



**AGENDA FOR A HEARING BY COMMISSIONERS TO BE HELD AT WAITAKERE CENTRAL,  
6 HENDERSON VALLEY ROAD, HENDERSON, WAITAKERE, ON MONDAY,  
30 NOVEMBER 2009, COMMENCING AT 9.30 AM**

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**1 NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE  
RESOURCE MANAGEMENT ACT 1991 BY KANE HOLDINGS LTD TO ESTABLISH A  
NON-RESIDENTIAL ACTIVITY WHICH WILL OPERATE AS A FIREWOOD  
PROCESSING AND STORAGE FACILITY AT 164 STATE HIGHWAY 16, WHENUAPAI**

**LUC 2009-0097**

**Massey Ward**

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

**Application Details**

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|                               |   |
|-------------------------------|---|
| Planner:                      | Lisa Cameron  |
| Site Address:                 | 164 State Highway 16  |
| Applicant:                    | Les Comer   |
| Date Received:                | 30 January 2009   |
| Resource Consent No:          | LUC 2009-0097   |
| Legal Description:            | Lot 1 DP 65781  |
| Address for Service:          | Hamish Anderson, ViaStrada Auckland Ltd,<br>PO Box 33-020 Takapuna 0740       |
| Site Area:                    | 1.2469 hectares   |
| Building Consent No:          | None submitted for the current proposal.                                      |
| Operative District Plan:      |   |
| Human Environment:            | Countryside   |
| Natural Area:                 | General   |
| Landscape Elements:           | None  |
| Hazards:                      | None known  |
| Roading Hierarchy:            | Regional Arterial Road  |
| Further Information Requested | Yes   |
| Date Requested:               | 17 February 2009, 22 April 2009, 9 October 2009                               |
| Date Received:                | 23 February 2009, 16 March 2009, 8 April 2009, 30 July 2009, 10 November 2009 |
| Site Visit:                   | 11 February 2009  |

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## 1.0 INTRODUCTION AND RECOMMENDATION

### 1.1 Nature of the Application

The applicant seeks consent to establish and operate a firewood processing and storage facility including the construction of a new building measuring 62.5m by 23.4m with a ridge height of 8.8m. The proposal also includes outdoor storage, signage and an increase in impermeable surfaces.

Overall the application is considered to be a Discretionary 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 primary resource management issues associated with this proposal relates to rural character, amenity, noise generation, traffic generation and the impact of increasing the scale and intensity of a non-residential activity within the Countryside Environment.

### 1.3 Planner's Recommendation

The planner who has prepared this report recommends that **consent be declined** to the application to establish a non-residential activity which will operate as a firewood processing and storage facility.

It is considered that the adverse environmental effects that would be generated by the activity would be more than minor and will not be adequately avoided, remedied or mitigated by conditions. In addition, the proposed activity is contrary to the relevant objectives and policies of the District Plan.

## 2.0 LOCATION PLAN



### 3.0 BACKGROUND AND PROPOSAL

#### 3.1 Background

In October 2006, a resource consent (reference: 2006-0922) was granted on a non-notified basis with no persons adversely affected ("the 2006 consent"). The resource consent allowed for the establishment of a firewood store with processing and operating facilities that entailed the construction of a building of 350m<sup>2</sup> (15m by 23.4m) with a ridge height of 8m to accommodate this activity.

The "2006 consent" allowed for an increase in the building coverage to 4.57% (including the existing dwelling on site) and would have involved earthworks over an area of 819m<sup>2</sup> outside the building platform.

The proposal involved four staff being employed at the site. Noise generated by the activity was to be within permitted District Plan levels.

The development involved a new access directly from State Highway 16 by closing the existing access. Conditional Approval from Transit NZ (now NZTA) was obtained for this aspect of the development. The proposal involved in the order of 50 traffic movements per day which would include approximately 30 truck movements.

The proposal also entailed the screening of the site boundaries with a vegetation belt.

A313-A329 This consent is still valid (no further consents required) with a lapse date of 25 October 2011. A copy of this consent can be found at attached at pages A313 to A329 as Appendix 12.

#### 3.2 Works carried out without resource consent

Notwithstanding the above, works have commenced on site that are not in accordance with LUC 2006-0922.

The building platform and part of the building frame has been erected and is much larger than that consented to. Significantly, more earthworks have been carried out and impermeable surfaces have also been substantially increased within the site.

In addition substantial signage was placed at the entrance to the site advertising firewood for sale (although all but one sign has now been removed) and a large amount of uncut timber has been stored outside.

The current application has been submitted in order to regularise the works carried out to date. As a consequence, the proposal described in Section 3.3 is of a far greater size and scale than that consented to under LUC 2006-0922.

#### 3.3 Proposal

The applicant seeks consent to regularise and expand operations (over and above that consented to) associated with the firewood processing and storage facility. The proposal involves:

- The erection of a building of 1462.5m<sup>2</sup>, (this being an increase of 1112.5m<sup>2</sup> over what was consented to under LUC 2006-0922). The building will have a maximum height of 8.8m and will be a partially metal framed structure (this framing has already been erected on the site) and timber framed (the timber framed elements of the building are the proposed 'administration block' to the front and the wood processing/woodchip and sawdust storage area to the rear of the metal framed section). The administration block will have a footprint of 177m<sup>2</sup> and will be two storeys in height. The administration block will contain four offices, two meeting rooms, a staff kitchen/dining room, a separate tea making room, a staff recreation room and an area for the display of mini cars (indicated in the application to be the applicant's private hobby).

- Wood processing activities proposed to be carried out on the site involves wood arriving at the site as logs which will be stored outside of the building. From storage the logs are taken to the wood processor, where the saw processor dry cuts the logs (this process does not require water) and then the cut blocks are elevated to the main factory where the wood is air dried. Two delivery trucks then deliver the firewood directly to customers' properties and that there will be no retail sales to the public directly from the site. A total of seven staff will be employed at the site including a manager, four staff who will work the saw and two office staff. The applicant advises that 40 traffic movements and 18-20 truck movements will be generated per day. As such, a total of 60 traffic movements are proposed.
- 200m<sup>2</sup> of outdoor storage is proposed and will be located to the south of the building and behind the existing dwelling. Currently a substantial area of logs has been stored in this location which is not screened from either the road or from neighbouring properties. The applicant has advised that this is a temporary situation and that in future the 200m<sup>2</sup> of outdoor storage will be used once the wood processing plant is in operation and that it will be screened from all property boundaries. Trucks delivering the timber will have to cross part of the site that is not paved in a hard surface to reach the outdoor storage area. It is not, however, apparent from the application documentation how these trucks will reach the storage area without further hardstanding.
- Earthworks of 1540m<sup>3</sup> have already been carried out and that a total of approximately 2000m<sup>3</sup> are proposed following completion of the proposed bunds. Earthworks were approved over an area of 819m<sup>2</sup> as part of the original consent. Fill moved for the topsoil has been placed for the bund that has been constructed around some of the perimeters of the site. Earth bunds have been constructed along the west (rear) boundary and parts of the northern boundary and eastern (front) boundaries within 1m of the boundary. The bunds will be a maximum of 1m in height and 6m wide (although it is noted that the applicants submitted landscape planting plan indicates that the bund will be a maximum of 1.2m high). The applicant does indicate that all but 180m of bund has been constructed. The bunds are proposed to be planted in a mixture of screening and ground cover plants. The updated noise report dated 10 November 2009 also indicates that solid acoustic fencing to a minimum height of 2.5m should be placed along the northern and western boundaries. No plans showing the exact detail and location of the fence has been submitted, and how this may conflict with proposed landscaping.
- Approximately 53% of the site will be covered in impermeable surfaces including the firewood processing building, the metalled areas and the existing dwelling on site.
- Signage is included as part of this application and a single sign has already been erected that has a sign area of 2.4m x 1.2m and fixed at 4.7m height between tanalised posts, on the bund north of the entrance (to a height of 3.6m above the bund). This is sought to be regularised. It is also proposed to add an additional sign stating 'No Retail Sales' which would be approximately 800mm x 800mm to the bottom of the existing sign.

### 3.4 Information Received

The following information has been provided:

- Application Form, Covering Letter, Assessment of Environmental Effects;
- Drawings "Proposed New Firewood Depot at no. 164 State Highway 16" by Philip Duncan & Paul T Finlay reissue date July 2009 (including revisions \* 1 and 2);
- Geotechnical Report "Geotechnical report for proposed Bulk firewood portal frame building at 164 State Highway 16" dated 15 December 2005 by Waitakere Consulting Engineers;
- Stormwater Report by Paul T Finlay titled "Stormwater report, 164 State Highway 16" dated 16 March 2009;

- Acoustic report 'Noise Assessment Bulk Firewood Processing and Storage at 164 State Highway 16, Kumeu by Russell Malthus of Viastrada Ltd dated 29 July 2009 and further, revised acoustic report dated 10 November 2009; and
- Visual and Landscape Impact Assessment and Enhancement Report by Amy Hobbs of SOUL Environmental Ltd dated July 2009.

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

- Sam Shumane, Transport Assets;
- Greg Hall, Council's Drainage Engineer;
- Gordon Griffin, Landscape Architect; and
- Jon Styles, Acoustic Consultant.

#### **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**

###### **Rule 4 - Impermeable Surfaces**

Limited Discretionary Activity Consent is required for the establishment of impermeable surfaces over 15% of the site area where there is not connection available to a reticulated stormwater system. The proposal involves impermeable surfaces of approximately 53%.

###### **Rule 3 - Earthworks**

Discretionary Activity Consent is required for earthworks outside of the building platform exceeding 300m<sup>3</sup> in area. The majority of the earthworks have already been carried out. Based on information to date a 200mm scrape was carried out and a site inspection that showed a large proportion of the site had been earthworked, it is estimated that an area of 7,000m<sup>2</sup> with an approximate volume of 1540m<sup>3</sup> have been carried out. Further earthworks are proposed to complete the bunding on site and these additional earthworks would bring the total volume of earthworks to 2000m<sup>3</sup>.

###### **Countryside Environment**

###### **Rule 5 - Outdoor - Storage**

Discretionary Activity consent required for outdoor storage that does not meet the standards of Rule 5.1. The proposal involves outdoor storage that is not screened from the road or adjacent properties. The applicant proposes that an area of 200m<sup>2</sup> be identified for outdoor storage. At present, this area contains a large volume of uncut logs. This outdoor storage is not at present screened from either the road or adjacent sites, and also appears to cover an area in excess of 200m<sup>2</sup> and in excess of 3m above ground level. The applicant has indicated that when the site is operational the outdoor storage area will meet the permitted standards in terms of size, height and screening. It is, however, considered that the outdoor storage area will not be screened from all relevant locations.

#### Rule 6 - Building Coverage

Discretionary Activity consent required to increase the building coverage over permitted 300m<sup>2</sup> or 1% of the net site area. The proposal involves the creation of structures that would bring the total building coverage to 1750m<sup>2</sup> or 14% of the site area (including the proposed building and existing dwelling).

#### Rule 7 - Non-Residential Activities

Discretionary Activity consent required to establish a non residential activity (a firewood processing and storage facility) with no retail sales.

#### Rule 8 - Traffic Generation, Access & Car Parking

Discretionary Activity consent required to obtain direct access from a major road that has more than 20 vehicle movements per day. A total of 60 traffic movements are proposed.

#### Rule 11 - Signage

Discretionary Activity Consent is required for signage relating to a non-residential use that has a sign area greater than 1.5m<sup>2</sup>. A sign has been erected that has a sign area of 2.4m x 1.2m and fixed at 4.7m height between tanalised posts, on the bund north of the entrance (to a height of 3.6m above the bund). Finally it is proposed to add an additional sign stating 'No retail Sales' which would be approximately 800mm x 800mm and located below the existing sign on site.

#### Rule 9 - Noise

Discretionary Activity Consent is required under Rule 9 of the Countryside Environment. The proposed non residential activity does not comply with the noise standards of Rule 9.1 of the Countryside Environment.

*A309-A312* **Note:** The application was notified on the basis of an infringement of Rule 9.1 Countryside Environment. The updated acoustic report (Viastrada report by Russell Malthus dated 10 November 2009) (attached at pages A309 to A312 as Appendix 11) concludes that with the implementation of the stated attenuation and mitigation measures the activity will comply with Rule 9.1.

*A284-A290* However Council's Acoustic Consultant JP Styles in reviewing the Viastrada report dated 10 November 2009, is of the opinion that the operation of the excavator is likely to infringe Rule 9. Mr Styles' report is attached at pages A284 to A290 as Appendix 8. A precautionary approach has therefore been taken.

Overall, the application is considered to be a Discretionary activity.

It should also be noted that the installation of a 2.5m high acoustic fence may require resource consent under Rule 3 (Yards, Countryside Environment). Application documentation to date means both the location and height of any fencing are undefined at present. If setback between 3-10m, then this aspect is likely to be assessed as a Controlled Activity. If under 3m, then this aspect would be a Discretionary Activity

#### 4.2 Other Consents

Consent is also required from the Auckland Regional Council (ARC) for stormwater discharge. The ARC has advised that this application has been submitted but is on hold pending receipt of further information requests. The ARC has advised that this application will be required to be publicly notified.

## 5.0 THE SITE AND NEIGHBOURHOOD DESCRIPTION

The site is located in the rural part of the City approximately 200m from the edge of the proposed Metropolitan Urban Limits and the Massey North/Westgate Special Area. The site is rectangular shaped with a road frontage of 106m and a depth of 116m. All boundaries are delineated with a wire fence. There is no protected vegetation on the site; however the site is partially screened by a mature shelter belt on the northern and southern boundaries.

The site at present resembles a building site and has been significantly earthworked. Works carried out to date are not in accordance with LUC 2006-0922.

Earth bunds have been formed along the majority of the boundary with 166 and 162 State Highway 16, Whenuapai and along the north eastern part of the site facing onto State Highway 16. A large concrete building platform has been constructed in the centre of the site and a building frame has been partially erected on top of this building platform.

A house and garage exists to the southeast of the site, close to State Highway 16. This dwelling is visually separated from the non-residential development by hedging. An area of approximately 1250m<sup>2</sup> in the south-west part of the site is currently covered in large mounds of unprocessed timber logs.

Overhead power lines run along the berm fronting the property. The site is associated with a long straight section of State Highway 16 and is relatively level (with some slope to the north). The site has a relatively short section of frontage relative to State Highway 16, Whenuapai. The surrounding environment has a mix of open fields interspersed with residential properties and horticultural/agricultural buildings and uses such as glasshouses and strawberry producers that are largely located close to the State Highway. There are also some historic non-rural uses of land along parts of the State Highway including:

- 'Vegeco', located approximately 100 metres to the north of the application site (172 State Highway 16, Whenuapai);
- A Hanes Haulage yard operating approximately 300 metres to the north of the site (176 State Highway 16, Whenuapai);
- A building and landscape supply yard approximately 300 metres to the north of the site (176 State Highway 16, Whenuapai);
- An earth moving business located approximately 460 metres to the north of the site (186 State Highway 16, Whenuapai).
- A caravan hire yard located approximately 460 metres to the south of the site (140 State Highway 16, Whenuapai);

There are also a number of other businesses that are currently operating within the vicinity of the application site that do not appear to be lawfully established and are currently subject to investigations by Field Services or alternatively applications for retrospective resource consent. These include a Re-Max real estate office at 176 State Highway 16, and the Party Bus Company operating from a site at 149 State Highway 16, Whenuapai.

State Highway 16 is classified as a Strategic Arterial Road under the District Plan and has an 80km/hr speed restriction. This stretch of State Highway currently provides the main link between Massey and Helensville.

Street furniture includes streetlights located on the western side of State Highway 16 (being the opposite side of the road from the subject site) which provides lighting along the entire extent of the road from Westgate to the Brigham Creek Road intersection.

## 6.0 ISSUES IDENTIFIED THROUGH THE SUBMISSION PROCESS

The application was publicly notified on 14 August 2009. The period for submissions closed on 11 September 2009. Forty (40) submissions were received of which five submissions were received after the submission period had closed.

The submissions that were received after the 11 September 2009 were received from:

- Soon Hee Jeong, 6 Hailes Road, Whenuapai;
- Richard Schick - Clearfell Tree Services, 3 Sunny Crescent, Huapai;
- Dave Copeland - Treesafe Ltd, 493 State Highway 16, Kumeu;
- Regan Davies - Orang Otang Tree Trimmers, Mangawhai Heads Rd RD2, Kaiwaka; and
- Roy Noel McConnochie and Lois Joan McConnochie, 129 State Highway 16, Whenuapai.

### Section 37 Assessment

The Hearing Commissioners need to resolve whether to accept these submissions, pursuant to Section 37 of the Resource Management Act. In making this decision, the Council is required to consider the provisions set out in Section 37A(1), being:

- a) The interests of any person who, in its opinion, may be directly affected by the extension or waiver;*
- b) The interests of the community in achieving adequate assessment of the effects of any proposal, policy statement, or plan; and*
- c) Its duty under Section 21 of the act to avoid unreasonable delay.*

Section 37A(2)(a) also requires that the extension of time shall not have the effect of exceeding twice the maximum period specified in the Resource Management Act. It is noted that all of the submissions were received three working days after the submission period closed (16 September 2009). The Resource Management Act allows a 20 day period within which submissions are to be made. Accordingly, these submissions were within the maximum time period specified in Section 37A(2)(a) of the Resource Management Act.

The submissions do not raise issues that have not already been covered by other submissions received during the submission period. It is considered that no one would be prejudiced by the acceptance of these submissions, and acceptance of the submissions would not result in any delays. It is therefore recommended that all submissions are accepted.

## 6.1 Submissions Received

In summary:

- Eighteen submissions and three late submissions were received that supported the application;
- Sixteen submissions and two late submissions opposed the application; and
- One submission was neutral.

A142-A257 A summary of the points of submission is attached pages A144 to A151 as Appendix 3 and copies of submissions received are attached at pages A152 to A257 as Appendix 4. A map showing the location of the submitters is attached at pages A142 to A143 as Appendix 2.

## **6.2 Pre Hearing Meeting**

No pre hearing meeting was requested or held.

## **7.0 STATUTORY REQUIREMENTS**

### **7.1 Discretionary Activities**

A295-A308 The relevant policies and criteria which apply under the District Plan and the Resource Management Act 1991 are set out in more detail attached at pages A295 to A308 as Appendix 10. This should be referred to as the legal framework within which the application should be addressed.

Section 104 of the Resource Management Act 1991 sets 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 Resource Management Act it is necessary to undertake an analysis and assessment to determine whether the purpose and principles of the Resource Management Act are being met (Part II) having regard to the matters set out in Sections 104 and 104B as relevant, the Fourth Schedule and any other statutory considerations.

Section 104(1) of the Resource Management 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)).

It is noted that the application is supported by the written consent of the following persons:

- George Vezich, 115 State Highway 16, Whenuapai; and
- Steve Buckwell and S Sharday of 164a State Highway 16, Whenuapai. This property is part of the application site (being the subject site).

The consent authority may also disregard an adverse effect of an activity on the environment if the Operative Plan permits an activity with that effect (section 104(2)).

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

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

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

The establishment of non-rural, non-residential activities other than home occupations requires resource consent. Rural activities are defined in the District Plan as the use of land or buildings for the purpose of commercial agriculture, horticulture or pastoral farming but shall not include intensive livestock farming, woodlots or forestry. The current operation involves the construction of a building and use of land for a non-rural activity that is not a home occupation. As such, there are no adverse effects that can be disregarded as permitted by the Plan.

### **8.1.2 Receiving Environment**

The term environment includes the environment that exists at the time an application is considered, overlain with activities that are permitted by the District Plan and unimplemented consents. This approach was adopted by the Court of Appeal in *Queenstown Lakes District Council v Hawthorn Lakes Ltd* where the court held:

*“the word “environment” embraces the future state of the environment as it might be modified by the utilisation of rights to carry out permitted activities under a district plan. It also includes the environment as it might be modified by the implementation of resource consents which have been granted at the time a particular application is considered, where it appears likely that those resource consents will be implemented.”*

The site and surrounding environment have been discussed in Section 5.0 of this report. As indicated the area has a mix of rural, countryside living and commercial activities on properties that front onto the State Highway. State Highway 16 provides a dominant feature within the immediate landscape.

The subject site is adjacent to and gains access from State Highway 16, which is identified as a Strategic Road in the District Plan and classified as a limited access road by New Zealand Transport Agency (NZTA) (being the road controller).

The road currently carries in the order of 25,600 vehicles per day (based on counts taken in 2005). However, NZTA has commenced construction of the State Highway 18 Hobsonville Deviation Motorway which will connect the North-Western Motorway (State Highway 16) to the Greenhithe Deviation Motorway and Upper Harbour Bridge to form the new Upper Harbour Motorway (State Highway 18). The project will also involve an extension of the North-Western Motorway north to Brigham Creek Road. The consequence of this will be an eventual reduction in traffic flow on the portion of road adjoining the subject site. This has the potential to further influence the character of the locality and potentially the nature of activities occurring on land surrounding the subject site.

The impact of this change however cannot be qualified as this time, however, it is anticipated that as traffic volumes will reduce significantly there is likely to be a commensurate reduction in background noise levels along this stretch of the road corridor.

The use of the subject site as a firewood processing and storage facility was consented to under LUC 2006-0922. This established a level of activity that was controlled through the imposition of consent conditions. This consent can still be given effect to however notwithstanding the unauthorised works, the proposed activity is of a greater size and scale than that consented to. This in particular is highlighted by the proposed building and hard surfaces. This activity, therefore, generates effects over and above this consent.

The receiving environment is not considered to be 'pristine' in terms of its Countryside Environment Zoning, and has a number of activities and buildings, including unimplemented consents that are over and above those effects permitted by the Plan.

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 as referred to above.

### 8.1.3 Water Quality and Quantity

A258-A264 The proposal introduces approximately 53% of impermeable surfaces on a non-reticulated site. This aspect of the proposal is largely retrospective in nature. Under LUC 2006-0922, proposed impermeable surfaces measured 9% well and was well within permitted levels of 15% under Rule 4.1 General Natural Area. The proposal, therefore, significantly increases impermeable surfaces to levels over and above that permitted by the Plan. As such, both stormwater runoff and generation has noticeably increased. The application has been assessed by Council's Drainage Engineer: Greg Hall, (attached at pages A258 to A264 as Appendix 5) who advises:

*"The applicant has provided sufficient detail to show that water supply needs and wastewater disposal requirements can be achieved. The main issue assessed by EcoWater therefore relates to the level of impermeable surface on site; how the stormwater effects of this will be mitigated and how the stormwater will be disposed of."*

Mr Hall also advises that the application stormwater report and accompanying plans specify that stormwater arising from a one in two year storm event falling on the impermeable surfaces of the proposed development will be disposed of by pumping it 80m underground to a 'deep aquifer'. In addition the proposed design captures water falling on the factory roof for later reuse, with sufficient tank capacity to store up to a 1 in five year storm event. Therefore, flows in excess of the capacity of this system would be expected to follow Overland Flow Path 3 as shown on the applicant's plans. According to the report this then passes behind the neighbours glasshouses and would then flow east to a tributary of the Ngongetepara Stream. The downstream catchment is all rural in character, such that there do not appear to be any significant downstream flooding effects.

With regard to stormwater it is considered that it has not been adequately demonstrated that this issue has been addressed to date. This aspect of the development is being addressed by the ARC as part of the discharge consent application currently being assessed by them. It is noted that the development cannot proceed without ARC consent.

It should also be noted that the proposed provision of a solid acoustic fence (as proposed as part of the acoustic mitigation) on the northern boundary has the potential to adversely impact upon the overland flowpath located there. No plans showing the location of this fence have been submitted it is not clear from the information submitted what the actual and potential effects of the fence in terms of both on-site and off-site flooding effects.

It therefore cannot be concluded that the adverse effects of the proposal on water quality and quantity are no more than minor in nature.

It is, however, acknowledged that some of the matters expressed above are likely to be addressed by the resource consent for stormwater discharge currently being processed by the ARC. No decision on this application has been made at the time of writing. It is however noted that the ARC have made a submission in opposition.

#### **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 already modified and it is not proposed to remove any vegetation or work within the dripline of any vegetation. It is clear from the 2006 "consent" that the site was originally a grass covered field that contained no protected vegetation.

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

Significant earthworks have been carried out on the site over and above those expressly consented to by LUC 2006-0922.

It would appear that these earthworks have been carried out over an area of approximately 7700m<sup>2</sup> outside of the building platform. The earthworks have resulted in the majority of the site (except for the area within the vicinity of the existing dwelling) being cleared of grass and topsoil and metalled. The topsoil from these earthworks has been placed in bunds that have been constructed approximately 1m high around the perimeter of the site. Further earth bunds are proposed.

The majority of the earthworks outside the building platform appear to have involved a scrape of the topsoil to a depth of about 200mm. This topsoil, according to information provided, is being used to form the bunds described above and which are mostly in position around the perimeter of the site. Temporary effects associated with sediment loss are unable to be assessed as a result of the largely retrospective nature of the works.

The earth bunds are proposed to be planted in order to stabilise the soil and prevent sediment loss. The imposition of conditions to terms of the imposition of sediment and erosion controls to mitigate both on-going and future adverse effects until planting is established would ensure adverse effects would be adequately contained within the site.

The site is identified as having a Land Use Capacity of Class II meaning the soil is both versatile and productive. In this regard, the use of the property wholly for horticultural purposes has been effectively superseded by the use consented to under LUC 2006-0922 firewood processing and storage facility). It is acknowledged that the previous consent provided for a large part of the site (approximately 91%) to remain free of impermeable surfaces and indeed the approved plans for LUC 2006-0922 showed large areas of landscaping and a 'specimen tree nursery' being located in the south west corner of the site. The current proposal has significantly reduced areas being available for landscaping.

On balance, given the relatively small scale of the site (being 1.25 hectares), it is considered that the site would have limited potential for cultivation (with this potential further reduced by the 2006 consent) and that the adverse effects of the loss of this land for cultivation purposes would be no more than minor in nature.

On the basis of the above it is considered that there would be no more than minor adverse effects on soil/ existing landform as a result of the proposed activity as the site.

### **8.1.6 Air**

Processes involved in the proposed activity include the sawing up of logs and is likely to generate sawdust. Concerns have been expressed by a submitter about the adverse effects of sawdust on the environment.

The applicant has advised that the cutting operation will be fully enclosed and that sawdust will be channelled for collection in a purpose built room adjacent to the saw. It is therefore concluded, if consent is granted, that conditions could be imposed requiring submission and adherence to a management plan to ensure that all air discharges generated by the activity are adequately controlled and will be adequately contained within the subject site.

### **8.1.7 Ecosystem Stability**

As the site is already modified there would be no adverse effects on the stability of ecosystems as a result of the proposal.

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

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

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

### **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). The site is within an already extensively modified environment. Therefore the proposed activity would not adversely affect any identified outstanding landscapes.

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

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 subject site lies approximately 200m outside the Metropolitan Urban Limits, with access off State Highway 16. The immediate surroundings have been modified by established non-residential activities, and cannot be considered to be in pristine condition. The character and appearance of the area, however, still retains rural characteristics with tracts of fields and cultivated land interspersed with agricultural/horticultural buildings and uses.

The Countryside Environment is acknowledged as neither an Outstanding nor Significant Landscape. However, they remain valued, with the key issue within these areas is to identify elements and characteristics that contribute to the amenity value of the area to which the community wishes to see protected.

The subject site, as expressly provided for by LUC 2006-0922 has the ability to establish a non-residential activity (firewood processing and storage facility). This activity was of a prescribed size and scale. As such, the proposed use can be lawfully established without the further need for resource consent. Whilst the use has been accepted, this proposal is of a larger size and scale that is noticeably greater than that consented to, and as a consequence, actual and potential effects are potentially increased. Such effects can be tangible or intangible.

Tangible effects may include:

- the potential for increased noise, nuisance and traffic generation;
- visual presence of the building, outdoor storage and metalled areas; and
- overshadowing and loss of privacy.

Intangible adverse effects may include:

- loss of rural coherence through the introduction of urban-scale activities into a rural environment; and
- a perception that the character of the neighbourhood is changing and in decline.

On balance, submissions received have identified strong sentiments regarding the neighbourhood character and provide insight into the perceptions residents have of the local environment and further how the proposal may undermine and erode the character of this established neighbourhood.

The introduction of a non-residential activity would potentially change the nature of the surrounding area by providing a neighbourhood of more mixed character where the proposed activity has the potential to conflict with the established character.

### **Visual Amenities and Landscape Character**

*overshadowing, loss of daylight and sunlight, scale, form, height, bulk, physical dominance, privacy, visual amenity, streetscape, sense of place, neighbourhood character, amenity values, views, on site amenity, adequate open space, landscape modification, encroachment above ridgelines, landscape values and views.*

A269-A283 Included within the application is a visual and landscape impact assessment and enhancement report prepared by Amy Hobbs of SOUL Environments Ltd. This aspect of the development has been reviewed by Council's Landscape Architect: Gordon Griffin, (attached at pages A269 to A283 as Appendix 7) who advises that he does not concur with a number of Amy Hobbs conclusions in terms of the effects associated with the proposal. Of particular note is the following:

- Although seen in the context of other buildings, with some sense of clustering, the scale of the proposed building relative to these other buildings is such that whereas they retain the sense of rural landscape, the large scale of the proposed building would dominate these nearby buildings and take away from the sense of their being within a rural landscape. Such effects are further exacerbated with the inclusion of other development on the site, cyclone style fences, the extensive metallised yard area and the mounds;
- The proposal would modify the landform that had some flatness, openness and sense of continuity with the wider landform;
- The proposal does add to the built form within the locality. The proposed large building would increase the dominance of buildings (in the previously pastoral landscape); and
- The proposal does cause a reduction in the non-urban feeling because the proposal would involve a layout and character, and associated activities that are normally found in the urban area (working environment).

The activity, and associated buildings and paved areas consented to under LUC 2006-0922 would have led to change both on the site and its wider surroundings. The nature of the change as referred to by Mr Griffin would have preserved the underlying rural landscape by a smaller scale building and a greater degree of openness with land subject to little or no modification

Mr Griffin is also unable to concur with the statement made throughout the application that 'the revised proposal as it now stands will incorporate a significantly greater level of landscape treatment than previously proposed, which will further soften the appearance of this site when viewed from the road and surrounds.' He comments although a greater level of detail has now been provided with regard to landscape treatment, the 2006 consent actually had a larger area to be planted including a wider green area adjacent to the road south of the entrance. The 2006 consent also had a larger permeable area (grass areas and areas with trees or other planting).

Mr Griffin concludes that he is unable to support the proposal and that:

*"I consider that the proposed building by virtue of its scale, height and coverage would have an adverse effect on amenity values and would be locally dominant and would intrude into the rural landscape. There would be some restriction on private views across the site from adjacent properties by virtue of the size of the building.*

*The proposed extent of hard surface combined with the formation of perimeter mounds and the cyclone style security boundary fencing and site layout would not have a rural character and would establish a character more typical of the Working Environment.*

*Proposed planting once established would provide screening and would give some integration of the building and yard into the landscape. Proposed native planting would screen and block views into and across the site from adjacent properties and provide some habitat value."*

The “updated” acoustic report recommends acoustic attenuation that involves the erection of solid fencing along the entire western and northern boundaries on top of the existing bunds that will result in a solid barrier on those boundaries that will be a minimum of 2.5m in height. The application documentation, at present, does not provide any certainty in terms of setback or landscaping.

The proposed development, in terms of its size, scale, height and intensity of the site introduces urban elements (of an industrial scale and character) into whilst not a pristine rural landscape is at odds with both the existing environment, the present zoning of the site, and its position outside of the Metropolitan Urban Limits. Furthermore, the proposal is a significant departure from that consented to by LUC 2006-0922.

The proposed buildings, hardstanding, fencing and earth bunds would be incompatible with both the existing and receiving landscape character. Specifically, the present interplay of open space and views would be lost as the built element is too expansive and would not be compatible with the scale and appearance of buildings and/or activities in the wider environment.

The need to enclose the site with fencing and landscaping, and to place a significant building (in terms of both its footprint and height) and extensive hardstanding across the entire site introduces urbanising elements that are visually dominant and will form an incongruous feature in the landscape. This will both intrude and fragment the rural character of the surrounding area and result in a loss in overall cohesiveness and amenity of this area.

The proposed development is considered to lead, on an individual and cumulative basis, to both pressure for urban expansion, and the further fragmentation of rural character and amenity.

I would agree with the submission of the ARC and others that a development of this scale would be more appropriately located on urban zoned land.

It is acknowledged that mitigation is provided, including planting. However, this seeks to mitigate the introduction of urban elements which are fundamentally at odds with the prevailing landscape character. Landscaping is proposed, and would appear to resemble shelterbelts. Shelterbelts are consistent with this environment, but its planting is dependant on mitigating the introduction of urban elements into the landscape. The planting restricts open panoramic views that reveal the wider landscape in a cohesive manner. Long-term effects would not diminish over time, given the size and scale of buildings and other built elements proposed.

It is considered that the size, scale and intensity of the proposed activity are inappropriate to and out of keeping with the character of this modified rural area. The receiving environment is not able to accommodate development of this form without detriment to its landscape character.

### **Adjacent Residential (Rural) Amenities**

The subject site physically adjoins both rural and rural - residential blocks.

For all neighbouring properties the proposed activity introduces urban elements that would visually intrude on and physically dominate adjoining sites given the scale and character of the proposed activity and associated structures. Those effects, as stated above, extend beyond the site and its adjoining boundaries

In terms of loss of light and overshadowing, it is acknowledged that the main building in light of its central location provides sufficient separation distance that does not detract from neighbouring amenities in terms of loss of light and overshadowing. The documentation at present, has not demonstrated that proposed acoustic fencing will not result in loss of light or overshadowing in light of its reduced setback from the boundary.

The layout of the building does not result in overlooking potential to the detriment of neighbouring properties.

In summary the proposal introduces buildings, hardstanding, and fencing of a scale and character which is intrusive and dominant in the largely rural context of this site. This has significant adverse effects on views, landscape character and rural amenity currently enjoyed by immediate neighbours.

As discussed elsewhere in the report, effects generated by the proposal in terms of traffic noise, traffic generation would not adversely impact adjoining and nearby residential amenities.

However, the introduction of the activity, in terms of its size and scale with its associated effects would adversely impacts upon adjoining amenity, fragments present rural character and will encourage incremental / ad hoc urban development to a more than minor extent.

### **Signage**

The extent of signage permitted by the Operative District Plan in this location is 0.1m.

The amount of signage proposed will have a total area of approximately 3m<sup>2</sup>. It is noted that along State Highway 16 there are a number of signs exceeding the permitted maximum size. It would appear from an inspection of Council records that the majority of these signs do not have resource consent and may have been erected some time ago.

The signage has been significantly reduced from the originally submitted.

State Highway 16 is a busy streetscape of traffic, signs (both traffic and commercial) buildings, and street lighting standards.

Council's Principal Traffic Engineer has reviewed the application and considers that the signage would not cause detriment to matters of road safety.

The proposed signage, given the size of the subject site and surroundings properties, and the physical separation provided by State Highway 16 provides clear separation to nearby properties and from other signage that ensures visual clutter through proliferation of signage is avoided.

The size, scale, form and height of the proposed signage is now more in keeping with the character of the locality and will have no more than minor visual effects on the environment.

### **Noise**

The proposed firewood storage and processing operation has the potential to create noise and dust as a result of the activities on site that are greater than those anticipated by the Operative District Plan or that previously consented to. In terms of the latter, the activity was to operate within permitted noise levels.

The proposed activity, namely the building is closer to the boundary with the adjacent site to the rear (west) which brings the firewood sawing part of the building in closer proximity to this property, 162 State Highway 16, Whenuapai. The metallised areas within the site have also been significantly extended all around the building meaning that vehicles, including heavy vehicles and excavators will also be able to operate closer to the northern boundary.

Whilst the application was notified with an infringement to the noise rules, the updated acoustic report has indicated the activity will operate Monday to Friday 7.30 am to 6 pm and Saturday 9 am to 6 pm and that noise at those days and times will be controlled by the 50 dBA L10 standard. On Sunday and Public Holidays, the activity will operate from 9 am to 6 pm, with delivery from the site only and noise at those days and times will be controlled by the 45 dBA L10 standard. On this basis, the proposal would comply with the permitted noise levels for the Countryside Environment and the applicant's acoustic consultant advises that this compliance has been achieved by proposing the following noise attenuation measures:

1. The walls and ceiling of the Wood Processing (Sawing) Room, Sawdust Store and Splitting Room will be lined with 25 mm thick timber, tongued and grooved, with acoustic batts between the wooden lining and the steel outer cladding. It is predicted that this construction, and the new roller door, will provide 25 dBA - 30 dBA noise reductions.
2. The large roller door on the north side of the Sawing Room will be replaced with a wooden sliding door which overlaps the opening by at least 300 mm and closes on rubber seals. Door construction will be two layers of 25 mm thick timber, overlapped in two directions to avoid gaps.
3. The Sawing Room will be made large enough to hold half a day's supply of logs - this will avoid opening and closing the main door frequently. This room will allow access to the Sawdust Store room, which will have concrete tilt slab lower wall sections to avoid damage during load-out of sawdust.
4. The saw will be partly enclosed in a wooden acoustic enclosure or shroud, which will achieve at least 10 dBA reduction 'at source'.
5. The section of the conveyor passing from the Wood Processing Room to the Splitting Room will be enclosed in a wooden surround to limit noise breakout.
6. The Wood Processing Room, Sawdust Store and Splitting Room will be ventilated internally, i.e. into the Wood Storage & Sorting Area.
7. The small roller door on the west side of the building will be deleted, and there will be no openings to the Sawing Room or Sawdust Store on this side. This small roller door was originally intended for loading out sawdust from the Sawdust Store, but that will now be done through the Sawing Room.
8. The Outdoor Storage Area will be moved from the south side of the site to the Northwest corner. This will have the benefit of locating production noise sources in one area, away from residential neighbours.
9. Log stockpiles will be arranged so that noise from unloading and manoeuvring of logs is screened from the residential property to the north of the site.
10. Mounds and fences with a combined height of 2.5m will be erected along the west and north boundaries of the site. Fences will be constructed of solid timber at least 25mm thick, overlaid in a 'board and batten' configuration; with continuous construction, and constructed and maintained without gaps including between the fence and the ground.

11. Metalled yard surfaces will be maintained in good condition, and free of potholes.

A284-A290 The application, including the information above has been reviewed by Council's Acoustic Consultant: Jon Styles of JP Styles Ltd Acoustics and Vibration (attached at pages A284 to A290 Appendix 8). Mr Styles provides the following opinion:

*"it will be possible for the proposal to comply with the relevant noise limits subject to a range of limitations and conditions, with the exception of the use of the excavator for log handling. It is my opinion that there is insufficient separation distance and screening available to enable the noise levels generated by the excavator to fall to compliant levels at the proximate neighbouring properties, even with the attenuation afforded by the proposed screening and layout. I would expect that its use would generally exceed the relevant District Plan noise limit by about 5dB inclusive of the averaging provisions as set out previously.*

*I have prepared a suite of conditions including condition (1) as proposed by the applicant in the recommendations section below. These should only be considered if consent is to be granted and if the applicant can demonstrate that the use of the excavator for log handling can comply with the District Plan noise limits, or otherwise demonstrate that the noise levels will be reasonable.*

*Until compliance can be demonstrated (as above) I consider that compliance with the District Plan noise limits cannot be achieved.*

*With the exception of the log handling, it is my opinion that if the suggested conditions of consent are complied with, the noise levels generated by the proposal will be reasonable and the potential degree of adverse noise effects will be no more than minor."*

It is therefore considered that noise generated by the proposed activity can be adequately attenuated in relation to the activities within the building and the vehicle movements proposed.

At present, it has not been adequately demonstrated that noise generated by the excavator for log handling is within either permitted District Plan limits or is otherwise at a level that will not noticeably detract from the residential (rural) amenities of adjacent properties and lead to a further loss of rural coherence.

**Traffic generation, parking, driver safety, pedestrian safety, roading capacity and roading network, vehicle movements, access and driveway manoeuvring, driveway width & gradient**

The proposal, when compared to that consented to would increase staffing levels from four to seven at any one time. It is noted that the size and scale of the building/metalled area and the scale of administration block could potentially accommodate an even larger workforce on the site and an increased scale of firewood processing and other uses. The application has been submitted on the basis that traffic movements are similar to that consented to.

As such, there will be up to two deliveries of cut trees, around five deliveries of cut firewood to customers and one to two deliveries of garden materials bringing the daily truck traffic to be in the range of 18-20 truck movements.

A265-A268 The proposal has been assessed by Council's Principal Transport Engineer: Sam Shumane (attached at pages A265 to A268 as Appendix 6) who advises that with regard to traffic generation and access, the road controlling authority (NZTA) has reviewed the 2006 and current applications and provided commentary in this regard. Mr Shumane accepts NZTA's recommendations. Mr Shumane also comments that the access point is designed to acceptable standards and has been fully reviewed by NZTA. The level of turning movements is, in his opinion, generally irrelevant as the traffic volumes on State Highway 16 will reduce significantly once the State Highway 16 motorway extension is completed. However, whilst Mr Shumane accepts that given the small number of staff to be employed at the facility the trip generation is low.

With regards to the access point Mr Shumane is satisfied that the conditions recommended by NZTA and discussed in letters to the applicant dated 21 April 2009 and to the City dated 11 September 2009 are appropriate and should be adopted.

Mr Shumane notes that with the completion of the State Highway 16 motorway extension traffic volumes along the site frontage are expected to reduce significantly. The expected trip generation (based on the proposed operation) is unlikely to create disruption to existing or future environment with the adequate access currently provided.

With regard to parking Mr Shumane notes that the proposal includes a supply of 11 spaces in total. Mr Shumane advises that the Parking and Traffic Guidelines requirements for parking are as follows:

- Residential dwellings, two spaces;
- Offices, one space for every 35 m<sup>2</sup> of GFA, proposed 266 m<sup>2</sup> of GFA, required eight spaces;
- Car showroom (considered covered storage in this instance), one space for every 100 m<sup>2</sup> of GFA, proposed 88 m<sup>2</sup>, required 1 space;
- Manufacturing and industrial building, one space for every 50 m<sup>2</sup> of GFA, proposed 1,285 m<sup>2</sup>, required 26 spaces;
- Outdoor storage facility, one space for every 100 m<sup>2</sup> of GFA, proposed 200 m<sup>2</sup>, required two spaces; and
- Total required parking 39 spaces.

The proposal falls significantly short of these parking requirements (by 28 spaces).

On the basis of the number of employees proposed it is considered that the proposed supply of 11 spaces (including two for the existing dwelling) will provide for all staff, residents of the house and two additional spaces for visitors. Therefore if the operation remains as proposed Mr Shumane considers the proposed parking supply adequate.

The proposed parking across the site is considered sufficient to serve the proposed use and is considered appropriate to accommodate expected peak demands for the activity within the site and would not adversely affect the functioning of surrounding roads, or the amenities of nearby properties.

The proposed development would not result in significant traffic volumes or safety issues being generated. The proposal, subject to recommended conditions as specified in NZTA's submission would ensure that the proposal does not adversely affect the free flow of traffic, detract from matters of road safety, nearby amenity, access/egress of adjoining and nearby properties, or the positioning of State Highway 16 in the roading hierarchy.

### **Infrastructural capacity & availability**

As indicated in Section 8.1.3 above, both adequate water supply and wastewater disposal can be achieved. The issue of how the stormwater effects of the proposal in relation to the level of impermeable surfaces proposed will be mitigated and how the stormwater will be disposed of has not at this time been resolved. Stormwater issues will be addressed during the processing of the applicant's stormwater discharge consent currently being considered by the Auckland Regional Council. The proposed development cannot proceed unless this discharge consent application is approved. It is however noted that the ARC have made a submission in opposition to the proposal and have indicated their intention to speak to their submission.

#### **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 Positive Effects**

It is considered that there are some positive effects associated with this non-residential activity.

As indicated by a number of submitters in support of the proposal this activity provides an employment opportunity in the City for seven people following on from its relocation from its current site in Kumeu. The facility provides a valued delivery service for the provision of firewood throughout part of the Auckland Region and a facility for the reuse of felled trees.

#### **8.1.14 Summary**

The subject site, as expressly provided for by LUC 2006-0922 has the ability to establish a non-residential activity (firewood processing and storage facility). This activity was of a prescribed size and scale. As such, the proposed use can be lawfully established without the further need for resource consent. Whilst the use has been accepted, this proposal is of a larger size and scale that is noticeably greater than that consented to, and as a consequence, adverse effects have notably increased. The proposed activity is considered to be of a significant departure from LUC 2006-0922.

The proposed buildings, hardstanding, fencing and earth bunds would be incompatible with both the existing and receiving landscape character. Specifically, the present interplay of open space and views would be lost as the built element is too expansive and would not be compatible with the scale and appearance of buildings and/or activities in the wider environment.

The proposed activity would fragment the rural and neighbourhood character, and result in incremental urban growth. The present interplay of open space and views, including that consented to by LUC 2006-0922 would be lost. The proposed buildings and structures are of a form, height and scale that physically dominate surrounding sites and the wider landscape. This results in a loss in overall cohesiveness of this area, and leads to the fragmentation of the rural character and amenity of the area.

It is acknowledged given its location on a Strategic Arterial Road, the absence of such a facility within Waitakere City and the potential employment opportunities are all arguments in its favour of the facility. Such effects do not offset the adverse effects described above.

Such effects will result in a loss of rural coherence in an area where rural character is under pressure and the perception that the character of the neighbourhood is changing and in decline. All of the above matters have been raised in the submissions received.

It is also noted that the application documentation has not at present demonstrated that adjacent residential (rural) amenities will not be undermined in terms of loss of light and shading (from the proposed fencing) and that noise generated by the activity will be at appropriate levels.

The capacity of State Highway 16 is considered adequate to cope with the traffic volumes proposed. This aspect of the proposal is considered; subject to NZTA recommended conditions to have a less than minor impact on the environment.

In summary, it is considered that the size, scale, height and intensity of the proposed non-residential activity will create more than minor adverse effects. Such adverse effects are not adequately avoided, remedied or mitigated, nor offset by the positive effects associated with the proposed activity.

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

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

Comments are provided below in relation to the relevant provisions under the headings which they appear in Part 5 of the District Plan.

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 relevant assessment criteria relating to aspects of the development for which consent is required are identified and commented on below.

### **Managing City Growth**

#### **Objective 0**

**To manage growth in such a way that will ensure the City develops and redevelops to achieve a sustainable compact urban form in a manner that appropriately manages adverse cumulative effects and reverse sensitivity issues. Growth should be focused in and around town centres and transport high density corridors, well integrated, with high amenity values and providing appropriately for additional population, employment, community and business services, by managing the location, density, scale, form, character, timing and sequencing of urban and rural growth. In order to achieve sustainable urban consolidation, urban growth and development should be directed to areas inside the Metropolitan Urban Limit and managed in a manner that protects significant environmental values.**

**Comment:** Council has a strategic policy of directing growth into its three primary town centres as identified in the Auckland Regional Growth Strategy - New Lynn, Henderson and Westgate/Massey North. In these town centres residential development will be in the form of medium to high density with a high level of local amenity and easy access to local facilities. Additional compact urban development will also be necessary in neighbourhood centres, in the new development areas in the north of the City, and along key transport corridors to ensure that urban intensification is occurring in locations that support public transport. It follows that development outside the metropolitan urban limits needs to be very carefully managed, not only to ensure the achievement of urban consolidation strategies, but also to protect the qualities of rural areas, such as natural features (including vegetation, streams and soils), landscapes, rural character and the efficient provision of infrastructure. While some growth will occur in rural areas, this will be more to provide for rurally-based activities and, to a limited extent, appropriate living choices, rather than to accommodate the bulk of the City's growth.

As indicated in Section 5 of this report the proposed development is located just outside of the Metropolitan Urban limit and located within a rural landscape (albeit modified). The development is not classified as a rural activity as defined within the District Plan. As such, any non-residential activity needs to be of size and scale that sit comfortably within the rural landscape. It is acknowledged that the firewood processing and storage facility has received consent (and can be given effect to). However, the current application is for a considerably larger scale development and more intensive use of the site. This larger scale development has been assessed in Section 8 of this report as being of an industrial scale and character by virtue of the size of the building and the extent of impermeable surfaces to the extent that it does not protect rural character or landscape of this rural area. The proposal is not considered to be consistent with the above objective.

### **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 public 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 intensive medium density housing within and adjacent to central locations, and housing at higher than traditional densities in any new urban growth areas. Provision should also be made for the integration into all new growth areas of employment activity and mixed-use development.**

#### **Policy 1.7**

**Activities should be managed in a way that encourages the absorption of rainfall and surface water runoff on-site, avoids the creation or exacerbation of stormwater flooding problems off-site and minimises the runoff of surface water into stream catchments and waterways.**

#### **Policy 1.8**

**Activities, including the management of forestry and woodlots should be carried out in a way that avoids, remedies or mitigates, so minimising, the movement of soils and sediment and other contaminants into receiving waters, and the degradation of water quality in a way that destroys or reduces their:**

- **ability to support instream vegetation and fauna;**
- **ability to be used as a food source; and**
- **clarity, quality, flow, and suitability for swimming.**

### 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 1.18

**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**

### General Natural Area Impermeable Surfaces: Assessment Criteria 4 (a) - 4(k)

**Comment:** Stormwater is frequently contaminated with pollutants washed off roads and other impermeable surfaces. Their discharge untreated into waterways, poses a major threat to water quality and any ecological values associated with the watercourse. The increased extent of building and hard surfacing proposed as part of this retrospective application has led to an increased level of impervious surfaces on this site such that stormwater discharge consent is required from the ARC.

The applicant has submitted this application to the ARC who advise that processing of the stormwater consent for this site has yet to be completed. It is therefore considered that it has not been adequately demonstrated that this issue has been addressed to date. This aspect of the development will be addressed by the ARC as part of the discharge consent application. It is noted that the development cannot proceed without ARC consent.

The proposal cannot at this time be considered to be consistent with the Objectives and Policies referred to above.

Effects on Land (including soils)

### Policy 3.2

**Activities involving the disturbance of soil or rock and exposure of soils should be carried out in a way that avoids, or where unavoidable, remedies or mitigates any adverse effects on the surrounding topsoil and soil structure.**

### Policy 3.6

**The use and development (including settlement patterns and subdivision) of the City's higher quality soils resource shall be sustainably managed to ensure that the soil's intrinsic qualities, including productivity and versatility are maintained as far as practical.**

### General Natural Area Earthworks Assessment Criteria 3(a) - 3(s)

**Comment:** The loss and runoff of topsoil's and silts from sites due to site development and earthworks are an issue in the Auckland Region. As indicated in Section 8.1.5 there have been significant unauthorised earthworks carried out. It is estimated that approximately 7,000m<sup>2</sup> with a volume of 1540m<sup>3</sup> have been carried out with further earthworks proposed to complete the bunding around the perimeter bringing the total amount of earthworks to 2000m<sup>3</sup>.

As the earthworks are largely retrospective it is not possible to assess the effects of sediment loss upon the environment.

In order to avoid any on-going or future adverse effects, the imposition of conditions requiring the provision of adequate sediment and erosion controls are able to be imposed to ensure that the effects of the remaining earthworks will be adequately contained within the site.

With regard to the sustainable management of the higher quality soils (as referred to in Policy 3.6) it is noted that the site has been identified in the document 'Waitakere City Council Reclassification of Special Soils' by Dr Richard Chapman (August 2001) as having LUC Class II soils with these being considered to be prime soils in terms of the Resource Management Act.

It is considered that the proposal does not result in the sustainable management of these higher quality soils nor does it allow the productivity and versatility to be maintained as the site has been significantly earthworked and subsequently covered in impermeable surfaces. As indicated in section 8.1.5 it is also considered that both the small size of the site and LUC 2006-0922 that the subject site has limited potential for cultivation. The proposal is not consistent with Policy 3.6.

#### **Effects on Amenities**

##### **Objective 4**

**To manage the effects of land use on the environment and, in particular, to maintain air quality, including contributing to the maintenance of the atmosphere at a local, national and global level.**

**Non-residential Activities Assessment criteria 7(a) – 7(f)**

**Noise Assessment Criteria 9(a) – 9(e)**

**Signs Assessment Criteria 11(a) - 11(d)**

**Building coverage Assessment Criteria 6(a) – 6 (c)**

**Outdoor storage Assessment Criteria 5(a) - 5(b)**

**Building Height 4(a) - 4 (d)**

**Comment:** Concerns have been expressed by submitters (Herald Island Residents and Ratepayers Association and Soon Hee Jeony) about the effects of air discharges; namely dust generated by the operation. Earthworks and sawdust are also capable of generating dust. The majority of earthworks have already been carried out, and the application indicates that *'efforts will be made to ensure any exposed earth is not dry to an extent that it can become airborne and a nuisance'* in relation to the further earthworks proposed to be undertaken. Any adverse effects can be adequately avoided, remedied or mitigated by the imposition of conditions to ensure any adverse effects are contained within the site.

##### **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 and;
- 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 10.1

**Non-residential activities should be managed in a way that emissions of odour, dust, electro-magnetic, radio frequency radiation and other discharges to air do not cause a nuisance, or otherwise have an adverse effect on the health of occupants of surrounding residential properties. Where a resource consent is required and specific reference is made in the rules and assessment criteria to health and safety matters, an assessment of adverse effects will be required. This will include, where relevant, reference to any appropriate standards or scientific opinion. Where activities cannot be managed in a way that avoids the creation of a nuisance on adjacent sites:**

- they must be located at a sufficient distance from those sites, or within an appropriate Working Environment; or
- appropriate performance measures to minimise emissions should be imposed so that the adverse effects of any emissions are avoided.

#### Policy 10.2

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

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

**Comment:** The objective and policies above are 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.

Noise and nuisance effects could be caused by the operation of the saw and by the movement of vehicles within and in/out of the site. Noise, in terms of both single intensive noise sources and background or ambient noise sources has been identified by residents as one of the most significant concerns that affect health. Noise levels can contribute to stress, which can become a significant factor that affects people's health.

As expressed in Section 8.1.11, the proposed activity will comply with Rule 9.1 Countryside Environment (based in-part on the installation of an acoustic fence) with the exception of the use of the excavator in light of separation distances and absence of screening.

Notwithstanding the excavator, the noise generated by the activity would meet the intent of the objectives and policies described above in terms that it will detract from the ability of the residential occupants of neighbouring buildings to achieve uninterrupted and adequate levels of sleep, and enjoy an acceptable level of quiet and freedom from nuisance created by noise. Any adverse effects, are no greater than that permitted by the Plan.

The absence of certainty in the application documentation, however, in terms of the effects associated with the use of the excavator means that it cannot be positively concluded that all noise generated by the activity is consistent with the objectives and policies and that the proposed activity will not noticeably detract from the residential (rural) amenities of adjacent properties or lead to a further loss of rural coherence.

#### **Policy 10.5**

**Structures shall be placed to ensure that adequate levels of daylight reach any habitable rooms on-site, and allow adequate levels of sunlight and daylight to reach adjacent properties throughout the year. In town centres, taller buildings mean that access to sunlight is less certain. A minimum outlook space unobstructed by buildings or structures needs to be provided to ensure that access to daylight and air to the dwelling is maintained.**

**Comment:** It is considered that although the proposed building will exceed the permitted height of 8m it will be a sufficient distance from neighbouring boundaries such that it will not shade or block sun from neighbouring properties. The proposed building is therefore considered to be consistent with policy 10.5.

The documentation at present, has not demonstrated that proposed acoustic fencing will not result in loss of light or overshadowing in light of its reduced setback from the boundary. It is therefore not possible to confidently conclude that the proposed activity is consistent with Policy 10.5.

#### **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 non-residential activity that is considered to form part of the established 'visual' character of the area is that detailed in the 2006 consent and more fully described in Section 3.0 above.

In terms of physical buildings/ structures and other objects, the physical presence of 1112.5m<sup>2</sup> of additional building that will be 0.8m higher than previously consented to is considered for the reasons set out in Section 8.1.11 above to have a more than minor effect upon the visual amenities of the area and adjacent residential properties.

The larger building and metalled areas over a significantly greater area has had the effect of enabling further intensification of the non-residential activity within the subject site. This will be evident from public vantage points including from State Highway 16 and also from surrounding properties. While mitigation planting is proposed it is considered that this planting will only reduce the adverse effects and will not fully mitigate, or avoid them.

This aspect will bring the non-residential use of the site closer to adjacent residential properties and further erode the prevailing character of the area, and increase the potential for those tangible adverse effects described elsewhere.

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

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

### Policy 10.8

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

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

### Policy 10.11

Activities should provide for:

- the on-site parking and loading of motor vehicles; 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 Roading Hierarchy, is not adversely affected;

### Policy 10.14

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

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

**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.

Council's Principal Engineer: Mr Shumane has reviewed the application and concluded that the access point is designed to acceptable standards and has been fully reviewed by NZTA. He has also concluded that the effects of turning movements on the current and future environments are minimal and that the proposed parking supply meets the expected proposed demand. Mr Shumane concurs with the views of NZTA, the current road controlling authority with regard to their recommended conditions.

#### **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:** Policy 11.12 recognises that increased traffic movements can have a direct impact on the amenity values on an area through increased noise, fumes and vibration, and on the safety of road users. The proposed development would not result in significant traffic volumes or safety issues being generated. The proposal, subject to recommended conditions as specified in NZTA's submission would ensure that the proposal does not adversely affect the free flow of traffic, detract from matters of road safety, nearby amenity, access/egress of adjoining and nearby properties, or the positioning of State Highway 16 in the roading hierarchy.

On this basis it is considered that the proposal would not be contrary to these relevant policies.

#### **Visual Amenities and Landscape Character**

**Non-residential Activities Assessment Criteria 7(a) - 7(f)**  
**Noise (non-residential activities) Assessment Criteria 9(a) - 9(e)**  
**Signs Assessment Criteria 11(a) - 11(d)**  
**Building Coverage Assessment Criteria 6(a) - 6 (c)**  
**Outdoor Storage Assessment Criteria 5(a) - 5(b)**  
**Building Height 4(a) - 4 (d)**

#### **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 11.3

Buildings and structures shall be located so that they maintain the neighbourhood character, visual amenity of the surrounding area and the characteristic streetscape of the area, including providing for:

- the overlooking of streets by buildings;
- maintaining characteristic links between private and public space arising from the orientation of buildings, houses and the way they face the street;
- the setback of buildings from the road boundary where appropriate;
- planting of section frontages;
- the requirement that buildings be constructed according to a street frontage typology where such streets have been identified within the plan; and
- in a way that gives particular regard to variations in amenity values, and neighbourhood character.

### Policy 11.8

Structures, (except within the Working and Community Environments and specific intensive Living Environments) Living 5 and Living 6, should shall be of a form, height and scale which avoids physical domination of surrounding sites and buildings, which does not adversely affect the landscape character and other amenity values of these areas, and which minimises encroachment on views. In particular, relocated housing must be of a scale, form and finished quality, and located so as to maintain and enhance surrounding amenity values and neighbourhood character.

### Policy 11.10

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

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

### Policy 11.18

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

### Policy 11.30

Non-residential activities in the non-urban areas of the city should be of a type, scale and intensity that will not, on an individual or cumulative basis, lead to adverse effect on the maintenance and enhancement of rural landscape and amenity values. In particular non-residential activities that may be more appropriately located in the urban area and which generate a significant number of trips from the urban area and/or cause other non residential activities to group around them thereby leading to incremental urban growth should avoid locating in non-urban area.

**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 Resource Management Act.

The policies and objectives are concerned with protecting those aspects of the environment that are particularly valued by the community and recognising the varying character of each part of the City.

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 Countryside Environment is acknowledged as neither an Outstanding nor Significant Landscape. However, they remain valued, with the key issue within these areas is to identify elements and characteristics that contribute to the amenity value of the area to which the community wishes to see protected.

A number of the submissions received commented on the impact that the increased intensity wood processing activity would have on the character of the area and the inappropriateness of such intensification on the subject site and the neighbourhood.

It is acknowledged that the Countryside Environment anticipates the operation of non-residential activities. In general these are home occupations where the activity is subsidiary to the residential use of the site, involving no more than five persons, and is carried out within an existing building. The Countryside Environment also anticipates appropriate rural activities such as the use of land or existing buildings for the purpose of commercial agriculture, horticulture or pastoral farming (but not intensive livestock farming, woodlots or forestry). The type of non-residential activities anticipated by the District Plan would sit comfortably within a Countryside Environment and would be in keeping with the rural character of that area. In this regard, the proposed activity being a firewood processing and storage facility has been consented to. This, however, was a prescribed size and scale. This proposal, as discussed earlier, is a significant departure from LUC 2006-0922

The proposal would not be consistent with the form and scale of buildings / structures in the locality with the receiving landscape unable to accommodate this form of development without adversely affecting its prevailing characteristics. The present interplay of open space and views framed by buildings would be lost, with the built element extensive and would not be compatible with the scale and appearance of buildings in the wider landscape. The buildings/ structures that extend across the entire site introduce urbanising elements that would intrude and fragment the neighbourhood character of the surrounding area.

This is considered to lead, on an individual and cumulative basis, to both pressure for urban expansion, and the fragmentation of rural character and amenity.

The proposal introduces buildings and structures that are of a form, height and scale which physical dominates surrounding sites and buildings, which in turn adversely affect the landscape character and other amenity values of these areas, and which encroaches upon views currently enjoyed. Whilst mitigation is provided, this to mitigate those urban elements that are in keeping with the underlying rural character.

The receiving environment is not able to accommodate development of this form without detriment to its landscape character.

The proposal by introducing urban elements would result in incremental urban growth not currently anticipated by the District Plan or reflected in its policies and objectives.

As already discussed in Section 8.1 the proposed increased intensity of use of this site and the significant increase in the size and scale of the building and impermeable areas is considered to create both individual and cumulative adverse effects on the amenity values of the locality. The proposal is considered to be a non-residential activity that is of a scale and intensity that will, on an individual or cumulative basis, lead to adverse effects on the maintenance and enhancement of rural landscape and amenity values.

### **Policy 11.11**

**Signs should be designed so that they do not intrude visually on to the amenity of the surrounding area or detract from surrounding neighbourhood character, and the safety of vehicles and pedestrians on any adjacent roads and state highways. Because of their potential to offend and adversely affect the neighbourhood character and amenity value of the City's residential environments, signage associated with commercial sex activities and small brothels that are home occupations are prohibited in the residential Human Environments of the City.**

**Comment:** The amount of signage included within this proposal has been reduced in scale from that which was originally included within this application. It is now considered to be of an appropriate scale that would not adversely affect neighbourhood amenity and is therefore consistent with neighbourhood character. The proposal is therefore considered to be consistent with policy 11.11.

### **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 following policies of the ARPS are considered relevant:

#### **Policy 2.3.3**

**Rural resources enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety. However the effects of some activities on the environment of rural areas including cumulative effects can be significantly adverse.**

#### **2.5.1 Strategic Objectives**

- 1. To ensure that provision is made to accommodate the Region's growth in a manner which gives effect to the purposes and principles of the Resource Management Act, and is consistent with these Strategic objectives and with the provisions of this ARPS.**

2. To maintain and enhance the overall quality of the environment of metropolitan Auckland, including its unique maritime setting, volcanic features, cultural heritage values, and public open space.
3. To protect the soil resources, amenity values, rural character, landscape values, and mineral resources of rural areas, from the regionally significant effects of inappropriate subdivision, use or development.
5. To protect the intrinsic values of the Region's natural resource base, and to make appropriate provision for the avoidance, remediation or mitigation of adverse effects on the Region's environment, including the identification of significant natural features and landscapes, and areas of significant indigenous vegetation and habitat, and protection of these from inappropriate subdivision use and development.
6. To promote transport efficiency, and to encourage the efficient use of natural and physical resources, including urban land, infrastructure, and energy resources.
7. To manage the Region's natural and physical resources in integrated manner.

#### **2.5.2 Strategic Policies**

1. The use, development and protection of natural and physical resources in the Region is to be managed so that the Region's growth is accommodated in a manner and in locations which are consistent with the Strategic Objectives and which promote the sustainable management of those resources.
2. Where significant degradation of water, air, ecosystems and land has occurred it is to be remedied or its adverse effects mitigated.
3. Urban development is to be contained, within the metropolitan urban limits shown on Map Series I and the limits of rural and coastal settlements as defined so that:
  - i. expansion of urban activities outside the metropolitan urban limits as defined and shown in the ARPS from time to time is not permitted;
  - ii. environmental values protected by the metropolitan urban limits and/or the limits of rural or coastal settlements are not adversely affected, and that the integrity of those limits is maintained;
  - iii. urban intensification at selected locations is provided for and encouraged. Selection of these places will take into account, amongst other things, any significant adverse effects which arise from the interaction with any regionally significant infrastructure and other significant physical resources;
  - iv. expansion of rural and coastal settlements outside the limits of existing urban zones and settlements (at the time of notification of the ARPS or as shown or provided for in the ARPS) is not permitted; and
  - v. the identification and provision of areas for future urban growth are managed through an integrated process on a regional basis and are consistent with the Strategic Direction.

4. Countryside living is to be subject to constraints as to location, scale and extent so as to avoid remedy or mitigate adverse effects.
5. The subdivision, use and development of rural land is to be managed so that:
  - i. the life supporting capacity of rural soils is safeguarded so far as is practical;
  - ii. it the ability of rural resources to meet the needs of future generations is maintained;
  - iii. future options to accommodate urban development are not prematurely foreclosed or compromised; and
  - iv. significant adverse effects on the environment, including effects on the rural character of rural areas and on regionally significant environmental values, are avoided; and where avoidance is not practicable, adverse effects are remedied or mitigated.
6. Provision is to be made to enable the safe and efficient operation of existing regional infrastructure which is necessary for the social, and economic wellbeing of the region's people, and for the development of regional infrastructure (including transport and energy facilities and services) in a manner which is consistent with this strategic direction and which avoids, remedies or mitigates any adverse effects of those activities on the environment.
7. The use, development and protection of the Region's natural and physical resources is to be managed in an integrated manner, so that adverse effects, including significant cumulative adverse effects, that range across resources or cross jurisdictional boundaries are avoided, remedied or mitigated.
8. Resource management processes in the region are to be carried out in ways which ensure that affected parties are consulted at an early stage, and in particular tangata whenua involvement as kaitiaki of the Region's natural resources is to be facilitated.

#### 2.6.4 Policy - Rural Areas

1. The use, development and protection of natural and physical resources and the subdivision of land in the rural parts of the Region (except as provided by Policy 2.6.1-3) is to be managed in an integrated manner, that:
  - gives effect to Part II of the RM Act;
  - is consistent with the Strategic Direction and with the relevant provisions of Chapters 3 to 18 inclusive of this ARPS ;
  - takes account of and makes appropriate provision for the following matters:
    - (i) The avoidance of significant adverse effects (including cumulative adverse effects) on:
      - (a) the environmental values protected by defined limits to metropolitan Auckland and defined limits to rural or coastal settlements;
      - (b) the safe and efficient operation of existing regional infrastructure;

- (c) the necessary upgrading of existing regional infrastructure;
- (d) the provision of new regional infrastructure; and
- (e) the rural character of the region.

Where significant adverse effects cannot be avoided they shall be remedied or mitigated.

- (ii) Avoiding prematurely foreclosing or compromising options for accommodating the further growth and development of urban areas;
  - (iii) Significant adverse effects on the regional roading network are avoided, remedied or mitigated;
  - (iv) Avoidance of the creation of conflicts between quarrying (and similar activities dependent on locationally specific natural resources) and other incompatible activities;
  - (v) Avoidance of conflicts between incompatible activities. Where such conflicts cannot be avoided they shall be remedied or mitigated;
  - (vi) Management of the use of rural land with regard to the availability and sustainability of water resources;
  - (vii) Minimising the loss of versatility and productive potential of soil resources. Where it is necessary for the better achievement of the purposes of the RM Act to compromise the versatility and/or productivity of the soil resource, the greatest protection shall be given to the most versatile soils;
  - (viii) Consideration of alternative locations (including locations in urban areas) for activities which give rise to significant adverse effects on the environment; and
  - (ix) Environmental enhancement and or remediation opportunities.
2. In rural areas provision shall be made for marae, papakainga and customary uses of ancestral taonga in accordance with Policy 3.4.4, and with regard to the matters set out in Policy 2.6.4-1.

**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 located outside the MUL and a submission was received by the ARC in opposition to the proposal. This proposal is not a rural activity and is located outside of the MUL. It is considered that the proposal, due to its urban industrial scale and appearance, will not be consistent with the above mentioned policies of the ARPS. The activity is considered to predominantly serve the urban population and is not reliant on a rural location, nor is it dependant on or related to material produced on the site. As such this activity is flexible with regard to its location and would be more appropriately located on urban zoned land. Submissions in opposition have noted that the MUL and Massey North Special Area lie within 200m of the subject site and provides for the location of non- residential land uses.

The subject site has a Land Use Capacity of Class 2 meaning the soil is both versatile and productive. The development removes this land from production or availability for production, conflicting with Strategic Policy 2.6.4.1(vii): Rural Areas of the ARPS. As discussed in Section 8 above it is considered that the proposal will have a no more than minor adverse effect on the productive use of soils.

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

There are no national policy statements considered relevant in the determination of this application.

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

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

The proposed development would attract a development contribution under Council's Long Term Council Community Plan, as it would increase the impermeable surfaces area and Gross Floor Area of development on the site.

There are no rules within the District Plan that provide for a financial contribution in respect of the proposed development.

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

The purpose and principles of the Resource Management Act 1991 have primacy over all other considerations that are set out in section 104 of the legislation.

It is considered that the proposal would be inconsistent with Sections 5 and 7 of the Resource Management Act 1991.

Section 5 in Part II of the Resource Management Act identifies the purpose of the Resource Management Act as being the sustainable management of natural and physical resources. This means managing the use of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being while sustaining those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment. The development proposed is for a wood processing building/use which will employ seven people and provide a firewood delivery service within the North Shore, Rodney and Waitakere City area. However, the impact upon amenity values, neighbourhood and rural character as a result of the effects generated by the proposed size, scale and intensity of the development are at a level that cannot be avoided, remedied or mitigated to a level appropriate within the environment, and consistent with relevant objectives and policies that seeks to ensure amenity values, rural and neighbourhood character are maintained.

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. In light of the discussion above while taking into account the existing consent for the use of the site it is considered that the scale of the proposed development will detract, rather than maintain and enhance amenity values and rural character.

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

There will be no impacts from the proposal that would relate to the Treaty of Waitangi. Both Te Kawerau A Maki and Ngati Whatua O Orakei Corporate Ltd were notified of the application. Neither iwi has made a submission.

## 10.0 CONCLUSION

The applicant seeks consent to establish and operate a firewood processing and storage facility including the construction of a new building measuring 62.5m by 23.4m with a ridge height of 8.8m. The proposal also includes outdoor storage, signage and an increase in impermeable surfaces. .

The site is zoned Countryside Environment and General Natural Area under the Operative District Plan.

The subject site, as expressly provided for by LUC 2006-0922 has the ability to establish a non-residential activity (firewood processing and storage facility). This activity was of a prescribed size and scale. As such, the proposed use can be lawfully established without the further need for resource consent. Whilst the use has been accepted, this proposal is of a larger size and scale that is noticeably greater than that consented to, and as a consequence, actual and potential effects are noticeably increased.

The proposed activity in terms of its size, scale, height and intensity of the site introduces urban elements (of an industrial scale and character) into whilst not a pristine rural landscape is at odds with both the existing environment, the present zoning of the site, and its position outside of the Metropolitan Urban Limits to the extent ,that it will compromise the landscape character, introduces buildings / structures not compatible with its surroundings, fragments the rural and neighbourhood character, and results in incremental urban growth.

The proposed activity is considered to generate adverse effects that are more than minor in nature. Such adverse effects are not adequately avoided, remedied or mitigated, nor offset by the positive effects associated with the proposed activity.

The proposal would not be consistent with the form and scale of buildings / structures in the locality with the receiving landscape unable to accommodate this form of development without adversely affecting its prevailing characteristics.

This is considered to lead, on an individual and cumulative basis, to both pressure for urban expansion, and the fragmentation of rural character and amenity.

At present, the application has failed to demonstrate that the proposal will not detract from adjacent and nearby residential (rural) amenities in terms of maintaining a acceptable level of quiet and does not result in overshadowing (with the erection of an acoustic fence).

The proposal is considered to be contrary to the Objectives and Policies of the District Plan which seek to protect and enhance the natural and physical environment, while providing for activities that do not adversely affect amenity values and residential character. This proposal is not considered to be in keeping with the prevailing characteristics of the environment, with the increased scale and intensity of the activity unable to be satisfactorily accommodated without causing detriment to amenity values and neighbourhood character that will lead to a loss of rural coherence.

The proposal is also considered to be contrary to the Auckland Regional Policy Statement

It is considered that the issues raised by the submitters **cannot** 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 **does not merit consent** in accordance with Section 104 of the Resource Management Act 1991.

## 11.0 RECOMMENDATION

A. That pursuant to Section 37 of the Resource Management Act 1991, and subject to additional or contrary information being presented at the hearing, the following submissions be accepted:

- Soon Hee Jeong, 6 Hailes Road, Whenuapai;
- Richard Schick - Clearfell Tree Services, 3 Sunny Crescent, Huapai;
- Dave Copeland - Treesafe Ltd, 493 State Highway 16, Kumeu;
- Regan Davies - Orang Otang Tree Trimmers, Mangawhai Heads Road RD2, Kaiwaka; and
- Roy Noel McConnochie and Lois Joan McConnochie, 129 State Highway 16, Whenuapai

As no persons will be prejudiced by the acceptance of these submissions, nor will acceptance result in unreasonable delay.

B. That pursuant to Sections 104, 104B and 113 of the Resource Management Act 1991, and subject to additional or contrary information being presented at the hearing, consent be **declined** to the application by Kane Holdings Ltd to establish **and** operate a firewood processing and storage facility at 164 State Highway 16, Whenuapai being Lot 1 DP 65781 for the following reasons:

- (i) The subject site, as expressly provided for by LUC 2006-0922 has the ability to establish a non-residential activity (firewood processing and storage facility). This activity was of a prescribed size and scale. As such, the proposed use can be lawfully established without the further need for resource consent. Whilst the use has been accepted, this proposal is of a larger size and scale that is a significant departure from that consented to, and as a consequence, actual and potential effects are noticeably increased.
- (ii) The proposed activity would not be consistent with the form and scale of buildings / structures in the locality with the receiving landscape unable to accommodate this form of development without adversely affecting its prevailing characteristics. The buildings/ features extend across the entire site introduces urban elements (of an industrial scale and character) that would both intrude and fragment the rural character of the surrounding area and will lead to a reduction in amenity values.
- (iii) The proposed activity is considered to lead, on an individual and cumulative basis, to both pressure for urban expansion, and the further fragmentation of rural character and amenity.
- (iv) At present, the application has failed to demonstrate that the proposal will not detract from adjacent and nearby residential (rural) amenities in terms of maintaining a acceptable level of quiet and does not result in overshadowing (with the erection of an acoustic fence).
- (v) The proposed activity is considered to generate adverse effects that are more than minor in nature. Such adverse effects are not adequately avoided, remedied or mitigated, nor offset by the positive effects associated with the proposed activity.

- (iv) The proposed activity would be contrary to the strategic objectives and policies of the Auckland Regional Policy Statement
- (vii) The proposed activity would be contrary to the Objectives and Policies of the District Plan, and in particular those which seek to protect and enhance the natural and physical environment, while providing for activities that do not adversely affect amenity values, rural and residential character.
- (viii) The relevant provisions of Part II of the Act cannot be satisfied and the development would be inconsistent with the sustainable management principles of Sections 5 and 7 of the Act.

**Report prepared by:** Lisa Cameron - Senior Resource Planner.

