. There are no known unimplemented resource consent that will noticeably change the environment as it currently exists.

The subject site does not lie within an Outstanding Landscape or immediately adjacent to neither the coastal environment or any identified outstanding natural feature.

8.1.3 Water Quality and Quantity

The proposal is for additions to the existing building and adding new paved areas for parking purposes. The site moderately slopes from the road frontage to the rear.

The site has an existing wastewater connection but no stormwater connection. The proposal adds around 20m² of roof area and 204m² of paved area and therefore the extent of impermeable surfaces will be increased.

The proposal includes a detention tank from which the stormwater will be discharged via the neighbouring property (43 Norcross Ave) onto the kerb in order to mitigate the stormwater runoff to 15% of the site area. It is proposed to have an easement over the neighbouring property to protect the private drainage of the subject site.

The proposal has been assessed by Council's Drainage Engineer: Sri Pulla. Mr Pulla advises that the proposed stormwater mitigation is appropriate and he supports the application. This recommendation is accepted. It is therefore concluded that there would be no more than minor adverse effects in relation to water quality / quantity arising from the proposed activity.

The proposed increase in impermeable surfaces would be adequately accommodated by infrastructure provided on site; with stormwater runoff and generation to remain at permitted levels (15%) for the five year storm event.

8.1.4 Native Vegetation, Vegetation and Fauna Habitat

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

8.1.5 Land / Soil

Earthworks of 190m² in area and 100m³ in volume are proposed to form the parking areas.

Earthworks will be within 1m of the boundary with 43 Norcross Avenue and 4 Humphrey Kemp Avenue. The earthwork area will be stabilised immediately with metal and concrete laid above to construct the driveway. The earthworks are expected to last approximately two days with average traffic movements of approximately five heavy vehicle trips.

It is therefore considered that the earthworks will be temporary in nature and of short duration and that the scale of earthworks is appropriate.

Conditions are recommended requiring installation of silt and erosion control measures to ensure protection of adjoining properties and protection of the receiving environment, including reticulated systems from silt laden run-off. Such conditions would ensure that the adverse effects from the development would be negligible, and effectively contained within the site.

8.1.6 Air

As the site is within the urban area and the proposed activity does not include air emissions of any kind, there would be adverse effects on air quality.

8.1.7 Ecosystem Stability

As the site is within the urban area and the existing environment is already modified there would be no adverse effects on the stability of ecosystems as a result of the proposal.

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

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

The existing residential building forms an established and integral part of the existing environment. Physical alterations to the building relate only to a new deck located to the rear of the building that will not be significantly elevated (300mm) above ground level. The building will retain its residential characteristics.

The proposal will generate only a negligible change to the building, which continues to comply with all the relevant bulk and location rules of the Living Environment. The proposal will not detract from neighbouring residential amenities in terms of loss of light, overshadowing and physical dominance. Any adverse effects will be both no greater than that permitted by the Plan, and that which presently exists.

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

Amenity Values are defined in the Resource Management Act as:

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

The District Plan also defines Amenity Values as follows:

“These are those natural and physical characteristics of an area that contribute to people’s enjoyment of it ”

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 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.”

The proposal introduces a non-residential activity that will operate in conjunction with the existing childcare facility. This will lead to an intensification of non-residential activities within the immediate locality. Actual and potential adverse effects can be tangible or intangible.

Tangible effects include:

- the potential for increased noise, nuisance and traffic generation;
- visual presence of car parking; and
- overshadowing and loss of privacy.

Intangible adverse effects may include:

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

The proposed childcare facility is effectively an extension to the established facility at 43 Norcross Avenue. Physically this will result in the existing fence being removed between the subject site and the existing childcare centre and the shared use of the site including parking.

The majority of the front yard within the subject site will be turned into a car park which will increase the hard surfacing area within the site. The new parking area will be set slightly below the existing ground level and the visual effects of this hard surfacing/car park is proposed to be reduced and mitigated by screen planting.

Apart from the car park area to the front of the proposed childcare facility the outlook of the building will not alter as viewed from the Humphrey Kemp Avenue and the visual amenity of the streetscape will not be compromised.

The sites' combined area is 1353m² which is similar to other un-subdivided sites in the area.

The building is well-established in the neighbourhood and is residential in scale and appearance. This aspect is being retained.

The proposed sign located on the front of the site has been revised in size and will comply with Rule 15.1 as a permitted activity. The proposed signage will not detract from the visual amenities of the site or wider locality to an extent greater than that permitted by the Plan. Furthermore, the signage will not create adverse effects on the surrounding road network.

Viewed in the context of the existing site, the parking area, signage, alterations to the building and play area will not be a dominant visual feature of the locality and will have a no more than minor adverse effect on the existing amenity values of the locality.

The size, scale and intensity of the activity, however, has increased and potentially create other effects on amenity values and that these could individually and cumulatively have an adverse impact upon the residential character of the area, and nearby residential amenities.

These effects include the increase in traffic volumes, the potential increase in noise from children at play, traffic generation and privacy and amenity issues from the introduction of a childcare facility.

Traffic generation, on-street parking, driver safety, pedestrian safety, roading capacity and roading network, traffic noise, vehicle movements, access

The resource consent application is supported by a Traffic Impact Assessment (TIA) report prepared by Joshua A.J. Hyland, Traffic Engineer of TPC Traffic Planning Consultants Limited, dated August 2008.

Mr Hyland concludes that the traffic effects of the proposal can be accommodated on the road network without compromise to its function, capacity or safety. In summary, this report states:

- Increased traffic movements, both at (am) and (pm) peaks. Approximate increase of 33%;
- Revised internal layout, and new vehicle crossing will ensure the safe movement of traffic both on /off site; and
- The childcare facility can be accommodated safety with no more than a minor impact on the roading network.

In terms of parking, the TPC report details that the majority of parking will be adequately accommodated within the site, although recognised that there may be overflow parking at periods of peak demand. Adverse effects, therefore, will not be internalised, and parking overflow would occur. The extent of on-street parking will, however, not adversely affect to a more than minor extent the free flow of traffic or matters of road safety.

This report has been assessed by the Council's Principal Engineer, Transport Assets: Sam Shumane, who concurs with its findings.

Mr Shumane advises that with regard to parking:

Childcare care centres as an activity are not defined in the District Plan. For setting the acceptable requirements the TIA relies on the City's "Parking and Driveway Guidelines", requiring one space for every four children the facility is designed to accommodate, or a total of five spaces. Transport Assets (TA) concurs with this conclusion. TA notes that this assessment relates only the proposed facility.

The existing childcare facility catering for 39 children has been consented with a five space shortfall.

An examination of the existing facility suggests that currently the parking area at the front accommodates up to five spaces together with the new proposed five spaces the overall facility will have 10 on site spaces.

The combined facility catering for 59 children has a parking demand of 15 spaces; the proposed supply is 10 spaces and therefore the shortfall of five spaces will remain unchanged.

Figure 2 of the TIA shows existing and predicted parking demands during the AM (7:00 to 10:00) and PM (2:30 to 6:00) peaks. These demand graphs have been developed on the basis of surveys undertaken by the applicant's traffic engineer. The graphs show a maximum demand of 12 spaces in both peaks for a short duration.

There are approximately 10 on-street parking spaces on Humphrey Kemp Avenue immediately outside the site; several other on-street spaces are also available within reasonable walking distances on Norcross Avenue.

Having considered the information contained in the TIA and based on the brief assessment above TA has concluded that the parking effects will be in the form of at least two on-street parking spaces occupied by parents during busy drop off and pick up periods.

A full examination of the parking dimensions, aisles width and manoeuvrability has been undertaken by TA. The parking design generally conforms to the requirements and guidelines of the Code of Practice.

With regard to traffic generation Mr Shumane makes the following observations:

A traffic generation survey of the neighbouring child care facility was undertaken to complete the TIA. Results of this survey are shown in Figure 1 of the TIA. TA has examined the results and is satisfied that the conclusions made in the TIA (Section 4.2) are realistic.

The results suggest that vehicle movements will increase from 24 to 36 movements (maximum) in the morning peak hour, and from 31 to 47 movements (maximum) in the afternoon peak hour. Movements refer to total arrivals and departures.

Using rates contained in Table 5.3 of Council's Parking and Driveway Guideline TA has determined the total peak and daily traffic volumes (59 children) as follows:

- *For a non-sessional operation, 47 movements, consistent with the survey findings; and*
- *For a standard all day child care centre, 190 daily traffic movements, the actual generation surveyed (Figure 1 of the TIA) suggests an increase in daily volumes from 165 to 230 vpd.*

The effects of the additional trip generation will be in the form of an increase in arrival and departure frequency of parents vehicles from a maxim current of one vehicle every 2:00 minutes to one vehicle movement every 1:15 minutes; this does not take into account other local traffic. TA is of the opinion that this increase in frequency is minimal.

Submissions in opposition have been received from the proprietors of 1 Elcoat Avenue and 1 Humphrey Kemp Avenue on the grounds of car parking, traffic and road safety. It is considered, having regard to the above specialist comments that the additional vehicular traffic generated by the proposal can be accommodated by the existing road infrastructure without adversely affecting its function, capacity and safety. With regard to parking it is acknowledged that while the majority of cars can be accommodated within the site, there will be a degree of parking on the street immediately outside of the subject site as parents drop off and pick up children. The demand for on-street parking is considered to be highly localised to the section of street adjacent to the childcare centre and of no more than minor extent; being a maximum demand of two spaces over the on-site provision for a very short time period of the day.

Noise

Noise from the proposed activity will be primarily from the outdoor play, indoor activities and the establishment of car parking on-site.

An acoustic report has been submitted with the application by JL Exeter of JP Styles Ltd which states that with the installation of an acoustic standard fence along the boundary with No. 4 Humphrey Kemp Avenue the noise generated by the proposed activity would be within District Plan limits at all boundaries except at No. 43 Norcross Avenue which is in the same ownership as the subject site. The report indicates that at No. 43 Norcross Avenue levels of noise arising from the activity will be an average of 55dBA, this is 5 dBA over the permitted District Plan noise levels. Written approval has been obtained from 43 Norcross Avenue.

The Acoustic report has been reviewed on behalf of Council by Nevil Hegley of Hegley Acoustic Consultants. This review has included further information and the applicant have indicated that they agree to the imposition of conditions requiring the monitoring and review of noise levels and adherence to a noise management plan to ensure that District Plan controls are satisfied (as a permitted activity) beyond No.43 Norcross Avenue .

Overall it is concluded that noise effects resulting from the proposal can be adequately mitigated on site.

The hours proposed lie outside those that are identified as the most sensitive in a residential environment, and acknowledged by a lower permitted noise level. The proposal therefore is not considered to detract from the ability of the residential occupants of neighbouring residential buildings to achieve uninterrupted and adequate levels of sleep. Any effects within daytime hours will be within levels permitted by the Plan thus avoiding the undermining of residential coherence.

Infrastructural capacity and availability

As referred to in Section 8.1.1 of this report, the proposal will be provided with adequate, appropriate and safe infrastructure, with an adequate capacity of water supply, stormwater, wastewater and solid waste infrastructure to safely absorb the effects of the proposed extension, and to provide for the health of all occupants and staff, subject to compliance with conditions of consent. Any adverse effects on the environment are considered to be minor in nature.

8.1.9 Conclusion

Non-residential activities (namely the existing child care centre) forms part of the established 'visual' character of the area and an integral part of the neighbourhood character.

Residential coherence and the safety of residents are not considered to be adversely affected altered or compromised by the nature and scale of the proposed activity by more than a minor extent. The proposal, whilst introducing a further non-residential activity is of a size, scale, intensity and character that will not further erode the prevailing residential character of the area to the extent that the safety of residents or the overarching neighbourhood character is undermined.

8.1.10 Positive effects

It is considered that the proposal will provide increased childcare facilities in the local area.

8.1.11 Summary

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.

Non residential uses have the potential to impact adversely on neighbouring properties because they may generate noise or traffic effects in particular that are not typical of normal residential use. In this case the loss of residential use can be balanced against the following:

- The proposed use of acoustic fencing and adherence to the noise management plan would ensure that noise would be limited to the levels required by the District Plan;
- Although there would be an increase in traffic movement to the site it is anticipated that the nature of the childcare centre means that the drop off and pick up of children would be spread between 7.30 am and 9.30 am in the morning and between 3.00 pm and 5.30 pm in the afternoon. Thus surrounding residents are not likely to experience much greater degree of inconvenience than is currently experienced within this part of the road network at the start and end of each working and/or school day;
- No adverse effects would be generated at night or weekends because the proposed hours of operation are from 7.30 am to 5.30 pm weekdays;
- Effects from earthworks would be of short duration and controlled by means of consent conditions; and

- The design of car parking would allow for safe on-site manoeuvring and safe egress/ingress from the site.

The proposal is of a scale, intensity and character appropriate to ensure that the proposal did not compromise people's appreciation of the pleasantness, aesthetic, coherence and cultural and recreational attributes of this modified residential environment.

It should be noted that the assessment above considers the effects in isolation, however the definition of *effect* within Section 3(d) of the Act also refers to;

“Any cumulative effect which arises over time or in combination with other effects - regardless of scale, intensity, duration or frequency of the effect...”

The proposal, including those associated with the existing childcare facility are cumulatively considered to have no more than a minor effect on amenity values and the activity introduces positive effects. It can be considered that the proposal will not detract from residential coherence nor give rise to the perception that the neighbourhood is changing and in decline.

The built form maintains the characteristic components of the surrounding environment and does not introduce an activity which could be considered to be incongruous within the established neighbourhood fabric. The proposal would not adversely affect any adjoining site with regard to bulk and location, ensuring that adjoining sites maintain solar access and privacy.

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

Part 6 of the District Plan contains an explanation of the strategic direction of the District Plan. Section 6.2.6 describes 'Non-Residential Activities' that identifies that in general such activities generate a greater range and intensity of effects compared to residential activities. This is not intended to exclude non-residential activities, but to carefully manage them so that they are established in a way that is in keeping with the surrounding area. This includes taking account of traffic generation and noise that must be in keeping with the generally residential nature of the area.

This approach, therefore, provides for a greater mix of activities but sets a threshold that is related to the character and amenity of the predominantly residential area. This sets the framework for the subsequent objectives and policies of the Plan.

Part 5 of the District Plan contains the objectives, policies and methods by which the effects of activities on natural and physical resources are to be managed. The majority of the objectives and policies are concerned with managing the effects of activities on the natural environment, including water, native vegetation and air. The objectives and policies that relate to the built environment focus on the effects of activities on amenity values.

A147-A151 Comments are provided below in relation to the relevant provisions under the headings which they appear in Part 5 of the District Plan. Full copies of the relevant plan provisions (where not referred to in full) and the assessment criteria are attached at pages A147 to A151 as Appendix 8.

8.2.1 District Plan Policies and Objectives

Effects on Water: Quality and Quantity

Objective 1

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

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

Policy 1.2

Activities should be located within the urban area in a way that supports the reduction of vehicle trip length and numbers, and the promotion of passenger transport, therefore minimising discharges into the stormwater system and waterways of contaminants deposited onto impermeable surfaces from motor vehicles. Particular regard should be had for the location of medium density housing within and adjacent to central locations.

Policy 1.10

Impermeable surfaces and stormwater infrastructure should be designed and managed in a way that avoids adverse effects on water quality, including the life-supporting quality of water, arising from the discharge of stormwater into the City's watercourses.

Policy 1.12

Any point discharge to a waterway should be within the capacity of the receiving waters to absorb adverse effects in a way that harm to water quality and aquatic ecosystems is avoided. Where water quality and aquatic ecosystems are already adversely affected, methods such as riparian management and stormwater treatment should be used, to enable the quality of these ecosystems to be enhanced.

Policy 1.18

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

Impermeable Surfaces: Assessment Criteria

Comment: The proposed change of use of the property to a child care centre would lead to an increase in impermeable surfaces associated with the car parking to the front of the property.

The proposed stormwater management and mitigation measures as referred to in Section 8.1 should provide a level of control and treatment sufficient to ensure the existing and proposed activity upon the site is able to be consistent with the engineering performance criteria required and consistent with the relevant District Plan Policies and Objectives as it relates to the Three Waters issues of the site.

As referred to Section 8.1.7, this activity provides a childcare facility in the City, on a site located within the urban limits. As a consequence, it supports the reduction of vehicle trip lengths and the proposal is consistent with Policies 1.2 & 1.18.

Effects on Amenity Values: Health and Safety

Objective 10

To maintain and enhance those natural and physical characteristics (amenity values) that to the wellbeing of residents and workers, including maintaining:

- an acceptable level of quiet and freedom from nuisance created by noise, odour, dust;
- adequate levels of daylight and sunlight in dwellings;
- adequate levels of darkness for sleep;
- a safe environment;
- an accessible environment, which includes enhancing public access to and along the coast and waterways and between areas of public land;
- adequate levels of on-site privacy; and
- healthy air quality.

Policy 10.2

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

Non-Residential Activities assessment criteria:

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

An acoustic report has been submitted with the application by J.L. Exeter of JP Styles Ltd which states that with the installation of an acoustic standard fence along the boundary with no. 4 Humphrey Kemp Avenue the noise generated by the proposed activity would be within District Plan limits at all boundaries except at No. 43 Norcross Avenue which is in the same ownership as the subject site. This report has been reviewed on behalf of Council by Nevil Hegley of Hegley Acoustic Consultants who concurs with the findings of the fore-mentioned report following receipt of further information and it is concluded that noise effects resulting from the proposal can be adequately mitigated on site.

The hours proposed lie outside those that are identified as the most sensitive in a residential environment, and acknowledged by a lower permitted noise level.

The scale of the proposal, and the hours of operation will provide an acceptable level of quiet, and will not detract from the ability of the residential occupants of neighbouring residential buildings to achieve uninterrupted and adequate levels of sleep.

Policy 10.6

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

Comment: The established 'visual' character of the area includes the physical presence of the lawfully established dwelling within the subject site and the adjacent childcare centre buildings at 43 Norcross Avenue.

In terms of physical buildings the physical presence the parking area to the front of the site will have no more than minor effect upon the visual amenities of the area. The car park area will be set at a slightly lower level than the road and planting will be provided along the frontage to provide mitigation screening of the parking from the road. The site will additionally be screened by an acoustic fence along the rear boundary and with No. 4 Humphrey Kemp Avenue.

Policy 10.11

Activities should provide for:

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

Policy 10.14

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

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

Policy 10.16

Driveways, carriageways and car parking areas should:

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

Traffic Generation (Non-Residential Activities); Car Parking and Driveways: Assessment Criteria

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

Submissions have been received raising concerns about traffic and parking generated by the proposed and existing childcare centres. In particular concerns have been expressed about car parking on both sides of the Humphrey Kemp Avenue outside the childcare centre during drop off and pick up times. Council's Principal Engineer, Mr Shumane has concluded that the existing traffic volumes within the immediate roading network are within its capacity and that the proposed additional traffic volume would not have a detrimental impact upon the roading hierarchy. It is therefore considered that the proposal would have a no more than minor impact upon the capacity of the existing road system. While the majority of parking will be adequately accommodated within the site, it is recognised that there may be overflow parking at periods of peak demand. Adverse effects, therefore, will not be internalised, and parking overflow would occur. The extent of on-street parking will, however, not adversely affect to a more than minor extent the free flow of traffic or matters of road safety as it will be very localised in extent and duration.

Effects on Amenity Values - Landscapes, Local Areas and Neighbourhood Character

Non-Residential Activities, Traffic Generation (Non-Residential Activities), Noise (Non-Residential Activities): Assessment Criteria.

Objective 11

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

- **the quality and character of different patterns of settlement within the City's intensively settled residential areas.**

Policy 11.18

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

Comment: Human communities, and individuals that make up these communities, are defined under the Resource Management Act as being an integral part of the environment. As such, the effects of activities on those elements, and characteristics of the environment that contribute to human enjoyment of it, are a concern under the Act.

The Ministry of the Environment considers amenity as a resource management issue comprising of two components - attributes and perceptions and expectations. Attribute factors are able to be measured and are tangible and the effects are able to be seen such as dust and noise whereas perceptions and expectations are based on the individual and what they consider to be residential amenity. Management of those two components is essential in order to protect the environment as well as allowing development to occur.

The separation of activities has occurred largely because of past planning controls and because the resulting amenity of these areas is the result of regulation. Allowing a greater mix of activities at local level would contribute to a reduction of vehicle trips and associated adverse affects on amenity. However, such a change must be carefully managed so that the mix of activities contributes to the enhancement of local neighbourhoods, and does not undermine their amenities.

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

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

The Living Environment anticipates the operation of some non-residential activities. The type of non-residential activities anticipated by the District Plan would sit comfortably within a residential area and would be in keeping with the residential character of the area.

Adverse effects can be tangible or intangible and both are valid resource management considerations. Tangible adverse effects often associated with non-residential developments can include: increased noise and traffic generation, traffic generation, dust and fumes. Intangible adverse effects can include a perception that the character of the neighbourhood is changing.

As already discussed in Section 8.1, non-residential activities (namely the existing child care centre) forms part of the established 'visual' character of the area and an integral part of the neighbourhood character. The proposal, whilst introducing a further non-residential activity is of a size, scale, intensity and character that will not further erode the prevailing residential character of the area to the extent that the safety of residents or the overarching neighbourhood character is undermined.

The proposed sign located on the front of the site has been revised in size and will now be within permitted limits. The proposed signage is in keeping with the design of the proposed activity on the site and will not create adverse effects on the surrounding road network in terms of road safety.

Viewed in the context of the existing site, the parking area, signage, extensions and play area will not be a dominant visual feature of the locality and will have a no more than minor adverse effect on the existing amenity values of the locality.

The proposal, therefore, will not be contrary to the fore-mentioned objectives and policies.

Policy 11.10

Non-residential activities should be designed and managed in a way that:

- maintains the visual amenity values of the Environment they are in;
- maintains the amenity of the site and surrounding area when viewed from the street; and
- adequately screens any associated carparking, vehicle access and storage areas from view, from residential sites.

Comment : Refer to comments associated with Policy 10.6.

Policy 11.12

Activities should be of a scale, and located and managed in a way, that does not increase the number of vehicle trips, including heavy vehicle trips, to a level that adversely affects the amenity values of the surrounding Environment or neighbourhood, taking into account the location of the site in relation to the roading hierarchy and the characteristic levels of quiet found in these areas.

Comment: Refer to comments associated with Policies 10.11, 10.14 and 10.16.

Policy 11.13

Activities should be carried out in a way that maintains the characteristic levels of quiet of each Human Environment.

Comment: Refer to Comments associated with Policy 10.2

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

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

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

The Operative ARPS has been amended by Proposed Plan Change 6, which seeks to give effect to the growth concept set out in the Auckland Regional Growth Strategy ("ARGS"), as required by s40 of the LG(A)AA 2004.

The Act requires that district plans and regional plans shall not be inconsistent with the RPS.

Comment: The aim of the document is to achieve integrated, consistent and co-ordinated management of the region's resources. It also provides greater certainty over the way natural and physical resources are to be managed, and creates awareness of the constraints and opportunities in the Auckland region. The focus is on restricting further settlement and development outside the Metropolitan Urban Limits (MUL). The subject site is considered to be of local significance and would not create any regionally significant issues.

8.4 National Policy Statement (104(1)(b)(i)(ii))

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.

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

There are no other matters relevant to this application.

8.5.1 Other Issues Raised by Submitters Not Covered Elsewhere in Report

Crime/ Vandalism/Blocking of driveways

The centre will be for up to 20 children and the children will be supervised by qualified staff in fenced play areas. There is no reason to believe that the centre will attract crime to the area. During hours of operation staff will provide passive surveillance of the boundary with adjoining residential properties. Trespassing and antisocial behaviour during the evenings and weekends are matters for the police as are the blocking of driveways by road users.

Property Values

This is not an issue that can be considered in terms of the District Plan.

8.5.2 Bonds/Reserve Contributions/Development Levy/Financial Contributions

The Local Government Act 2002 includes a provision for councils to use development contributions as a funding tool if they wish. This proposal is considered to be a development in terms of the Local Government Act 2002 and will therefore be subject to a development levy. These levies are identified by the Waitakere City Council's Long Term Council Community Plan 2003 (LTCCP) as capital expenditure and a calculation of the charge, based on the increase in units and impermeable surfaces, has been calculated as part of this application.

A Development Contribution of **\$6,077.43 (incl GST)** has been estimated, based on a gross floor area of 126m² and impermeable surfaces of approximately 330m².

8.5.3 Long Term Community Concept Plan ('LTCCP')

The LTCCP contains Council's identified strategic priorities and platforms. Included in these is the platform of 'strong communities', which seeks to achieve the following:

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

This platform addresses how we support the health and wellbeing of the City's residents, and advocates strong communities that "connect" with (mix and understand) each other. In this regard and as noted previously, it is considered that a childcare facility would be beneficial to the community without adversely affect amenity values associated with the neighbourhood.

Whilst introducing a further non-residential activity is of a size, scale, intensity and character that will not further erode the prevailing residential character of the area to the extent that the safety of residents or the overarching neighbourhood character is undermined.

8.5.4 Monitoring

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

8.6 Lapsing of Consent

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

There is no known reason to either decrease or increase the timeframe in this instance.

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.

Sections 7(c) and (f) require that particular regard be had to the maintenance and enhancement of amenity values and the quality of the environment. As discussed extensively in this report, it is considered that the proposal would not adversely affect amenity values associated with the neighbourhood.

It is considered that the granting of this application would not be contrary to the purpose of the Act. The proposal will enable people and communities to provide for their economic, social and cultural well-being and their health and safety without significantly compromising the needs of future generations or the life supporting capacity of natural resources such as air, water and soils. Through the imposition of appropriate conditions of consent, it is considered that the proposed activity can sufficiently avoid, remedy or mitigate any adverse effects on the environment.

The proposal would allow for the establishment of a childcare centre with associated car parking that would be appropriate within the environment and would be able to establish and operate in such a way that the amenities of the neighbourhood would not be adversely affected. Through the imposition of appropriate conditions of consent, it is considered that the proposed activity can sufficiently avoid, remedy or mitigate any adverse effects on the environment.

10.0 CONCLUSION

The applicant seeks consent to establish a childcare centre for up to 20 children as a non residential activity. The subject site is located at 2 Humphrey Kemp Ave, Henderson and will operate effectively as an extension to the existing childcare centre located at 43 Norcross Avenue. The site is within the Living Human Environment and the General Natural Area. Infringements generated by the proposal require consent for earthworks of 190m², provision of car parking and traffic generation associated with the establishment of a non residential activity that is not a home occupation. Consent is also required for impermeable surfaces of 48% in a non-reticulated area.

It is considered that the proposal meets the criteria for granting consent as the potential adverse environmental effects are no more than minor and can adequately be mitigated through the imposition of appropriate conditions of consent. It is considered that the establishment and operation of a childcare centre on the site will not lead to a decline in the amenity values of the area.

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

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

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

11.0 RECOMMENDATION

That pursuant to Sections 104,104B, 108 and 113 of the Resource Management Act 1991, and subject to additional or contrary information being presented at the hearing, consent be **granted** to the application by Kiwi Corner Ltd to establish a childcare centre within an existing residential property for up to 20 children at 2 Humphrey Kemp Avenue, Henderson being Lot 3 DP 51946 for the following reasons:

- (i) The proposed development is considered to be of an appropriate design and layout that retains residential character and detailing consistent with the surrounding residential neighbourhood;
- (ii) Whilst introducing a non-residential activity, the development would not detract from the visual and residential amenities of the locality or the character and appearance of the surrounding residential area. The proposal would be integrated into the residential neighbourhood;
- (iii) Residential coherence and the safety of residents is not considered to be adversely affected altered or compromised by the nature and scale of the proposed activity;
- (iv) The proposed development is of a scale, design and location that provides for a suitable relationship to adjoining residential properties;
- (v) The scale of the proposal, and the hours of operation will provide an acceptable level of quiet, and will not detract from the ability of the residential occupants of neighbouring residential buildings to achieve uninterrupted and adequate levels of sleep;
- (vi) Noise from the site will be of a level permitted by the plan (with the exception of No.43 Norcross Avenue from which written consent to the proposal has been obtained) and would not detract from the aural amenity of adjoining and neighbouring sites;
- (vii) The development will be provided with adequate, appropriate and safe infrastructure, with the density of development within the capacity of water supply, stormwater, wastewater and solid waste infrastructure to safely absorb the effects of the extension, and to provide for the health of all staff and children;
- (viii) The Long Term Council Community Plan identifies the formation of *Strong Communities* as one of the nine platforms; this development is considered to contribute to the formation of a strong community by providing opportunities for a walkable neighbourhood and introduces a mix of uses within a residential neighbourhood;
- (ix) Where on-site parking cannot be accommodated, overspill parking can be accommodated within the surrounding road network without detriment to the functioning of Humphrey Kemp Avenue and surrounding roads, and the amenities of neighbouring residential sites. The proposal will not pose an immediate threat to road safety;

- (x) The earthworks result in the re-contouring of the land and would not significantly alter the existing landform. The topography of the site would remain consistent with the surrounding area. The earthworks are considered to be of a scale consistent with the development being undertaken;
- (xi) Any actual or potential effects on the environment by the proposal are considered to be no more than minor and would be adequately avoided, remedied or mitigated by the conditions of consent;
- (xii) The proposal would not be contrary to the relevant objectives and policies of the Waitakere City District Plan; and
- (xiii) The proposal is consistent with Part II of the Act.

Consent shall be subject to the following conditions:

GENERAL

1. The development shall proceed in accordance with the plans titled 'Addition/alteration to existing dwelling convert to early learning centre' at 2 Humphrey Kemp Avenue dated 9 July 2008:
 - Site development plan;
 - Existing floor plan and demolition plan;
 - New floor plan;
 - Four elevations; and
 - Landscaping planting plan 'Early learning centre, 2 Humphrey Kemp Ave' dated 10 September 2008 by LASF Ltd.
(and all referenced by Council as LUC 2008-1710 and the information, including further information, submitted with the application.
2. Pursuant to section 125 of the Resource Management Act 1991, this consent shall lapse after a period of five (5) years after the commencement of the consent.
3. **Before commencement of any works and until completion of exposed earth siteworks**, adequate sediment and erosion control measures shall be constructed and maintained by the consent holder. The control measures must be maintained until the site has been adequately stabilised against erosion. The construction and maintenance shall be in accordance with Appendix 3, Erosion and Sediment Control Measures Appendix to the Natural Area Rules of the Waitakere City Council District Plan.

Please advise Council's Environmental Monitoring Officer when the controls are in place and await the approval of the monitoring officer before commencing work.
4. A consent compliance monitoring fee of \$1,415.00. (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 reinspection shall be required at the relevant hourly rate applicable at the time the reinspection is carried out.

INFRASTRUCTURE

5. Provide separate private stormwater drainage systems to the site, with connection to the public system as specified below:

- (i) Discharge to kerb via 43 Norcross Road after mitigation. Refer 'Proposed Stormwater Reticulation Plan' (Sheet No: E400; Revision No: R2; Date: 08/10/2008) by CatoBolam Consultants Ltd;
 - (ii) **Prior to commencement of works on site provide evidence to Council that the easement over 43 Norcross Avenue shown on 'Proposed Stormwater Reticulation Plan' (Sheet No: E400; Revision No: R2; Date: 08/10/2008) by Cato Bolam Consultants Ltd has been secured for the purposes of stormwater drainage; and**
 - (iii) Construction of private drainage requires a building consent. Provide a private drainage As-Built plan for the property, prepared by a Registered Drainlayer, showing the separate private drains from Lot to the point of discharge.
6. Design, provide and install on-site stormwater management devices to mitigate against adverse effects on the public infrastructure systems. Specific Requirements:
- (i) Maintain stormwater runoff flows, volumes, and timing to the permitted level under District Plan (15% of the site area in this case) for the five year storm event;
 - (ii) The discharge point is to mimic natural runoff patterns, and not to discharge directly to a watercourse, open drain or piped system. The stormwater dispersal device must be located in such a way that it will not interfere with wastewater disposal fields; and
 - (iii) Construction of private drainage requires a building consent. Provide a private drainage As-Built plan for the property, prepared by a Registered Drainlayer, showing the stormwater management device(s) for the Lot to the point of discharge.
7. Pursuant to Section 108(2)(d) a covenant is to be entered into, in favour of Council, to record that to mitigate against adverse effects on public infrastructure systems, on-site stormwater management systems are required on a on-going basis to comply with EcoWater's Stormwater Solutions for Residential Sites, and meet the following specific requirements:
- (i) Maintain stormwater runoff flows, volumes, and timing to the permitted level under District Plan (15% of the site area in this case) for the five year storm event; and
 - (ii) On the second anniversary of the date of this consent, and at two yearly intervals thereafter, the owner (at the owner's expense) must provide to the Council a report from a Registered Drainlayer demonstrating that the stormwater management system, including mitigation measures and devices installed as the condition of this consent or as a condition of any future building consent for the proposed buildings, are functioning in accordance with their intended purpose.

Note: Council's Hazards and Special Features Register will be advised of the above requirements.

TRANSPORT ASSETS

8. Remove all redundant vehicle crossing and fully reinstate the kerb and channel, concrete foot path and grassed berm, all to Council's satisfaction.

9. Form and construct / replace existing vehicle crossings at 2 Humphrey Kemp Avenue and 43 Norcross Avenue, both in Humphrey Kemp Avenue, using standard detail SD 3.13 Light Commercial Vehicle Crossing in Council's Code of Practice for City Infrastructure and Land Development; and for which a vehicle crossing detail form shall to be completed and returned to Council. **Note** - the two new crossings of 6 and 4 metres width respectively, shall not exceed Council's minimum width of 6 metres at the road boundary and 8.3 metres at the kerb line.
10. Inspection of the vehicle crossings (and reinstatement works) boxing prior to concrete pouring is required. Contact Phone 836 8000 Ext. 8725, at least 48-hours prior to the inspection being required.
11. On completion of the hard-surfacing of onsite car park areas, the parking spaces are to be pavement marked, with signs erected where necessary, to clearly define staff, customer & disability bays. All to comply with The Manual of Traffic Signs and Markings, (MOTSAM) published by Transit NZ. Also refer to NZS 4121 (2001) Design for Access and Mobility - Buildings and Associated Facilities.

ACOUSTIC

12. The development shall comply with the noise standards set out in the following table as measured at any part of another site (other than the site on which the activity is situated and 43 Norcross Avenue).

7.00 am - 7.00 pm Monday - Saturday		7.00 pm -10.00 pm Monday to Saturday 7.00 am-10.00 pm Sundays & public holidays	
L_{10} 50 dBA	L_{max} N/A	L_{10} 45 dBA	L_{max} N/A

13. The noise shall be measured in accordance with the requirements of NZS6801:1991 Measurement of Sound and assessed in accordance with the requirements of NZS6902:1991 Assessment of Environmental Sound.
14. The consent holder shall submit for approval a Noise Management Plan to the Manager, Resource Consents within one month of the date of this consent. The Noise Management Plan shall set out the on-site measures (including specific noise mitigation measures to address the effects of all outdoor play equipment, vehicle movements and any controls on the locations children will be kept out of to ensure compliance with the noise limits) to be utilised by the consent holder to ensure ongoing compliance with condition 12 of this consent.
15. Within two months of the occupancy of the activity, monitoring shall be undertaken by a suitably qualified and experienced person at locations representative of the notional boundaries of the adjacent residential properties to demonstrate compliance with the noise conditions detailed in conditions 12 and 13 above. The results of the noise monitoring shall be provided to the Council within one week of completion of the monitoring.

16. Prior to occupancy of the activity and thereafter maintained, an acoustic fence shall be constructed along the western and northern boundaries of the subject site with 45 Norcross Avenue and 4/4A Humphrey Kemp Avenue. The fence shall be 1.8m high with a surface density of no less than 10kg/m². There shall be no gaps in the length of the fence or between the fence and the ground.
17. The childcare centre shall operate between the hours of 7.30 am - 6.00 pm weekdays.

LANDSCAPING

18. The consent holder shall fully implement the landscaping shown on the approved landscaping plan prepared by LASF Ltd dated 10 September 2008 prior to the commencement of the childcare activity on site.
19. The landscaping shall be maintained for three years following the initial planting with plants watered as necessary in the first summer. Any plant that is removed, dies or otherwise fails to establish shall be replaced the following planting season and maintained for a further three years, all to the satisfaction of the Planning Manager Resource Consents.

Advice notes

1. Where indicated in the conditions it is the consent holders responsibility to inform the Environmental Monitoring Officer when inspection is required. Inspections can be requested through the Call Centre on 839 0400.
2. The application documents show drainage works are proposed through the neighbouring property. The granting of this resource consent does not in any way allow the applicant to enter and construct drainage within neighbouring property, without first obtaining the agreement of all owners and occupiers of said land to undertake the proposed works. Any negotiation or agreement is the full responsibility of the applicant, and is a private agreement that does not involve Council. Should any disputes arise between the private parties, these are civil matters which can be taken to independent mediation or disputes tribunal for resolution. It is recommended that the private agreement be legally documented to avoid disputes arising. To obtain sign-off for the resource consent, the services described by the conditions 5-7 above are required to be in place to the satisfaction of Council.
3. It should be noted that the extent of noise infringement applied for is 55 dBA during the hours of 7.30 am- 6.00 pm at 43 Norcross Avenue. Noise levels at the boundaries of all other properties are required to comply with District Plan noise levels.
4. A Development Contribution of \$6.077.43 (incl. GST) has been calculated for this development. This development contribution is required to be paid prior to the uplift of that Building Consent. Duplicate payments would not be required.

Report prepared by: Senior Resource Planner: Lisa Cameron.

