

ASSESSMENT OF NON-NOTIFIED RESOURCE CONSENT APPLICATION UNDER SECTIONS 104 AND 105 OF THE RESOURCE MANAGEMENT ACT 1991

8.0 STATUTORY ASSESSMENT

8.1 As noted, the proposal requires consideration as a discretionary activity under the provisions of the Resource Management Act 1991. In considering the application, the consent authority shall have regard to the matters specified in Section 104. The relevant matters include a consideration of actual and potential effects on the environment, together with an assessment of the extent to which the proposal is consistent with the objectives, policies and rules of the Transitional and Proposed District Plans.

9.0 ENVIRONMENTAL ASSESSMENT

In order to make a decision in terms of Section 105 of the Act it is necessary to undertake an analysis and assessment to determine whether the purpose and principles of the Act are being met (Part II) having regard to the matters set out in Section 104, the Fourth Schedule and any other statutory considerations.

Section 104(1) of the Act requires that the consent authority 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.

9.1 Transitional Plan Weighting

The Act requires consideration of both the Transitional and Proposed District Plans prior to the Proposed Plan becoming operative. As determined by case law the regard to be given to the different plans can be weighed up in relation to what stage in the process of becoming operative a proposed plan is. In this case the Proposed Plan is in the final stages of becoming operative with only some outstanding references.

Any provisions of the Proposed Plan which have been prepared under the auspices of the Resource Management Act, relevant to this proposal have been resolved via the District Plan appeal and submission process. There are no outstanding references affecting this specific site, its zoning, related development controls or type of activity.

As such the weight to be applied to the Proposed Plan should be substantially greater than that applied to the provisions of the Transitional Plan.

9.2 SECTION 104 ASSESSMENT

9.2.1 Actual and Potential Effects on the Environment

The Proposed Plan has been prepared with a clear "effects-based" emphasis. As a result, any consideration of effects arising from a proposal would be covered in the matters set out under the relevant assessment criteria of the Plan. The assessment criteria of the Proposed Plan also covers the issues arising from consideration of the assessment criteria of the Transitional Plan.

The assessment of effects outlined in Section 5.2 of the accompanying Section 94 Assessment and Determination Report concluded that any adverse effects resulting from the building addition and forming of parking spaces on site would be no more than de minimis. In particular, the proposed development would be small in scale and located such that any adverse effects on dominance and visual amenity would be considered to be no more than de minimis. The proposal would not increase the site intensity or parking demand, and the relocation / forming and marking out of the on-site parking spaces will ensure that parking is adequately accommodated on the site. Furthermore, the implementation of the proposed landscape planting and fencing would ensure that the proposal would not detract from the visual amenity and surrounding neighbourhood character.

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In addition the Proposed Plan has been prepared with a clear "effects-based" emphasis. Consideration of the proposed development in relation to each of the Proposed Plan's assessment criteria would ensure that all the relevant matters contained in Section 104 of the Act have been addressed. The assessment criteria of the Proposed Plan also covers the issues arising from consideration of the assessment criteria of the Transitional Plan.

Further, the relevant assessment criterion from the Proposed Plan, together with comments as to whether each criterion can be satisfied are as follows:

a. Earthworks - Limited Discretionary Activity

Earthworks in excess of 100m² are assessed as a limited discretionary activity. With respect to the assessment criteria 3(a)-(q) contained in Rule 3 of the General Natural Area, the following is noted:

As discussed in section 4.2 above, 330m² of topsoil removal (with no more than 50m³ in volume) is proposed for the formation of the additional parking area, located to the front (north) of the basketball/parking area.

The applicant notes (letter prepared by Megan Tyler, dated 18 December 2002) that:

"The scale of earthworks is consistent with the level of development and more particularly, with the size of the site. The scraping can be completed in a day".

As discussed in section 5.2.3 above, it is considered that any adverse noise, dust and visual amenity effects resulting from the proposed earthworks would be no more than de minimis

It is also considered that the adoption of appropriate measure, such as a watering programme and silt fencing would successfully control silt and sediment runoff for the protection of nearby vegetation and water quality, and would mitigate any dust nuisance. It is recommended that appropriate conditions be placed on the consent to ensure that such controls and programmes are adopted and implemented.

In addition, it is noted that there has been an area of excavation of the existing raised grassed terrace at the western end of the building, to accommodate the addition. While this is anticipated for the preparation of the building platform it is considered appropriate that this cut bank is sloped back, or a low retaining wall is constructed in order to better integrate the cut bank with the existing landform. It is recommended that a condition, in respect to the above, be attached to the consent, if granted.

It is therefore concluded that the assessment criteria for earthworks can be satisfied.

b. Non-Residential Activities - Discretionary Activity

Buildings used for non-residential activities that exceed a total of 250m² gross floor area on site are assessed as a discretionary activity. With respect to the assessment criteria 10(a)-(d) contained in Rule 10 of the Non-Residential Activities, the following is noted:

In considering the reason for the proposed building addition and its location on the site, it is noted by the applicant (AEE dated May 2002, and letter prepared by Megan Tyler, dated 11 January 2003) that:

"The additional floor space proposed is necessary to provide a more comfortable and usable space for church staff and youth groups.

The buildings will house the office of the pastor and, significantly, the Administrator. With the administration office no longer located in the main building, the entrance for visitors to the site will be to the Administration office. Accordingly, the church considers that the building cannot be located to the south of the existing building as it would not be visible when entering the site. The church has considered alternatives, but this is the natural location for such a use."

As discussed in Section 5.2.10 above, it is considered that due to the scale, use and location of the proposed building addition, the non-residential use of the site as a church facility will remain compatible with local amenity values and neighbourhood character.

Council's Drainage Engineer Shelley Renkema of EcoWater has reviewed the proposal and has advised that subject to the provision of a stormwater quality treatment system, any adverse stormwater effects would be adequately mitigated. A condition in respect to this is recommended on the consent.

In respect to residential coherence, it is noted by the applicant (letter prepared by Megan Tyler, dated 11 January 2003) that:

"It is considered that the proposed building in conjunction with the existing building does not create adverse effects on the residential coherence of the neighbourhood. The intensity of activity and the height and scale of the buildings are compatible with the residential nature of the area."

This assessment is concurred with, and as noted in Section 5.2.4 above, any adverse noise effects as a result of the use of the new building addition would be no more than de minimis on surrounding residential property owners.

It is therefore concluded that the assessment criteria for non-residential activities can be satisfied.

b. Carparking - Limited Discretionary Activity

Carparking associated with the non-residential activities is assessed as a limited discretionary activity. With respect to the assessment criteria 12(a)-(d) contained in Rule 12 of the Living Environment, the following is noted:

The proposal involves the relocation of 5 parking spaces from the upper parking (that has been replaced with the proposed building addition), the forming and marking out of all of the 60 parking spaces that are located on-site, and the use of the basketball court for both parking and playing basketball (when this parking area is not required).

The proposal requires assessment as the parking associated with the church activity is on a residential zoned site. Assessment is also required as some of the parking spaces are unable to comply with Council's parking and driveway guidelines (table item 2.4), which indicates that for 90 degree parking, with an aisle width of 7.0m, and a parking depth of 4m to a kerb, a 2.5m wide parking bay is required (i.e. 11m in total is for the parking and turning area). In respect to the existing parking spaces in the upper parking area (that are located between the northern boundary and the new addition), it is noted that the distance from the building addition to the edge of the defined parking area is approximately 10.9m. However, it is considered that while the manoeuvring of vehicles in this upper parking area would be tight, the sloping bank to the north would provide some scope for vehicles parking to overhang, allowing more area for on-site turning.

Council's Traffic Engineer, Reg Cuthers has reviewed the proposal and considers that sufficient space is available to accommodate safe vehicle parking and on-site turning.

As discussed in Section 5.2.9 above, the existing intensity on site is to remain within the parameters of the previously approved resource consent, and therefore it is anticipated that the vehicular noise and traffic movements to and from the site will remain the same, such that the proposal would not result in any adverse traffic effects on the local residents, and is not considered to impact on the safe and efficient functioning of the roading network.

With regards to the multi-use of the basketball court for basketball and parking, it is noted that a basketball activity, including the area of paved surface is a permitted activity on the site, and it appears to be a sensible option for the church to utilise parking spaces as a basketball court when the parking is not needed to accommodate church parishioners (i.e. outside of church service hours). As noted in

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Section 5.2.9 above, it is recommended that conditions be placed on the consent, if granted, to ensure that parking spaces are clearly formed, drained and marked out to Council's standards, and signs are installed directing traffic to the parking spaces and identifying to basketball players when the basketball court is not to be used (i.e. during church services).

It is therefore concluded that the assessment criteria for carparking can be satisfied.

9.2.2 Other Matters (Section 104(1(i))

Appeal

An appeal (reference A 52) is identified on Council's Natural Area Planning Maps for the subject site. This appeal relates to the re-zoning of a portion of the site near the centre of the property from General natural Area to Managed Natural Area, and has been settled by Consent Order. As the proposed building and parking addition is located within the development portion of the site, to the north-west, the proposal will not impact on the area of the site that has been re-zoned as Managed Natural Area. No further consideration in respect to this Appeal is therefore required.

There are no other matters relevant to this application.

10.0 POLICIES AND OBJECTIVES

It is considered that the proposed development would be consistent with the objectives and policies of the Proposed Plan. The Proposed Plan is "effects-based" in its approach to natural and physical resources and it has been demonstrated in the previous environmental assessment of effects that subject to conditions any adverse effects arising from the proposal would be no more than de minimis.

Having reviewed the relevant objectives and policies in relation to this proposal it is considered that the small scale of the building addition and its setback from adjoining residential boundaries would ensure that the amenity values and character of the residential environment is not compromised. Proposed sediment control measures would ensure any adverse effects as a result of the proposed earthworks are mitigated.

In addition, the location of the additional parking, aligning the existing basketball / parking area would be sited a sufficient distance from the adjoining residential properties, while the proposed formation and marking out of the parking spaces on site would ensure that visitors to the site are able to effectively identify the on-site parking available, so as to limit parking on Royal Road and ensure the on-going safety and efficiency of the local roading network.

11.0 PART II OF THE ACT- PURPOSE AND PRINCIPLES

Section 5 in Part II of the Act identifies the purpose of the 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.

It is considered that the proposal is consistent with sustainable resource management. In particular this proposal is concerned with the sustainable management of vegetation and land resources in such a way that the communities' social and cultural aspirations are realised whilst the quality of the environment and amenity values of the neighbourhood are maintained. The proposal would allow for the establishment of a building addition for the existing church activity on-site, and the formation of the associated parking areas that would be appropriate within the environment and would be able to establish and operate in such a way that the amenities of the neighbourhood would not be adversely affected.

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

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The proposal would not have any relevance in relation to the Treaty of Waitangi.

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

The potential effects of the proposal on the amenity and character of the area have been discussed in detail in the effects assessment contained in Section 9.2 of this report.

12.0 MONITORING

The proposal would need to be monitored in accordance with the conditions specified in this report, and the requirements contained in the District Plan.

14.0 RECOMMENDED DECISION

Pursuant to Sections 104, 105 and 108 of the Resource Management Act 1991, being satisfied that no body or person is adversely affected, it is recommended that **consent be granted** to the application by Hebron Trust (as more accurately defined in Sections 3 and 4 of this report) at 115 Royal Road, to locate a 86.4m² prefabricated building on a residential zoned site to be used as part of the existing church facilities, with associated parking and earthworks, for the following reasons:

- (i) The proposal has been considered in terms of the relevant assessment criteria and is considered to create no more than de minimis adverse effects on the environment. In particular the proposal includes mitigation measures, including proposed planting and sediment control devices.
- (ii) The non-residential activity is considered to be consistent with the relevant assessment criteria for discretionary activities, and in particular the proposed addition would be small in scale, located a sufficient distance from adjoining residential boundaries, and would replace an existing paved area on the site, so as not to detract from the visual amenity of the rural landscape and neighbourhood character.
- (iii) The number of people on the site is not proposed to increase beyond the previously required maximums, and the parking generation is not anticipated to increase beyond what is currently existing on-site.
- (iv) The proposal would not be contrary to the objectives and policies of the Transitional and Proposed District Plans.

Conditions imposed on the consent are as follows:

1. The development shall proceed in accordance with the plans titled "*Site Plan*" and "*Location Plan*", "*Drainage Site Plan*", "*Existing Floor Plan*", "*Proposed Floor Plan*", "*Elevation One*" and "*Elevation Two*" and "*West Elevation*"; all referenced by Council as RMA 20020869 and the information submitted with the application.
2. That the combined capacity of the church and church hall shall not exceed 300 persons for Sunday church services and 200 persons at any other time.
3. All infrastructure relating to stormwater treatment and disposal, wastewater disposal, and water supply shall be to the satisfaction of Eco-Water. Compliance with the Waitakere City Council Code of Practice for City Infrastructure and Land Development is deemed to be in accordance with this condition.
4. Provide stormwater quality treatment to the proposed carparking areas on site in accordance with the Auckland Regional Council's TP10 '*Stormwater Management Devices Design Guideline Manual*'. Prior to constructing the additional carparking area, provide details and calculations for the stormwater treatment system to EcoWater for approval. Pay any engineering approval, works supervision and inspection fees as incurred. These will be charged at Council's advertised schedule of fees.

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5. All reticulated services, including power and telephone, shall be provided underground.
6. Before commencement of any works, adequate sediment and erosion control measures shall be constructed and maintained in accordance with Appendix 3, Erosion and Sediment Control Measures Appendix to the Natural Area Rules of the Waitakere City Council Proposed District Plan.
7. All necessary action shall be taken to prevent a dust nuisance to neighbouring properties to the satisfaction of the Manager Resource Consents.
8. All earthworks and fill from earthworks shall be kept outside the dripline of the large oak tree. A protective fence shall be erected around the site's feature oak tree prior to the commencement of any work on the site and shall remain in place until the completion of all works on site.
9. No building, excavation or depositing of materials is permitted within the dripline of any tree protected by the District Plan.
10. Footpaths, berms and kerbs shall be protected from damage by crossing or parking vehicles to the satisfaction of the Manager Resource Consents. Any damage which is attributed to the earthworks operation shall be rectified at the cost of the consent holder.
11. All excess excavated material shall be removed from the site immediately following the completion of earthworks and disposed of to the satisfaction of the Manager Resource Consents.
12. The cut area of the bank at the western end of the building platform shall be sloped back, or a low retaining wall shall be constructed, to the satisfaction of the Manager Resource Consents. This condition is required to ensure that the cut bank is integrated with the existing landform.
13. Prior to the occupation of the building addition, or within 3 months of the granting of consent, all parking areas shall be formed and finished in an all-weather surface and marked out to the satisfaction of the Manager Resource Consents.
14. Prior to the occupation of the building addition, or within 3 months of the granting of consent, all parking spaces on the basketball court (identified on the approved "Site Plan", referred to in Condition 1) shall be marked out to the satisfaction of the Manager Resource Consents.
15. Within 3 months of the granting of this resource consent, signage shall be placed in appropriate locations to direct traffic to the parking spaces on site (including the parking spaces marked out on the basketball court), to the satisfaction of the Manager Resource Consents.
16. Within 3 months of the granting of this resource consent, signage shall be placed in appropriate locations identifying to basketball players when the basketball court is not to be used (i.e. during church services), to the satisfaction of the Manager Resource Consents.
17. The consent holder shall ensure that landscaping is provided with plants at 1 metre spacings along the north boundary (grade Pb12), using species selected from the following list: (exotic) Camellia sasanqua, or (native) Coprosma lucida, Pseudopanax purpureus, Geniostoma rupestre, Griselinia lucida, Olearia albida, Olearia furfuracea. This landscaping shall be implemented within the first planting season following the commencement of the activity within the building addition on site. The landscaping shall be maintained and irrigated thereafter.
18. All planting shall be maintained for a period of no less than two years, during which time any plants which do not thrive will be replaced and maintained to the satisfaction of the Manager Resource Consents.
19. Within 6 months of the granting of consent, the consent holder shall ensure that a new fence is erected to 1.6 metres in height (or screen planting, to the satisfaction of the Manager Resource Consents) along the boundary the subject site adjoining the properties at 109 and 111 Royal Road.
20. A consent compliance monitoring fee of \$280.00 (inclusive of G.S.T.) shall be paid to the Council. This fee is to recover the actual and reasonable costs incurred ensuring compliance

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with the conditions of this consent. If, on inspection all conditions have not been satisfactorily met, a reinspection shall be required at a further cost of \$75.00 per hour (inclusive of G.S.T).

The \$185.00 fee shall be paid as part of the resource consent and the resource consent holder shall be advised of any further monitoring fees if they are required.

Reporting Planner: *Perrett*
(Rebecca Perrett - Harrison Grierson Consultants Ltd)

Date: *5 February 2003*

14.0 CONSENT GRANTED AS RECOMMENDED

B. Hawkins
Bruce Hawkins / Bronwyn Allerby
Team Leader Consents
RMA 20020864

Date: *18/02/2003*

**Graeme McCarrison
Manager, Resource Consents**

Please contact Council (Ph 839 0400) if you have any queries about this resource consent and associated report.

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19/02/2003

Miss Anne James
109 Royal Road
Massey
Waitakere City

Dear Miss James

Re: Application for Relocated Addition to Hebron Trust / Massey Community Church Building at 115 Royal Road Massey ref RMA 20020869

Further to telephone discussion of 19th February 03 with Miss Anne James in which she requested a copy of the report on this resource consent application and of the report to the Community Board on this application.

With regard to the resource consent application report this will be released once a copy of the report has been released to the applicant. Once the applicant has received a copy of the application we will be able to send a copy of the report to residents at 107 (M & R Rankin), 109 (A James) , 111 (S Howley), 133 (A Kennedy) all who have expressed an interest in the application in correspondence with Council on previous occasions.

With regard to the report to the Community Board this is currently under preparation and won't be available to the public until the Community Board Agenda has been published.

However Council is aware of local resident concerns and should you wish to meet with Graeme McCarrison Manager Resource consents to discuss this issue he is available to meet with you.

Yours faithfully



Bruce Hawkins
TEAM LEADER RESOURCE CONSENTS.

FAXED