

**AGENDA FOR A MEETING OF THE HEARINGS COMMITTEE TO BE HELD IN THE
CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,
ON TUESDAY, 18 APRIL 2006, COMMENCING AT 9.30 AM.**

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1 APOLOGIES



2 URGENT BUSINESS

Section 46A(7) of the Local Government Official Information and Meetings Act 1987 provides that where an item of business is not on the agenda, it may only be dealt with at the meeting if:

- (i) the Committee by resolution so decides; and
- (ii) the Chairperson has explained at the beginning of the meeting (when open to the public) that the item will be raised for discussion and decision, why the item is not on the agenda, and why it cannot be delayed until a subsequent meeting.

The Committee may make a decision on a matter determined to be urgent.

NOTE: Urgent Business need not be dealt with now and may be delayed until later in the meeting.



3 CONFIRMATION OF MINUTES

Meeting Minutes - Thursday, 10 November 2005
Reconvened Minutes - Thursday, 15 December 2005
Extraordinary Minutes - Monday, 19 December 2005

RECOMMENDATION

That the minutes of the Meeting of the Hearings Committee held on Thursday, 10 November 2005 and Reconvened on Thursday, 15 December 2005 and the Meeting held on Monday, 19 December 2005, as circulated, be taken as read and now be confirmed.



4 **NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991 BY ONGOING ENTERPRISES LIMITED TO ESTABLISH AND OPERATE A MEDICAL CENTRE CONTAINING SEVEN SEPARATE HEALTHCARE TENANCIES AND ASSOCIATED RETAIL AT 382-384 TE ATATU ROAD & 9 KARAMU STREET, TE ATATU PENINSULA**

HENDERSON WARD

RMA 20052041

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

Planner:	Jade Hunt
Site Address: Peninsular	382-384 Te Atatu Road, 9 Karamu Street, Te Atatu
Applicant:	Ongoing Enterprises Limited
Date Received:	17 November 2005
Building Consent No:	Not yet lodged
Legal Description:	Lot 108 DP 42624 Lot 109 DP 42624 Lot 110 DP 42624 Lot 2 DP 211131
Address for Service:	Ongoing Enterprises Limited C/- Davis Ogilvie & Partners Limited PO Box 21 738 Henderson Waitakere City Attention: Claudine Osborne
Site Area:	1082m ²
District Plan:	
Human Environment:	Living
Natural Area:	General
Landscape Elements:	None
Hazards:	None known
Roading Hierarchy:	District Arterial
Further Information Required:	Yes. Landscaping & Consultation Auckland Regional Council Discharge Consent No. 31806
Date Requested:	7 December 2005
Date Received:	14 December 2005 2 March 2006

1.0 INTRODUCTION AND RECOMMENDATION

1.1 Nature of the Application

The applicant seeks consent to establish and operate a medical centre containing seven separate healthcare tenancies and associated retail, being a non-residential activity within the Living Environment with infringements to traffic, car parking, building coverage, building location, signs, vegetation alteration, earthworks and impermeable surface rules of the District Plan.

1.2 Resource Management Issues Raised

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

The environmental effects of this proposed development are primarily related to amenity values, neighbourhood character and the use of the facility, being a non-residential activity within a residential zone. Consideration must therefore be given to associated visual amenity and neighbourhood character, bulk and location, landscape treatment, cumulative effects and traffic generation.

Consideration must also be given to the scale, intensity and character of the proposed development in regard to the surrounding environment and the Objectives and Policies of the District Plan.

1.3 Planner's Recommendation

The planner who has prepared this report recommends that, subject to any contrary or additional evidence submitted at the Hearing, **consent be granted** to the application for the establishment and operation a medical centre containing seven separate healthcare tenancies and associated retail. It is considered that the environmental effects that may be generated by the activity would be minor or could be adequately avoided, remedied or mitigated by the imposition of conditions, and that the relevant objectives and policies of the District Plan will be satisfied.

LOCATION PLAN



Figure 1: General Location Plan - As shown on colour ortho-photograph March 2000.

Legal Description: Lot 108, 109, 110 DP 42624, Lot 2 DP 211131

Human Environments: Living

Natural Areas: General

Landscape Elements: None

Documents considered for this report include the application documentation and the site visit checklist completed on 25/11/05. The application documentation included a Construction & Earthworks Management Plan, Arboricultural Assessment Report prepared by ArborLab, dated 17 October 2005, Acoustic Assessment prepared by Hegley Acoustics Consultants, dated November 2005, Traffic Impact Report prepared by TEAM dated October 2005 and the Geotechnical Report prepared by Engineer Geology Limited, dated 27 June 2005.

3.0 PROPOSAL

Background

The Peninsula Medical Centre is currently located within the Peninsula Commercial Centre at 572b Te Atatu Road. The applicant states that the medical centre requires larger premises in order to successfully meet its community healthcare obligations. The applicant seeks to facilitate a change to "General Practice" with an increased emphasis on "Primary" care in a location that provides improved access to a range of medical services including 'out-patient' hospital services.

Proposal

The applicant seeks consent to construct and operate a medical centre on the sites - comprising 382, 384, 386 Te Atatu Road and 9 Karamu Street. The purpose built centre would be a single-level building with a gross floor area of 1082m², excluding the entrance and walkway canopies. The centre would accommodate seven separate tenancies and provide a range of medical and related services including; doctors, associated healthcare professionals such as dentist, laboratory, x-ray, physiotherapist, osteopath, chiropractor and the like. A pharmacy with retail sales and a District Health Board office which includes visits from specialists nurses, midwives and community works will also be located on-site.

The centre would occupy four lots with separate certificates of title. The proposed building would be located in the southern region of the site, while the northern portion of the site would accommodate the parking area. Vehicle access and egress to the centre would be via a 7m wide vehicle crossing, located at the northern end of the site's Te Atatu Road frontage. There would be no access to the centre from Karamu Street, with the existing right of way easement over the adjoining property at 9a Karamu Street proposed to be surrendered.

The centre's hours of operation would vary due to the different tenancies being individually and independently operated. However, the centre would not operate outside the hours of 7.00am to 7.00pm Monday to Friday and 9.00am to 2.00pm on Saturdays.

Permeable paving will form the 1111m² car park area which will accommodate a total of 52 car parking spaces (including two disabled spaces) and a loading bay.

Freestanding signage would be located within the site adjacent to the front (eastern) boundary, directly to the north of the vehicle entrance and 3.5m from the northern boundary. The 3.2m high sign would identify the street number, the name of the centre, and the services provided in a generic fashion. A sign board would be located above the proposed Pharmacy tenancy with signboards attached to the northern building façade to identify the occupant of the tenancy.

Land modification works involving 1319m³ of excavation are proposed over a 2542m² area of the site to facilitate the formation of the building platform, car park area, and stormwater treatment and detention devices. These works would involve the removal of the majority of the vegetation on site, including a Maple Jacaranda, Bay Laurel, Pear, Loquat and two Camellias over 6m in height and/or 600mm in girth. Minor works within the drip line of the Maple located adjacent to the front (eastern) boundary of the site are proposed in addition to minor pruning works.

4.0 REASONS FOR THE APPLICATION

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

LIVING ENVIRONMENT

Rule 7 - Building Coverage

Discretionary Activity for building resulting in a building coverage over 35% of the net site area.

- The medical centre would have a building coverage of 37.3%.

Rule 8 - Building Location (Privacy/Amenity)

Discretionary Activity for a non-residential activity not screened from the road

- The building is not screened from the front road boundary.

Rule 10 - Non-Residential Activities

Non-Complying Activity for the establishment and operation of a non-residential activity exceeding 250m² and involving retail.

- The medical centre has a gross floor area of 1082m² and contains a retail and dispensing pharmacy.

Rule 11 - Traffic Generation

Discretionary Activity for traffic movements exceeding 1% of Te Atatu Road's daily traffic volume (Rule 11.2).

- For this section of Te Atatu Road 1% of 30,330 vehicle movements per day (vpd) is 303 vpd. An assessment using Transfund NZ information results in an estimate of 406 - 780 trips per day.

Rule 12 - Car Parking and Driveways

Limited Discretionary Activity for car parking and driveways associated with a non-residential activity.

- The medical centre is a non-residential activity.

Rule 15 - Signs

Non-Complying Activity for signage exceeding 1.5m² in area (Rule 15.3).

- Free standing sign 1.5m wide by 3.2m high and set on two poles 1m above the ground would be sited in the north eastern corner of the site.

GENERAL NATURAL AREA

Rule 2 - Vegetation Alteration

Controlled Activity for work within the drip line of exotic vegetation which is more than 6 metres in height or 600mm in girth (Rule 2.2).

- Works are required within the drip line of a Kanuka tree located within the neighbouring property on the western boundary (7 Karamu Street) for the construction and formation of the parking area. Works are also required within the drip line of the Maple located on site adjacent to the front (eastern) boundary.

Limited Discretionary Activity for the clearance of exotic vegetation which is more than 6 metres in height or 600mm in girth (Rule 2.3).

- The proposal requires the removal of a Maple, Jacaranda, Bay Laurel and two Camellia trees over 6m in height and/or 600mm in girth.

Rule 3 - Earthworks

Discretionary Activity for earthworks in excess of 300m³

Earthworks of 636m³ over an area of 1279m² are required outside the building platform to facilitate the formation of the car park area and stormwater treatment and detention devices.

Rule 4 - Impermeable Surfaces

Limited Discretionary Activity for impermeable surface coverage exceeding 60% of the total site area

- Impermeable surfaces of 61% are proposed. This figure has been derived following a 25% reduction for the use of permeable paving (1111m²) and 100m² credit for stormwater reuse.

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

4.4 Other resource consents that are required by the applicant include a Stormwater Discharge Consent pursuant to the Proposed Auckland Regional Plan: Air, Land and Water and Section 14 and 15 of the Resource Management Act 1991.

ARC discharge consent No 31806 has been obtained. This consent was granted with Conditions imposed from the Auckland Regional Council on 16/02/06 (Appendix Four).

5.0 THE SITE AND NEIGHBOURHOOD DESCRIPTION

The 3131m² site is located on the western side of Te Atatu Road, approximately 50m to the north of its intersection with Titoki Street, Te Atatu Peninsula. The site comprises four lots contained within separate certificates of title and currently accommodates four single level dwellings, one on each lot; two double garages, one on each of the northernmost lots (Lot 2 and Lot 108) and concrete driveways and parking areas.

The site has a 48m frontage onto Te Atatu Road which is classified as a District Arterial Road. The land is located below the road, with the front boundary being on average, half a metre below the Te Atatu Road carriageway. In general the site has a westerly aspect, sloping gently down from the eastern (front) boundary to the western (rear) boundary, at an average gradient of 1 in 15. In addition to the 48m frontage onto Te Atatu Road, access to the site is provided off Karamu Street via a 3.2m wide right of way easement over the adjoining property located at 9a Karamu Street. This right of way currently provides legal access to the existing dwelling situated in the westernmost region of the site (being 8 Karamu Street).

The existing single level houses on site are modest in scale and are presently utilised for residential purposes. Vegetation on site is primarily comprised of low-lying grass species with several exotic trees scattered over the site. Several of the existing trees are over 6m in height and/or 600mm in girth, including two Maples, a Jacaranda, Bay Laurel, Pear, Loquat and two Camellias. These trees are generally protected under the District Plan rules and with the exception of the 11.5m high Maple tree located adjacent to the front boundary of the site, are located to the rear of the existing buildings on site.

A 7m high Kanuka is situated adjacent to the western boundary of the site within the neighbouring property located at 7 Karamu Street. The drip line of this tree extends over the boundary into the site. This is the only notable native tree on or near the boundaries of the site.

In the immediate vicinity of the site Te Atatu Road has two 3.5m wide lanes in each direction separated by a 3m flush median. Clear Zone signs are erected on both sides of Te Atatu Road, with the restricted hours between 7.00 am - 9.00 am and 4.00 pm - 6.00 pm. A recessed bus stop is situated on the western side of Te Atatu Road a short distance south of the subject site.

Harbourview Park is located directly opposite the site on the eastern side of Te Atatu Road. This part of the park is currently in rough pasture and used for horse grazing. Residentially zoned and developed properties adjoin the northern, western and southern boundaries of the site. The majority of these residential properties are modest in scale, being single storey, weatherboard or brick clad dwellings with detached garages built primarily between the 1950's and 1970's, with those built after this time being a result of infill development and predominantly located to the rear of the original dwellings.

Entrances to Rutherford High School and Rutherford Primary School are located off Toru Street and Kotuku Street, being within 350 - 550 metres of the site, via the existing roading network. The Peninsular Commercial Centre is located just over a kilometre to the north of the site, with the on and off ramps of the North Western Motorway located 200m to the south of the site.

Non residential activities within the wider neighbourhood include a service station on the corner of Te Atatu Road and Old Te Atatu Road, a church at 472-478 Te Atatu Road, a community police station at 492 Te Atatu Road, a dental surgery at 518 Te Atatu Road, a veterinary clinic on the southern corner of Yeovil and Te Atatu Roads, a lawyers office on the northern corner of Yeovil and Te Atatu Roads, a physiotherapist on the corner of Vinograd Drive and Te Atatu Road, a childcare centre on the corner of Cellarmans Street and Te Atatu Road and a vehicle sales, repair and service premises at 477 Te Atatu Road.

A block of neighbourhood shops is located on the corners of Gloria Avenue and Old Te Atatu Road. The building on the southern corner of Gloria Avenue contains a vehicle repair and service premises and a café. The building on the opposite (northern) corner accommodates two takeaway shops, a hairdresser, sign writer, tattoo parlour and a dairy with living accommodation above.

No non-residential activities are located to the south of the site, north of the motorway.



Photo 1: Existing dwellings viewed from road.

6.0 ISSUES IDENTIFIED THROUGH THE SUBMISSION PROCESS

A189-A222 The application was publicly notified on Wednesday 22 February 2006. Notice of this application was served on all identified affected persons on this date. The period for submissions closed on Thursday, 23 March 2006. Ten submissions were received within this time frame. Eight submissions supported the application, and two submissions opposed the application. A late submission was received Friday, 24 March 2006 in support of the application, the submissions are attached at pages A189 to A222 for copies of the submissions that were received. A map showing the location of the submitters are attached at pages A189 to A192.

6.1 Submissions

The following provides a summary of submissions:

Person (Owner / Occupier)	Address	Support Oppose	Reasons
All Seasons Properties Limited	C/- SFH Consultants Limited	Oppose	<ol style="list-style-type: none"> 1. Proposal is greater than would normally be defined as comprising a medical centre. Proposal represents an "Integrated Health Facility". 2. Better located in an existing commercial environment in terms of traffic issues, some of the proposed activities are already existing in nearby commercial centres, noise and signage effects, hours of operation could extend to 24/7. 3. Unsuitable to residential environment due to traffic generation, parking shortfall, scale of development in residential zone. 4. Fails to meet statutory test for non-complying activities - may set precedent. <p>Submitter has no objection to centre comprising of GP and support staff only.</p>

Person (Owner / Occupier)	Address	Support Oppose	Reasons
Mr David Leakey	C/- Harrison Grierson Limited	Oppose	<ol style="list-style-type: none"> 1. Inconsistent with relevant objectives and policies of the Waitakere City Council DP relating to traffic, residential amenity and retail activities. 2. Shortfall in parking. 3. No provision for rubbish removal. 4. Non-residential character, bulk and coverage, impermeable surfaces due to parking area. 5. Inappropriate change in character and appearance of site. 6. Non-residential development out of character with location. 7. Intrusive signage. 8. Hours of operation beyond normal working hours. 9. Removal of vegetation detracting from residential amenity and character. 10. Location of retail activity.
Peter & Sandra Dix	380 Te Atatu Road	Support	Positive for wider community, appropriate use for the land.
Hendrik Huisman	11 Karamu Street	Support	Positive for wider community.
G.C & B.M Halliday	1/388 Te Atatu Road	Support	Positive and beneficial to community. Ideal use of land.
Roimata Davey	390 Te Atatu Road	Support	Proposed development needed by community.
Ronal & Jacqueline Mary Smith	7 Karamu Street	Support	Existing medical centre at Te Atatu is insufficient for the size of the area. This new facility will provide an improved medical centre in the area with adequate facilities.
M & D Letica	378 Te Atatu Road	Support	Much needed in the community.
Sue Hudson	9A Karamu Street	Support (conditional)	<p>Three points of interest raised:</p> <ul style="list-style-type: none"> • Surrender of existing ROW from 9 Karamu Street to 9a Karamu Street. • RO be fenced off immediately before any construction works. • Single vehicle access point only

Person (Owner / Occupier)	Address	Support Oppose	Reasons
Housing New Zealand (late submission)	Brendon Liggett	Support in part (conditional) Oppose in part	Support with respect to location, building bulk, scale and landscaping. • Conditions should be imposed requiring a landscaping maintenance programme and bond. HNZ opposes the loss of pedestrian access from Karamu street as it restricts accessibility from properties to the west of the site.

No submission in opposition is made by Transit New Zealand, Auckland Regional Office. Transit New Zealand is satisfied that the development will not have an adverse effect on the safe and efficient operation of the adjoining highway and the surrounding traffic environment.

It is noted that the Commissioners will need to resolve whether to accept the late submission made by Housing New Zealand, pursuant to Section 37 of the Act. In making this decision, the Commissioners are 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, and
- 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 exceeding the maximum period specified in the Act.

I note that the submission made by Housing New Zealand was received 1 day late. This submission was, therefore well within the maximum time period specified in Section 37A(2)(a) of the Act. The submission is also in part covered by other submissions received within the statutory timeframe and, therefore, it is considered that no one will be prejudiced by the acceptance of this late submission.

7.0 STATUTORY REQUIREMENTS

7.1 Non-Complying Activities

The relevant policies and criteria which apply under the District Plan and the Resource Management Act 1991 are set out in more detail in pages attached within the appendices supplement attached to this report. This should be referred to as the legal framework within which the application should be addressed.

As noted, the proposal requires consideration as a non-complying activity under the provisions of the Resource Management Act 1991. Section 104D of the Resource Management Act 1991 sets a threshold test which all resource consent applications for non-complying activities must first pass before a consent authority has jurisdiction to grant consent (having regard to the matters specified in Section 104). In short, the proposal must be able to establish and operate without generating more than minor adverse effects on the environment, or must not be contrary to the relevant objectives and policies of the Operative District Plan. Council may disregard an adverse effect of an activity on the environment if the Operative Plan permits an activity with that effect (Section 104(2) Resource Management Act 1991).

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

However it should be noted that for council to grant consent to a non-complying activity application there should generally be some exceptional or unusual element to the proposal. If such unusual circumstances do not exist, then the proposal has the potential to compromise the integrity of the District Plan and public confidence in the consistent administration of the plan may be undermined. It is considered that the proposal would be unique because although the proposed medical centre is set outside of the town centre it is considered a 'destination service' being the sole or main reason for their customers trip. The centre is seen to support the nearby Te Atatu Town Centre and is located on a major road with accessible public transport and pedestrian links. The scale, positioning and design of the building as proposed would compliment the existing visual amenity values of the surrounding Living Environment.

Council also has discretion to consider any precedent issues that may arise for a non-complying activity. According to the Court of Appeal decision in *Dye v Rodney District Council*, an adverse precedent effect can arise where the grant of a non-complying consent would influence the approach taken by Council to similar consent applications. Such a precedent effect does not arise here because the proposed centre would be complementary in scale and appearance to development in the surrounding residential area. The purpose built centre would not appear visually dominant being single storey and finished to fit into the existing and evolving streetscape. The centre would offer a community resource with existing pedestrian and transport links making the site readily and easily accessible to both the local and wider community. The imposition and monitoring of conditions would adequately mitigate any adverse effects to an acceptable level.

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

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

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

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

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

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

8.1.2 Water Quality and Quantity

There would be de minimis adverse effects in relation to water quality/quantity arising from the proposed activity as it would be located within the urban area of the City and would not be near a water body or stream.

Council's Water & Drainage Engineer, Lucy Lunevich of EcoWater Solutions, has reviewed the engineering design provided by the applicant and has approved this design subject to conditions. These conditions would be included in any conditions of consent and provided they are adhered to any potential effects from the proposal would remain de minimis and no greater than those existing on the site prior to development.

Auckland Regional Council consent is required to ensure that sources of increased run-off to water bodies and the marine environment do not cause adverse environmental effects from sediment and contaminant. The Auckland Regional Council consent as approved includes conditions to ensure that such effects are minimised, avoided or remedied.

With respect of the temporary construction phase, there would be potential effects caused by silt laden overflow off the exposed earth worked areas, and tracking of earth onto the roading network. Therefore, to avoid silt contamination of these areas, conditions of consent, should this consent be granted, will be imposed requiring appropriate sediment control measures to be implemented prior to the start of the earth working activity.

For the aforementioned reasons it is considered that any adverse effects on water quantity or quality would be de minimis.

8.1.3 Native Vegetation, Vegetation and Fauna Habitat

There would be de minimis adverse effects in relation to vegetation and fauna habitat as a result of the proposed development. The site is primarily vegetated in various low growing grass species, with several exotic trees scattered over the site. Those defined as 'protected vegetation' under the District Plan include the two Maples, a Jacaranda, Bay Laurel and two Camellias. The trees proposed to be removed are located to the rear of existing buildings on site. It is noted that fruit trees are not protected under the District Plan.

An Aboricultural Assessment of the vegetation on the site has been undertaken by Mr Karl Burgisser of Arborlab, dated 17 October 2005. Mr Burgisser supports the removal of the trees and notes that the trees are a mixture of relatively common exotics which have no individual significance. Several of these trees have been identified as having poor form and structural defects.

Council's Arborist, Phillip Russell has assessed the proposed removal of protected vegetation and earthworks within the drip line of the Kanuka adjoining the western boundary (7 Karamu Street) and Maple within the site adjoining the eastern boundary. Mr Russell is satisfied, subject to the imposition and monitoring of conditions, that the proposed vegetation removal, and works within the drip line of trees would have a de minimis adverse effect in relation to vegetation and fauna habitat. The creation of a permeable surface beneath the trees' canopy will ensure natural watering of root systems. Retention of the Maple which is an important visual feature of the site, growing close to the Te Atatu Road boundary is welcomed and can be successfully integrated provided the recommended conditions are followed.

To mitigate the proposed vegetation loss a planting plan prepared by LA4 Landscape Architects dated 13 December 2005 has been submitted with the application. This plan shows that there would be screening and planting adjacent to all the external boundaries with solid fencing along the northern and western boundaries. Landscaping within the proposed car parking area is limited due to parking demand but would include an area of planting adjoining the north western corner of the centre. Planting along the front boundary will adjoin the proposed retaining wall associated with forming a level building platform at a lower level than the road reserve. The planting plan proposes a good coverage and variety of vegetation such as Cabbage trees, Japanese Aralia, Native Flax and Kapuka (as hedge) to screen the proposed car parking area and to visually soften the proposed building. This plan is considered appropriate by Councils Landscape Architect, Gordon Griffin who has also recommended a series of conditions to ensure that visual amenity is maintained.

It is considered that the planting as proposed would maintain the visual amenity of the site and the surrounding area. Adequate screening is provided to soften the view of the centre from residential sites. For the aforementioned reasons it is considered that any adverse effects on native vegetation, flora and habitat would be de minimis.

8.1.4 Land / Soil

It is considered that there would be de minimis adverse effects on soil/existing landform as a result of the proposed activity as the site is within the urban area and is already modified. The proposed earthworks are in keeping with the scale of development proposed. Earthworks involving 1319m³ of cut to waste is proposed over a 2542m² area of the site to facilitate the formation of a level building platform, car park area and stormwater treatment and detention devices. The maximum cut depth will not exceed 1.5m. A retaining wall is proposed between the front boundary and the building, reducing to 0.5m down the northern and southern sides of the building over a length of between 12 to 19 metres. This wall would range between 0.5 and 1.4 metres in height and would retain the cut face associated with the excavation required to form the building platform.

The excavation of the building platform ensures that the building would be set down on the site and therefore not visually dominate the character of the streetscape, and the relevant District Plan building bulk and location controls are met. The southern façade of the proposed building presents a somewhat institutional view to the adjoining neighbour (380 Te Atatu Road) but by setting the building low and providing planting along the boundary visual relief would be provided. Therefore effects on the residential amenity values of the adjoining neighbouring properties would be no more than minor.

The applicant has provided an earthworks and construction management plan. This plan details the demolition and removal of the four existing dwellings on site. The construction phase of the centre will be carried out in one stage and in accordance with noise standards as detailed in NZS 6803P:1984. It is proposed that the works will be carried out in accordance with the Auckland Regional Council (ARC) guidelines set out in TP 90, as well as in accordance with the erosion / sediment control provisions of the District Plan. Should consent be granted a number of conditions, such as limiting the truck movements to standard working hours and outside peak traffic times, the imposition of appropriate sediment and erosion controls, employing wheel wash facilities at entrance and egress points, and on-site meetings where relevant prior to the start of the earth working operation will be required. Such conditions would ensure that the potential effects from the development would be de minimis.

Councils Landscape Architect, Gordon Griffin, has assessed the proposed development, and with respect to the depositing, recontouring and planting has recommended that the fill is placed outside the drip lines of all protected vegetation. Further, a geotechnical report prepared by Engineering Geology, ref 5735, June 2005 has been submitted with the application and peer-reviewed by Councils consultant Mr Garry Law. Mr Law has assessed this report and the proposal and concludes that the site is suitable for the proposal. Mr Law has recommended a series of conditions which will be included as part of this consent should consent be granted.

Overall, subject to the imposition and monitoring of conditions, it is considered that the adverse effects associated with the proposed earth working activity would be sufficiently avoided, remedied or mitigated to ensure that they are no more than minor.

8.1.5 Air

The proposal does not involve any air emissions of any kind, and is therefore not considered to result in any adverse effects to air quality. Conditions of consent would be imposed to restrict hours of construction and thus noise and dust nuisance during the construction period.

8.1.6 Ecosystem Stability

The proposal is in an urban area and the existing environment is already modified. There are no notable 'natural features' or identified 'natural landscape elements' contained within the site. The most significant 'natural feature' contained within the site from a landscape perspective is the Maple located adjacent to the eastern front boundary. This tree is considered a prominent feature of the street scene and will be retained. There are no other significant vegetation features on the site. The proposal is within a built-up urban environment and it is considered that there would be de minimis adverse effects on the ecosystem of the area.

8.1.7 Outstanding Natural Features; Landforms, Geological Sites

The site is not in an area identified as having outstanding natural features, landform, or geological sites. Accordingly, it is not considered that the proposal would have an adverse effect. However, as earthworks are proposed it is considered appropriate to impose a condition to ensure should that any archaeological evidence be found all works stop, and Council is contacted in accordance with a prescribed protocol.

8.1.8 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 be located within the urban area of the City and would not be near the coast, water body or wetland.

8.1.9 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 the urban area of the city and the environment is already extensively modified. Therefore the proposed activity would not adversely affect any identified outstanding landscapes.

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

Bulk and Location

The proposed medical centre has been designed to not appear visually dominant when viewed from surrounding properties, the streetscape, or the wider neighbourhood. The purpose-built centre would be a single level building with a gross floor area of 1082m². Although the centre would comprise seven separate tenancies, the centre would have an integrated appearance, presenting as a single building.

As viewed from the street scene the location of the building platform and car parking area is on a lower level than the road reserve. The setting down of the building, its design and articulation helps to avoid domination of adjacent sites and ensures that the building does not appear visually intrusive in the streetscape. Retaining within the front of the site to facilitate a levelled building platform would not exceed 1.5m in height. As such the retaining is of human scale, would not physically dominate the site and is a feature we could reasonably expect to see within this environment. Planting within the area between the front boundary and the retaining wall will act to soften the view of the structure from outside the site.

The proposed building would be located in the southern portion/part of the site, while the northern of the site would accommodate the parking area. Vehicle access and egress to the centre would be via a 7m wide vehicle crossing, located at the north end of the site's Te Atatu Road frontage. The car parking area has been suitably screened by fencing and planting to avoid adverse visual effects on adjoining sites.

The building is circa 42 metres long and sufficiently sited from the north and west boundary as not to visually dominate or reduce privacy to occupiers of these sites. Although the building would be sited 2.4m from the southern boundary of the site, the effects to the neighbouring property to the south, being 380 Te Atatu Road, are considered no more than minor as this boundary adjoins the driveway area of this residential site. Thus a separation distance between buildings of some 6m would be achieved (this would be in keeping with the minimum requirement for privacy under Rule 8 (Living Environment) of the District Plan). The relatively low roof height of the centre and articulated elements of design would not physically dominate or result in unacceptable shadowing to this adjoining neighbour. Privacy is maintained as the only openings on this elevation are low level windows and landscaping is also proposed. Pedestrian access within this area of this site is not encouraged.

The proposed development will generally comply with bulk and location requirements under the District Plan such as yard setback, maximum height and height in relation to boundary controls. However, the development will infringe the building coverage and impermeable surface coverage restrictions for the Living Environment.

Building coverage exceeds that permitted by 2%, or 73.6m². The design of the building includes entrance and walkway canopies. The removal of these structures would ensure compliance with the 35% permitted coverage standard. However, the applicant states that these canopy structures do not significantly add to the bulk or dominance of the single level building and are highly desirable from a pedestrian movement perspective and contribute to the visual appearance of the building. I agree with this statement and note that the roof angles of the centre act to break down its scale, whilst presenting a modern, single form. The 3m set back from the front boundary, proposed landscaping and positioning of the centre so that the flank elevation of the building faces the street ensures that an open appearance is maintained on site. As such the centre would have a no more than minor effect on the visual amenity of the site or the residential surroundings. As mentioned landscaping proposed around the building and site boundaries would aid to soften the view of the centre from the street scene.

The bulk and location of the centre is considered in keeping with the scale and residential amenity of the surrounding Living Environment. The size, scale and positioning of the centre on site will not physically dominate the site, adjoining sites or street scene. The modest width of the centre along the 48m frontage in addition to building height and set back, proposed planting, the nature of Te Atatu Road being a District Arterial Road, and open space environment on land opposite the site acts to somewhat blend the site with its residential surroundings, rather than detracting from them.

Overall, it is considered that the proposed development **would not appear physically dominant or** compromise the privacy of neighbouring sites (to an extent that is more than minor in nature) as the proposed centre would comply with all bulk and location requirements under the District Plan, with the exception of the building coverage infringement.

Visual Amenity and Neighbourhood Character

Materials utilised on the building exterior would be residential in character, with colour steel roofing, aluminium joinery and brick and stained timber veneer walls. The roof, predominantly a 'hip' form has been modulated to permit light into the centre of the building interior by means of a window feature along the ridge. As mentioned above the bulk and dominance of the building is reduced through the design of the centre. Opposing pitched roofs have been incorporated over the northern building façade which fronts onto the car park. A low pitched hipped roof has been used on the flank elevations where the building is directly adjacent to neighbouring dwellings.

The north and east facades of the centre have good street presentation. The building would be articulated with varying building materials for visual interest whilst maintaining the appearance of a single building. Screening and planting adjacent to all external boundaries and the solid fencing along the northern and western boundary is of a height to maintain an open appearance, soften the view of the site and provide privacy.

There are no notable 'natural features' or identified 'natural landscape elements' contained within the site. The most significant 'natural feature' contained within the site from a landscape perspective is the Maple located adjacent to the eastern front boundary. This tree is considered a prominent feature of the street scene and will be retained. The 11.4m height of the tree is considered somewhat a focal point of the site with the height of the centre considerably lower. Extensive planting is proposed around the Maple, adding to the visual amenity of the site from the street.

Further, to mitigate the effects of the development on visual amenity, the applicant has proposed a landscape planting plan submitted in support of this application. The proposed landscaping comprises several low lying, staggered height and 'feature species' to be planted between the proposed building and the road. Planting in this area in particular has been increased to provide the best visual outlook from the street scene. In addition all site boundaries will be planted with a framework of plants including Native Flax, Bamboo, Queensland Umbrella Tree and Rosemary. It is noted that the Landscaping Plan has been assessed and is supported by Councils Landscape Architect, Gordon Griffin. Mr Griffin has recommended a series of conditions to ensure that planting is undertaken in an effective manner and is maintained for a further two planting seasons.

There would be external lighting attached to the building and pedestrian paths adjoining the building. This garden lighting would be no higher than 1.5m off the ground and of a 'residential nature', screened by low level planting in this location, the fall of the site from the road reserve and 1.8m high fence from the adjoining boundary. Lighting as proposed on the northern fence is essentially ornamental lighting, discreet and low lying.

A free standing sign is proposed in the north eastern corner. The size, scale and positioning of the sign in this location is not considered visually dominant in the street scene. The sign is located to the north of the parking area, does not exceed the height of the centre and is set clear of the Maple tree not to detract from this natural feature. For south-bound travellers the sign would be seen with the sycamore maple tree as a backdrop. The sign has been designed with generic lettering and colours to compliment that of the main building.

The development will require earthworks, as discussed, in order to form a level building platform and the associated entrance and car parking areas. It is considered that the proposed earthworks are in keeping with the nature of the development proposed, are of human scale, would be temporary in nature and will not be obtrusively visible from any adjoining site. All excavated earth will be required to be disposed of to an approved site. The movement of heavy traffic vehicles from the site will be restricted by a condition of consent.

Overall, subject to the imposition and monitoring of conditions, it is considered that there would be a no more than minor adverse effect on visual amenity and neighbourhood character, as the proposed centre is similar in materials, bulk and form, and would relate to the surrounding Living Environment. The centre in this location would strengthen the sense of community focus in this area.

Access and Parking

Vehicle access and egress would be via a 7m wide vehicle crossing, located at the north end of the site's 48m long Te Atatu Road frontage. There would be no access from Karamu Street. Permeable paving is intended to be utilised to form the 1111m² car park area which would accommodate a total of 52 car parking spaces. Whilst car parking of this scale is not a feature we would expect to see within the Living Environment the modest 15m width of the parking area in comparison with the 48m width of the frontage and proposed screening along the front boundary would act to soften the view of this area of the site.

A Traffic Planning Assessment has been prepared by Traffic Engineering and Management dated October 2005, in support of this application. This report details that the width of the crossing is considered appropriate for the intended use and will allow vehicles to comfortably move to and from the road. It has been identified that the flush median of Te Atatu Road will further ensure safety and good visibility in both directions from the driveway. The report states that given the current characteristics of the surrounding traffic environment during the morning and round peak afternoon periods it is believed the proposed access arrangement will not create any operational problems in the area. In terms of expected traffic generated by the activity, this would not detract from the safety or capacity of the road, or interfere with safe and ready access to adjoining sites.

A loading and waste facility would be provided at the rear of the site and has been designed to accommodate a van. Councils Traffic Engineer concurs with the applicant's assumption that delivery/collection and removal of waste can be managed by van. The parking layout of the site has been designed to accommodate appropriate vehicle manoeuvres to ensure forward movement from the site. Site management in terms of hazardous waste will be the responsibility of the site operator.

Under the Councils Parking and Driveway Guideline a total of 60 car parking spaces and one loading bay are required to serve the 1,082m² medical centre. On this basis the medical centre would have a short-fall of eight car parking spaces. The 52 car parks that have been provided are designed to meet the dimensional and manoeuvring requirements of the "Parking and Driveway Guidelines".

An assessment of the traffic impacts resulting from the proposed centre by Traffic Engineering and Management concludes that there are no significant issues. The driveway and access arrangements are believed to be appropriate for the intended use and are not expected to create any operational problems on the road or within the site. Although the development has a theoretical shortfall of parking as required under Council guidelines the actual parking supply, together with the availability of additional areas where parking can be provided, is expected to result in the development being able to accommodate the anticipated demand.

A copy of the application has been sent to Councils Principal Transport Engineer - Design, Adam Moller, who has assessed the proposed development and associated Traffic Impact Report. Mr Moller is generally satisfied with the proposal. Whilst noting the theoretical minor shortfall of the parking and theoretical excess in traffic generation, Mr Moller deems that these factors should not create any operational problems for the local and motorway roading networks subject to the imposition and monitoring of conditions. As such the proposal would have less than a minor effect on the surrounding roading network.

In conclusion it is considered that the purpose built facility, being largely a 'destination service' would provide the surrounding community with a valued resource, on a site which is capable of being largely self sufficient in terms of parking and access demand with the ability to cater for the any overflow in parking in the immediate area. The layout of the site will not compromise vehicle safety or flow from the site or surrounding residential properties in the immediate area. Thus surrounding residents are not likely to experience any greater degree of inconvenience than currently expected within this part of the road network. Overall it is considered that the parking, access and traffic generated by the proposal will create a no more than minor adverse effect on the subject site, roading network or surrounding Living Environment.

Noise

The existing noise environment of the neighbourhood is residential in character apart from peak road usage. The proposed development has the potential to create noise associated with both the construction of the building and also its operation, including pedestrian and vehicular noise.

The noise associated with the earth working activity and construction of the new building will be controlled through the New Zealand Standard NZS6803 "The measurement and Assessment of Noise from Construction, Maintenance, and Demolition Work", and associated conditions of consent.

An "Assessment of Noise Effects Report" has been prepared by Mr Nevil Hegley from Hegley Acoustic Consultants, dated November 2005. A solid boundary fence will be constructed prior to the commencement of the construction of the driveway area. Solid boundary fencing in the form of temporary fencing will also be provided along the exterior boundaries of the site which adjoin residential properties, ie. the western, northern and southern boundaries. The report concludes that these measures will effectively control the emission of noise from this activity to within acceptable standards.

The proposed centre would operate from 7.00 am to 7.00 pm Monday to Friday and from 9.00 am to 2.00 pm on Saturdays. These hours of operation set the permitted acoustic design limit for the centre at 50dBA L₁₀.

Once the medical centre is constructed and operating potential noise may be expected from the chillers associated with the air conditioning units located outside the building and activities in the car park. Given the distance of the chillers from the adjoining residential boundaries and the ability to provide screening around the chillers residential noise standards of the District Plan will not be exceeded. Solid boundary fencing along the northern, western and southern external boundaries of the site adjacent to the car park will effectively mitigate any potential effects associated with the activities in the car park. Similarly screening along the western boundary of the site adjacent to the building will mitigate any potential noise emanating from the pathway to the western staff entrance of the building.

A copy of the application has been sent to Councils Environmental Health Officer, Andrew Charlton, who has assessed the proposed development and associated Acoustic Design Report, prepared by Hegley Acoustic Consultants, dated November 2005. Mr Charlton is generally satisfied, subject to the imposition and monitoring of conditions, that the construction and use of the proposed centre will have no more than minor adverse noise effects on the surrounding environment.

Conditions imposed if granted, will require the operation of the facility to comply with the relevant noise standards of the District Plan, and also that the medical centre shall not operate outside the hours of 7.00 am - 7.00 pm with no service delivery vehicles permitted to visit the site between 10.00 pm - 7.00 am Monday to Sunday (inclusive).

The proposed hours of opening in conjunction with the proposed planting and solid fencing would ensure that the aural amenity values of the neighbourhood would not be compromised by the proposed medical centre development. With the employment of the proposed mitigation measures the proposal would comply with the prescribed permitted activity noise controls of the District Plan and the aural effects of the activity are considered to be no more than minor.

8.1.11 Summary

The proposal would allow the facilitation of a healthcare service as a “destination service” which would support the nearby Te Atatu Town Centre and provide the wider community with a public service in a readily accessible location. Non residential uses have the potential to impact adversely on neighbouring properties because they may generate noise or traffic effects that are not typical of normal residential use. In this case the loss of residential use can be balanced against the following:

- The development has been designed to comply with residential noise standards required by the District Plan. Fencing would further mitigate any noise potential.
- Although there would be an increase in traffic movement to the site it is anticipated that this increase would have a no more than minor effect on existing vehicle movement and safety along this section of Te Atatu Road.
- The design of the car park itself ensures safe management of incoming and outgoing vehicles. There is no vehicle thoroughfare onto Karamu Street at the rear.
- The building design and layout provides a recognisable building that would not be out of character within the rapidly evolving streetscape whilst not dominating adjoining residential development.

It is considered that the actual and potential adverse effects of the proposed activity are no more than minor and can be adequately mitigated through appropriate conditions of consent because:

- Effects from earthworks would be of short duration and controlled by means of consent conditions and confined to the site.
- Stormwater disposal from increased impermeable surfaces would be avoided, remedied or mitigated by means of appropriate design approved by EcoWater and by conditions of consent.
- Effects from traffic would not compromise the safe operation of the road network.
- Design of car parking would allow for safe on-site manoeuvring and safe egress/ingress from the site.
- Noise would be controlled by means of the design of the proposed building and its distance from adjoining boundaries. Fencing would further mitigate noise. Conditions of consent would require compliance with District Plan standards.
- Proposed landscaping will maintain amenity of the site and ensure integration with the surrounding residential character of the area.

Overall it is considered that the actual and potential adverse effects of the proposed activity are no more than minor, and can be adequately mitigated through appropriate conditions of consent. The conditions of consent, if granted, would relate to avoiding, remedying or mitigating adverse effects arising from the earth working operations, traffic generation, and impacts on visual amenity.

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

8.2.1 District Plan Policies and Objectives

The applicant seeks to establish and operate a medical centre containing seven separate healthcare tenancies and associated retail, being a non-residential activity within the Living Environment.

A273-A277 The District Plan provides a range of objectives, policies, rules and assessment criteria to be considered in relation to development in the Living Environment and General Natural Area. These have been used as a guide in considering the proposal and are discussed below under the headings of **Non-Residential Activities, Bulk, Location and Signage, Traffic Generation, Car Parking and Driveways Impermeable Surfaces, Earthworks and Vegetation Alteration**. The full assessment criteria and relevant objectives and policies are attached at pages A273 to A277. If a specific objective or policy is considered particularly relevant it has been included, in its entirety, prior to the discussion.

The relevant objectives and policies in relation to this proposal are:

NON - RESIDENTIAL ACTIVITIES

Assessment of Non-Complying Activities made under Rule 10 of the Living Environment shall have regard to matters relating to amenity values and neighbourhood character, residential coherence and infrastructure.

- **Objective 10; Policies 10.1, 10.3, 10.14 and 10.27** that seek to maintain and enhance those natural and physical characteristics (amenity values) that contribute to the wellbeing of residents and workers. Policy seeks to ensure that activities are of a scale and located and managed in a way that any traffic generated from the activity does not detract from the capacity of the road to cater safely for motor vehicles, pedestrians and cyclists and the wellbeing of residents occupying surrounding sites. The safe and efficient functioning of the road network should not be adversely affected.
- **Objective 11; Policies 11.8, 11.10, 11.17, 11.18 and 11.31** that seek to achieve a quality of settlement and associated activities within each of the City's Human Environments which is sympathetic to, and protects and enhances, the dominant natural and physical (including building) features which contribute to the amenity value and the neighbourhood character of an area, including maintaining and enhancing:
 - the quality and character of different patterns of settlement within the City's intensively settled residential areas;
 - the pedestrian-oriented amenity values of the town centres and the character of those areas as retail centres

POLICY 11.17 - Retail activities should be managed to enable people and communities to provide for their social and economic wellbeing in a way that sustains and enhances the quality of commercial and community facilities and services, amenity values and general vibrancy of the City's *town centres*, having particular regard to the following:

- supporting urban consolidation and mixed use development in locations which are accessible by private and public transport modes, and discouraging development which could be better located in respect of accessibility;
- promoting the pedestrian orientated amenity values of town centres including pedestrian precincts, pathways and parks, landscaping, street furniture and shop display frontages;
- encouraging, where appropriate, the integration of new *retail activity* with existing retail and other community resources and activities in the same area, and in particular in *town centres* including site and *building design* integration and pedestrian and *road* linkages;
- establishing and enhancing the quality and *design of buildings*;
- recognising the importance that arises from the role of *town centres* as community nodes in the City;

- recognising that the development of inappropriate *retail activity* can create adverse effects on the function served by, and the *amenity* values of, *town centres*;
- ensuring that the development of new *retail activity* does not result in adverse social and economic *effects* by causing a significant decline in *amenity* in *town centres* of the positive contribution made by *town centres* to the social and economic wellbeing of people and communities in the city;
- enabling potentially incompatible *retail activities*, including those which will compromise pedestrian-orientated *amenity* values or residential amenities, to establish in locations where adverse *effects* can be remedied or mitigated;
- enabling competition between retailers and types of retailing.

A sequential approach to the location of *retail activity* is adopted which favours locations in *town centres* (particularly *major town centres*) where retailing is generally a *permitted activity*. There is only limited provision for permitted *retail activity* outside *town centres*. However proposals for *retail activity* in *working environments* at the edge of *town centres* and on *major roads*, are subject to *resource consent* or *plan change* procedures which require it to be shown that a *town centre* location would not better serve the *Plan's* objectives and policies.

DISCUSSION

As mentioned in section 8.1.10 above the centre has been designed to maintain residential amenity and does not detract from neighbourhood character. Although the Plan generally supports the establishment of non-residential activities outside the commercial and industrial areas, this support does not extend to the decentralisation of "retail activities". Policy emphasises the consolidation of retail activities in order to reduce the need for and length of vehicle trips, with retail activities having been identified by Council as having a major influence on the number and pattern of vehicle trips in the City. The consolidation of retail activities aims to reduce vehicle trips and encourage people to carry out multiple shopping tasks, or to utilise public passenger transport systems.

Medical centres are generally considered a "destination service", being the sole or main reason for their customer's trip. While there is a general emphasis on encouraging retail activity to locate in town centres it is recognised that there will be situations where certain types of retail activity may exist in other locations. The applicant has stated that such centres can compromise pedestrian-based amenity values in community environment core areas due to their size, parking demand, and need for their parking to be exclusive and directly accessible. These specialist "destination services" are therefore often better located alongside, or outside, town centres, for instance on major roads. I agree with these comments in that the proposal would provide the community with a valued resource on a site that is accessible both via pedestrian and public transport and the District Arterial road that it is located on. The location of the centre outside the town centre would reduce possible congestion in this area. A similar intensity of development in the form of medium density housing would in any case have been anticipated on a site of this size located on a major road. The change of use from single dwellings on sub-dividable sites to non-residential use is therefore not out of character in this rapidly evolving street scape where non-residential activities are increasingly being established on the front portion of sites along this busy road.

The centre would not detract from the coherence of the town centre and provides good inter-relationships between the town centre and the specialist 'destination centre'. Features of the site in terms of design and layout enable the centre to maintain amenity values and meet expected demand of the activity in terms of parking, accessibility and traffic volumes. The retail aspect of the centre consists of a pharmacy. The inclusion of such a service, as a secondary component of the centre, would reduce the need for vehicle trips from the site to the nearest retail outlet. As this is a destination service it is expected that the majority of customers to the pharmacy would be by referral from the tenancies, therefore not reducing the importance or role of existing retail in the nearby town centre.

Visual residential coherence would essentially be maintained since the building design remains single storey in keeping with the existing streetscape. In particular the car parking design ensures that passing pedestrian and vehicular traffic are not confronted with a wide expanse of sealed surface but rather a more residential aspect to the site entry point.

For the aforementioned reasons it is considered the proposal meets **Assessment Criteria 10(a) to 7(d) (Living Environment)** and in particular is consistent with **Policy 11.17**.

BULK, LOCATION AND SIGNAGE

1. BUILDING COVERAGE

Assessment of Discretionary Activities made Under Rule 7 of the Living Environment shall have regard to matters relating to opportunities for landscaping, provision of adequate outdoor space and physical domination of adjoining sites.

- **Objectives 10 and 11; Policies 10.4, 10.5, 10.6, 10.7, 10.27, 11.3 and 11.8 that seek to achieve wellbeing for residents, workers and visitors, maintain natural and physical characteristics (amenity values) and the character of the streetscape having particular regard to variations in amenity values and neighbourhood character**

DISCUSSION

The medical centre has been designed to be functional and complementary in scale and appearance to existing development in the area. Given the single storey height, lower level of the site from the road frontage and set back of the centre from site boundaries the building will not overshadow or appear visually dominant when viewed from surrounding properties, the streetscape or wider neighbourhood. The centre would have an integrated appearance, presenting as a single building with careful consideration given to the northern and eastern building façade to ensure they present well in the street. Materials utilised on the exterior are residential in character with a low pitched hipped roof comprising of opposing pitches effectively minimising the visual bulk and dominance of the building.

There is sufficient space available around the building for landscaping. The updated landscape plan received by Council 15/12/05 shows 1.8m high permanent screen fencing around the northern and western site boundaries. All site boundaries will contain a framework of vegetation with more extensive planting planned along the Te Atatu Road boundary to soften the view of the site and maintain residential amenity.

The low impact design of the medical centre building coupled with proposed screening of site boundaries and internal landscape treatment would act to soften the view of the site and maintain amenity values of adjoining residential properties. The centre in this location would not appear physically dominant.

For the aforementioned reasons it is considered the proposal meets **Assessment Criteria 7(a) to 7(e) (Living Environment)** and in particular is consistent with **Policies 11.3 and 11.8**.

BUILDING LOCATION - PRIVACY / AMENITY

Assessment of Discretionary Activities made Under Rule 8 of the Living Environment shall have regard to assessment criteria 8(a) - 8(c) relating to have regard to privacy and visual effects on adjoining sites and the road.

- **Objectives 10 and 11; Policies 10.4, 10.5, 10.6, 10.7, 10.27, 11.3 and 11.8 that seek to achieve wellbeing for residents, workers and visitors, maintain natural and physical characteristics (amenity values) and the character of the streetscape having particular regard to variations in amenity values and neighbourhood character**

DISCUSSION

The proposed building would be located in the southern region of the site, while the northern region of the site would accommodate the parking area. As such the centre is sufficiently positioned from adjoining residential properties as not to reduce privacy to the main indoor and outdoor living areas of neighbouring properties. The southern elevation of the centre adjoins the driveway of the adjoining property at No. 380 Te Atatu Road. This elevation contains window openings only. There are no entry or exit points on the southern elevation of the centre and as such pedestrian movement in this area of the site is not anticipated to be high.

Visual interest has been created on the northern and eastern building façade to ensure they present well to the street. The location of the building on a lower level than the road reserve will ensure that the building does not visually dominate the streetscape. The centre is set back 3m from the front boundary. Landscaping of this front area of the site will enhance visual amenity values of the site and ensure that the visual effects of the development are internalised to the site and in particular would not detract from the amenities of the street or adjacent residential properties.

For the aforementioned reasons it is considered the proposal meets **Assessment Criteria 8(a) to 8(c) (Living Environment)** and is consistent with the above mentioned Policies.

SIGNS

Assessment of a Non-Complying Activity made under Rule 15 of the Living Environment shall have regard to matters relating to design, scale, location and safety in accordance with Assessment Criteria 15(a) - 15(d) and any other matters under Section 104 of the Act.

- **Objectives 10 and 11; Policies 10.3, 10.27, 11.8 and 11.11 seek to ensure that signs do not intrude visually on to the amenity of the surrounding area or detract from neighbourhood character, and the safety of vehicles and pedestrians on any adjacent roads.**

DISCUSSION

Signage associated with the medical centre would consist of one freestanding sign and seven signboards attached to the northern building façade.

The proposed freestanding sign would consist of a 1.5m wide by 3.2m high sign board mounted on two poles set up to 1m above the ground. The sign would be located within the site adjacent to the front (eastern) boundary, directly to the north of the vehicle entrance and 3.5m from the northern boundary. The top section of the sign (1.2m²) would be internally illuminated to a level permitted by Rule 14 of the Living Environment. The remainder of the sign would be non-illuminated.

The sign is possibly the first visible feature that identifies the site as being a non-residential activity. However, the sign has been designed and positioned to give distinct recognition to the use of the site while maintaining the open residential amenity of the surrounding area. The nature of the centre is community based and the sign would relate directly to the use of the site as such. The slim-line design would contain information relating to the centre as a whole and the services provided. The effects of the sign on visual amenity would be no more than minor as the sign would be designed in a generic fashion with a consistent lettering style. The colour of the signboard being predominantly grey and red would complement the colours of the building. Given that the frontage of the site spans some 48m (over three lots) the slim-line design of the sign in this location is not considered to intrude on the amenity of the site or detract from the surrounding neighbourhood character. Viewed in conjunction with the size of the site, design of the building, and distance from the building the sign would not dominate the site. For south bound travellers the sign would be seen with the sycamore maple tree as a backdrop.

In this position the sign would not interrupt with traffic safety or appear visually dominant when viewed from off site. Council's Transport Department do not object to the sign. I note that the sign would not exceed the height of the building and would be somewhat dwarfed by the sycamore Maple and landscaping treatment proposed along the road frontage.

Included within the proposal is seven separate signboards to be attached above the separate tenancies. These signboards would identify the occupant of the tenancy and although of a standard size would be individualised to reflect the branding of each tenant. It is considered that there would be no more than minor effects on the visual amenity values of the neighbourhood or safety of motorists as the design and location of this signage is of a scale and form that would be compatible with the medical centre building and would not appear visually intrusive outside the subject site.

For the aforementioned reasons it is considered the proposal meets **Assessment Criteria 15(a) to 15(d) (Living Environment)** and is consistent with the above mentioned Policies.

TRAFFIC GENERATION

Assessment of Discretionary Activities made under Rule 11 of the Living Environment will be limited to matters of screening, landscape treatment, retention of vegetation, road capacity, safety, duration, hours of operation and scale and will be considered in accordance with Assessment Criteria 11(a) - 11(b).

- **Objectives 10 and 11; Policies 10.14, 10.27, 11.12 and 11.31 seek to ensure that any traffic generated by the activity does not detract from the capacity of the road to cater safely for motorists, pedestrians and cyclists and the wellbeing of residents occupying surrounding sites.**

DISCUSSION

The application is supported by a Traffic Impact Report prepared by ER Hebner & PR Brown of TEAM - Traffic Engineering & Management Limited, dated October 2005. This report discusses current traffic movement, the effect of the proposal including access, traffic generation, parking and advertising signage. It concludes that "it is believed that the proposed development is acceptable from a traffic engineering perspective". Councils Principal Transport Engineer, Adam Moller has peer-reviewed this report and the application and generally agrees with the assessment. Mr Moller supports the application subject to conditions if approval is recommended.

Te Atatu Road is designated as a District Arterial Road in the roading hierarchy of the District Plan. The road has a sealed carriageway width of approximately 15m between kerbs, with four traffic lanes divided by a flush painted median island for right turning traffic. This provides for safer access for the proposed car park. It is noted that no immediate on-street parking is provided.

The proposal will be the first commercial operation in the immediate residential block between the Old Te Atatu Road intersection and the motorway interchange, with high peak hour traffic movements. Transit New Zealand, by way of letter from Richard Hancy, Regional Manager, dated 8 December 2005 have no objections to the proposal.

Whilst the proposal would generate up to 1% of Te Atatu Roads daily traffic volume the difference is considered acceptable given the configuration of the four lanes plus median, along with the northbound traffic flow "platoons" and "gaps". It is noted that Transit New Zealand Auckland and Councils Traffic Engineer have reviewed the Traffic Impact Report and consider that the proposal would have less than minor effect on their roading network. The report states that given the current characteristics of the surrounding traffic environment during the morning and round peak afternoon periods it is believed the proposed access arrangement will not create any operational problems in the area. It is noted that clients to the centre are expected to be staggered given that most visits will be by appointment.

The layout of the site will not compromise vehicle safety or flow from the site or surrounding residential properties in the immediate area. Thus surrounding residents are not likely to experience any greater degree of inconvenience than is currently experienced within this part of the road network. Overall it is considered that the traffic generated by the proposal would be accommodated by the District Arterial nature of this portion of Te Atatu Road.

CAR PARKING AND DRIVEWAYS

Assessment of Limited Discretionary Activities made under Rule 12 of the Living Environment will be limited to matters of design, location, safety, efficiency, driveway capacity, number of car parks, screening and planting and will be considered in accordance with Assessment Criteria 12(a) - 12(d).

- **Objectives 10 and 11; Policies 10.11, 10.16, 10.27, 11.3 and 11.10 seek to ensure that driveways, carriageways and car parking areas are laid out in a way that provides for the safe circulation of vehicles and pedestrians, avoids edge fretting, and allows safe, ready access to adjoining sites. Non-residential activities should be designed and managed in a way that adequately screens any associated parking, vehicle access and storage area from view from residential sites.**

DISCUSSION

Vehicle access and egress to the centre would be via a 7m wide vehicle crossing, located at the north end of the site's Te Atatu Road frontage. The car parking area has been suitably screened by fencing and planting to avoid adverse visual effects on adjoining sites. Permeable paving is intended to be utilised to form the 1111m² car park area which would accommodate a total of 52 car parking spaces. Whilst car parking of this scale is not a feature we would expect to see within the Living Environment the modest 15m width of the parking area in comparison with the 48m width of the frontage and proposed screening along the front boundary would act to soften the view of this area of the site.

The proposed free standing sign would be clear of the road reserve and will not compromise the safe visibility of vehicle drivers. The layout of the site will not compromise vehicle safety or flow from the site or surrounding residential properties in the immediate area. A condition of consent would require the formation and marking of all car park spaces.

Councils Code of Practice for City Infrastructure and Land Development requires 1 car park per 18m² gross floor area. The proposed 1082m² floor area requires 60 onsite car parks with 52 provided, a shortfall of 8. Using the Transfund New Zealand information and based on medical centre peak-hour periods there is a requirement of 27 to 67 spaces or an average of 47.

Although on-site parking is not available in the immediate vicinity along Te Atatu Road there is other parking in the immediate area including in the developing Harbour View - Orangihina Reserve for any overflow. A useable loading and waste facility has been provided at the rear of the site and the car park layout (for 52 car parks including 2 disabled) complies with Councils Parking and Driveway Guidelines.

For the aforementioned reasons it is considered the proposal meets **Assessment Criteria 12(a) to 12(d) (Living Environment)** and having no undue impact on the subject site, surrounding residential sites or roading network.

VEGETATION ALTERATION

Works within Drip line

Assessment of Controlled Activities made under Rule 2 of the General Natural Area will be limited to the matters of landscape treatment, scale, method and location and will be considered in accordance with Assessment criteria 2(a) – 2(l).

- **Objectives 1 - 3, 5 - 12; Policies 1.5, 1.6, 1.8, 1.9, 2.3, 2.4, 2.11, 2.12, 2.13, 3.2, 5.1, 5.2, 5.3, 5.4, 5.7, 6.2, 7.4, 8.2, 8.4, 8.8, 9.9, 9.13, 9.14, 10.27, 10.28, 11.2, 11.4, 11.7, 11.32, 12.1, 12.6 and 12.7 seek to ensure amenity, adequate screening and ecological linkages.**

DISCUSSION

The proposed development involves works within the drip line of the existing Maple located adjacent to the front (eastern) boundary and the 7m high Kanuka situated adjacent to the western boundary of the site within the neighbouring property located at 7 Karamu Street. The drip line of this tree extends over the boundary into the site and is the only notable native tree on or near the boundaries of the site.

The application and associated Arboricultural Assessment Report prepared by Arborlab, dated 17/10/05 has been reviewed by Councils Arborist Mr Phillip Russell. Mr Russell is generally satisfied, subject to the imposition and monitoring of conditions, that the proposed works within the drip line of these trees would have a de minimis adverse effect in relation to vegetation and fauna habitat. The creation of a permeable surface beneath the tree canopy will ensure natural watering of root systems. The retention of the Maple located adjacent to the front boundary is welcomed and can be successfully integrated provided the recommended conditions are followed. The applicant has stated that any vegetation located in close proximity of the works area (ie within 3m) which is to be retained will be protected by a 1.5m high fence of solid construction, erected outside the drip line of the vegetation.

For the aforementioned reasons it is considered the proposal meets **Assessment Criteria 2(a) to 2(l) (General Natural Area)** and is consistent with the above mentioned policies.

Removal of protected vegetation

Assessment of Limited Discretionary Activities made under Rule 2 of the General Natural Area will be limited to the matters of landscape treatment, scale, method and location and will be considered in accordance with Assessment criteria 2(a) - 2(l).

- **Objectives 1, 2, 5, 7 - 11; Policies 1.5, 1.6, 1.7, 1.10, 2.10, 5.1, 4.7, 7.2, 7.3, 8.4, 9.6, 9.7, 9.12, 9.14 and 10.27 seek to ensure amenity, adequate screening and ecological linkages.**

DISCUSSION

The proposed development involves the removal of a Maple, Jacaranda, Bay Laurel and two Camellias over 6m in height and/or 600mm in girth. The works are required to establish the building platform and useable space around the centre. An Arboricultural Assessment of the vegetation on the site has been undertaken by Mr Karl Burgisser of Arborlab, dated 17/10/05. Mr Burgisser supports the removal of the trees and notes that the trees are a mixture of relatively common exotics which have no individual significance. Several of these trees have poor form and structural defects. This assessment and the proposal has also been reviewed by Council Arborist, Phillip Russell. Mr Russell is generally satisfied, subject to the imposition and monitoring of conditions, that the proposed vegetation removal would have a de minimis adverse effect in relation to visual amenity given the proposed replanting plan and retention of the Maple along the front boundary.

The site is located within a highly modified urban environment characterised by urban landscapes comprising of native and exotic tree species, small trees and low shrubs. The trees to be removed are sited to the rear of the existing residential dwellings on site and are not prominent within the street. There are no clear sight lines of the trees from the road boundary. As mentioned above, the removal of such vegetation has been mitigated and the residential amenity of the site enhanced by the proposed planting plan. As such the removal of the said trees would not have an adverse effect on visual amenity within the site or as viewed from the street.

Councils Landscape Planner, Gordon Griffin, has reviewed the proposed planting plan and finds it appropriate as presented. The most notable tree on the site, the maple in the frontage area, will be retained. Proposed tree planting would effectively restore tree framework to the site. Overall it is considered that the proposed development would have good amenity and the comprehensive planting proposed would include a framework of trees that would assist in integrating the building into the residential neighbourhood. The car park would be adequately screened from adjacent sites and amenity would be good as viewed from the street.

For the reasons stated above the proposal is considered to comply with the relevant assessment criteria, policies and objectives for vegetation alteration in the Living Environment.

EARTHWORKS

Assessment of Limited Discretionary Activities made under Rule 3 of the General Natural Area will be limited to the matters of scale, method, design, landscape treatment and location and will be considered in accordance with Assessment Criteria 3(a)-3(r) where relevant.

- **Objectives 1 - 3, 5 - 11; Policies 1.5, 1.6, 1.7, 1.8, 1.14, 2.4, 2.8, 2.10, 3.2, 3.4, 3.5, 5.1, 6.2, 7.2, 7.3, 7.5, 8.4, 8.6, 8.7, 9.6, 9.7, 9.12, 9.14, 10.13, 10.27, 10.28, 11.7 and 11.32 seek to ensure that earthworks do not adversely affect the natural character of the interface between surrounding land.**

DISCUSSION

It is considered that the scale of earthworks would be consistent with the scale of development being undertaken. Excavation of 636m³ over an area of 1279m² is required outside of the building platform for the formation of the car parking area and stormwater treatment and detention devices. An average cut depth of 0.4m would be required over the car park area with a maximum cut depth of 1.4m proposed adjacent to the eastern (front) boundary to facilitate for the levelled building platform. The excavation of the building platform ensures that the building does not visually dominate the character of the street and maintains residential amenity values of the adjoining residential properties.

The proposed finished landform would be similar to that of the original form. The proposed car park would be close to natural ground level, thereby limiting cut and relating the final state to the natural ground levels adjacent. The visual impact of the earthworks would be of short duration and controlled by means of conditions of consent and it is considered that there will be no more than minor adverse effects resulting from the earthworks. There would be scope around the area of earthworks for replanting.

A Construction and Earthworks Management Plan has been submitted with the application. This plan details the demolition and removal of the four existing dwellings on site. The construction phase of the centre will be carried out in one stage and in accordance with noise standards as detailed in NZS 6803P:1984. It is proposed that the works will be carried out in accordance with the Auckland Regional Council guidelines set out in TP 90, as well as in accordance with the erosion / sediment control provisions of the District Plan.

Where cut to fill earthworks has not been achieved heavy vehicle movements to and from the site would be required. The excess cut or unsuitable material taken off site is to be disposed of at an approved landfill site. The movement of heavy vehicles from the site will be restricted by a condition of approval to ensure that the site is appropriately managed and any potential adverse effects are adequately avoided or mitigated.

Councils Landscape Architect, Gordon Griffin, has assessed the proposed earthworks and notes that there is scope around the area of earthworks for replanting and has suggested conditions to ensure that that replanting is undertaken in accordance with recommended measures.

If consent is granted, it is also recommended that other conditions are imposed to avoid, remedy or mitigate any potential adverse effects associated with the earth working activity. These conditions will include requirements for the applicant to provide to Council for approval a Construction Management Plan, arrange a pre-start meeting with an Environmental Monitoring Officer, and the imposition of appropriate sediment and erosion control measures.

The applicant has provided a geotechnical assessment of the site prepared by Engineering Geology, dated 27 June 2005. This report includes a number of recommendations relating to the construction of the building foundation and floor slabs. Councils Geotech consultant Garry Law has reviewed this report, the recommendations and the proposal and concludes that the site is suitable to the proposal subject to conditions.

The proposed development will limit any effects associated with the proposed earthworks to the subject site, with the exception of the truck movements which will be short in duration and conditions of consent will ensure these are adequately managed. It is also considered that the proposed earthworks are keeping in scale with the development undertaken and would not be obtrusively visible from any adjoining site. It is anticipated that the proposed earth working activity would have no more than minor adverse effects on the environment, subject to adherence to the recommended conditions of consent. For the aforementioned reasons it is considered that the proposed development is consistent with the objectives and policies of the District Plan.

The proposal is considered to be in general accordance with **Assessment Criteria 3(a) to 3(r) (General Natural Area)** and is consistent with the above mentioned policies.

IMPERMEABLE SURFACES

Assessment of Limited Discretionary Activities made under Rule 5 of the General Natural area will be limited to matters of scale, location method, clearance, landscape treatment and method of stormwater disposal and will be considered in accordance with Assessment Criteria 4(a) - 4(k).

- **Objectives 1, 2, 5, 7 - 11; Policies 1.5, 1.6, 1.7, 1.10, 2.10, 5.1, 4.7, 7.2, 7.3, 8.4, 9.6, 9.7, 9.12, 9.14 and 10.27 seek to seek to ensure amenity, adequate screening and ecological linkages.**

The proposed development would result in an impermeable surface area of 1909.8m² or 61% of the site. This figure includes the driveway and car park area (permeable paving), paths and paved areas more than 1m in width and buildings. It is noted that there is a 25% reduction for the use of permeable paving (1111m²) and a 100m² credit for stormwater reuse.

The increase in impermeable surfaces has the potential to increase pressure on the sites stormwater and wastewater connections. Permeable paving in the car parking area and roof tanks for water detention and reuse will mitigate against post development stormwater flows. A detention tank will be constructed in the north western corner of the site to reduce peak discharge from impermeable surfaces. A roof tank will detain water to be reused for non-potable supply. The implementation of stormwater quality mitigation measures would ensure that post development stormwater flows would not exceed predevelopment flows. All stormwater and wastewater design will be required to be provided for assessment at building consent stage.

The car park area has been designed with a 2% crossfall towards the centre. Sheet runoff would drain to cesspits and any stormwater that infiltrates the pavers but does not infiltrate the subgrade soil would be collected in perforated pipes. All collected stormwater flow would pass into the detention tank prior to discharge from the site via the private stormwater line. Due to the private nature of the proposed stormwater line a drainage easement is proposed to be registered against the title of the adjoining property to protect the integrity of the proposed stormwater network and enable maintenance to be carried out. Written consent from the owners of 7 Karamu Street to create this easement has been obtained.

The application has been assessed by Councils EcoWater Engineer, Lucy Lunevich, who considers that the proposed development will employ the best practicable option to manage stormwater discharges from the site. It is considered that subject to the imposition of conditions the proposal will have no more than minor adverse effects on water quality or quantity.

As mentioned in the discussion above there is adequate scope for planting around the building and car parking area. This is a modified environment. The sense of landscape continuity associated with the existing landform and open green would be maintained.

For the above mentioned reasons It is considered that the development is in keeping with **Assessment Criteria 4(a) - 4 (k)** (General Natural Area) and the relevant objectives and policies as mentioned above.

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

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

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

Auckland Regional Policy Statement is also concerned that expansion of activities beyond the Metropolitan Urban Limits does not threaten environmental qualities and thresholds (Urban Growth Management) and is not exploiting cheaper land costs. In this case the application is an intensification of land use for a medical centre in response to community demand, containing facilities and sited in a location that would be consistent with objectives of promoting less use of private vehicles by reducing numbers of vehicle trips.

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

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

8.4.1 Other Issues Raised by Submitters Not Covered Elsewhere in Report

Submitters have raised the following points that cannot be addressed elsewhere.

Integrated Health Facility - Concern has been raised over the introduction of an "integrated health facility". The Peninsula Medical Centre is currently located within the Peninsula Commercial Centre at 572b Te Atatu Road. The medical centre requires larger premises in order to successfully meet its community healthcare obligations. The proposed site at 382 – 386 Te Atatu Road, 9 Karamu Street has existing public transport links and is located on a District Arterial Road. Transport Assets and Transit New Zealand have raised no objection to the proposal noting that the existing roading network has the capability to cater for expected vehicle movements. The design and layout of the site is considered to maintain a residential appearance that does not dominate adjoining sites or the street scene. It is considered that the proposal would improve visual amenity to the area through the implementation of the landscape plan, provide the community with a valued resource on a site that is accessible, in a location that would not cause congestion that may occur within an environment such as a town centre where there is an existing demand on parking and resources.

Benefits to the community - Submissions received in support of the application make reference to the benefits the centre would provide to the community. I agree with this statement in that the centre would be a unique feature to the area allowing for the provision of an integrated 'community service' not found elsewhere. Features of the site, such as the car parking and the pharmacy as a secondary component would enable the site to be self contained, reducing the need for traffic movements in accordance with policy pertaining to retail activities outside of town centres (refer to Section 8.2.1 above).

Hours of operation - The applicant has stated in their report that the proposed centre would operate from 7.00 am to 7.00 pm Monday to Friday and from 9.00 am to 2.00 pm on Saturdays. A condition of consent would ensure that the centre does not operate outside the hours of 7.00 am - 7.00 pm Monday - Saturday with No service or delivery vehicles permitted to visit the site between the hours of 10.00 pm - 7.00 am Monday to Sunday (inclusive). The hours of operation could not be extended outside the consented hours without the prior consideration and approval from Council.

Precedent - Any activity that requires resource consent must be considered on its merits, on a case-by-case basis. The application in this case would be a unique feature of the locality in that the centre would effectively provide members of the community with a destination service, on a site that is accessible and has been designed to maintain residential character whilst being 'self sufficient' in terms of visitor expectancy and parking demand. The amalgamation of such facilities on site would reduce the need for traffic movements with the retail element ancillary to the main use of the site.

The site is located within an area that has seen the introduction of non-residential activities within existing dwellings, whilst maintaining a residential character. The centre as proposed is not considered to detract from this character. In terms of activity on the site, the hours of operation, being no later than 7pm, would result in a benign residential effect in comparison to an expected activity on a medium density housing site.

Pedestrian access from Karamu Street - land subject to the ROW belongs to the neighbouring property owner (9A Karamu Street) and can not be used for a walkway. Pedestrian movement in this area of the site is not encouraged by the proposed layout and as such would ensure privacy to residential neighbours. Furthermore the existing pedestrian links from Toru and Titoki Street to the north and south of the site provide good links to catchments to the west of this location. Fencing of this ROW is a private matter that can not be addressed as part of the resource consent process.

8.4.2 Bonds/Reserve Contributions/Development Levy/Financial Contributions

A vehicle crossing and road damage bond to cover the cost of upgrading of the existing crossing and possible road damage during the construction period is reasonably required. This has been assessed at \$2,500.00 being standard Council charges for such works.

Development Contribution

It is noted that the proposed development attracts a development contribution in accordance with the Waitakere City Council Long Term Council Community Plan. Under the Local Government Act 2002, Councils were permitted to take development contributions towards the costs that growth imposes on the community. The financial contribution policy of the Waitakere City Council's Long Term Council Community Plan incorporates a development contribution based on the City's capital expenditure for infrastructure and community facilities for that ten year period. Please note that the actual development contribution payable will be assessed at the time an application for building consent is lodged according to the scale applying at that time. The next review of the development contribution policy and amounts of payment will be undertaken for 1 July 2006.

8.4.3 Monitoring

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

8.4.5 Any Other Relevant Non-Statutory Documents

There are no District Plan decision notices, Regional Growth Strategy matters, non-statutory documents such as reserve management plans and Council policy/strategy documents, designations or heritage orders that apply to this site or the immediate surrounds.

8.5 Lapsing of Consent

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

A standard five year period in which to give effect to this consent is considered appropriate given the scale of the activity. The applicant has not registered a need for a shorter time frame. As such a consent period of 5 (five) years is recommended.

9.0 PART II OF THE RESOURCE MANAGEMENT ACT 1991

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

The purpose and principles of the Resource Management Act 1991 have primacy over all other considerations that are set out in section 104 of the legislation. In summary, sections 5, 6 and 7 require that resources must be sustainably managed in such a way that any adverse effects on the environment can be avoided, remedied or mitigated. Furthermore, the Resource Management Act 1991 requires that amenity values and the quality of the environment are to be maintained and enhanced.

It is considered that the granting of this application would not be contrary to the purpose of the Act. The proposal will enable people and communities to provide for their economic, social and cultural well-being and their health and safety without significantly compromising the needs of future generations or the life supporting capacity of natural resources such as air, water and soils.

The proposal would allow for the establishment of a medical centre with associated car parking that would be appropriate within the environment and would be able to establish and operate in such a way that the amenities of the neighbourhood would not be adversely affected. Establishment of a medical centre is a response to a public need that has been clearly expressed in the **background information provided with the application**. Through the imposition of appropriate conditions of consent, it is considered that the proposed activity can sufficiently avoid, remedy or mitigate any adverse effects on the environment.

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

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

It is considered that the threshold test for a non-complying activity has been met as the proposal satisfies section 104D. To this end, part 8.1 of this report has concluded that subject to appropriate conditions of consent the adverse effects on the environment of the proposal will be no more than minor, and part 8.2 of this report determines that the proposal is not contrary to the relevant objectives and policies of the District Plan. Jurisdiction to grant consent has therefore been established.

11.0 CONCLUSION

The applicant seeks consent to establish a medical centre containing seven separate tenancies, including a pharmacy outlet as a non residential activity. The subject site is located at 382 – 386 Te Atatu Road, 9 Karamu Street, Te Atatu Peninsular. The site is within the Living Human Environment and the General Natural area. Infringements generated by the proposal require consent for building coverage, location, traffic generation, car parking and driveways, signage, vegetation alteration, earthworks, impermeable surfaces and the establishment of a non residential activity involving associated retail sales within the Living Environment.

It is considered that the proposal meets the criteria for granting consent as the potential adverse environmental effects are no more than minor and can adequately be mitigated through the imposition of appropriate conditions of consent. It is considered that the establishment and operation of a medical centre as a non-complying activity will not lead to a decline in the amenity values of the area in which it seeks to locate.

The proposal is considered to be consistent with the objectives and policies of the District Plan. These seek to maintain and enhance amenity values. This is achieved by managing activities and associated car parking so that neighbourhood character, visual amenity and streetscape are maintained and privacy of adjoining property owners is assured. A similar intensity of development in the form of medium density housing would in any case have been anticipated on a site of this size located on a major road. The change of use from single dwellings on sub-dividable sites to non-residential use is therefore not out of character in this rapidly evolving street scape where non-residential activities are increasingly being established on the front portion of sites along this busy road.

The main concerns raised by submitters relate to non-residential activities, traffic concerns, consistency with the District Plan and benefits to the community. These issues have been discussed in section 8 above and are summarised below.

Non-Residential Activities

It is considered that the proposal meets the criteria for granting consent as the potential adverse environmental effects are no more than minor and can adequately be mitigated through the imposition of appropriate conditions of consent. It is considered that the establishment of a non-residential activity such as a medical centre would not lead to a decline in amenity values of the area in which it seeks to locate. The character of this area is considered to be changing with the introduction of non-residential uses even though houses remain. For this reason the centre has been designed with a residential character with particular attention given to the northern and eastern façade as viewed from the street. Screening and planting adjacent to all external boundaries and the solid fencing along the northern and western boundary is of a height to maintain an open appearance, soften the view of the site and provide privacy.

The retail aspect is a secondary component of the centre and therefore would reduce the need for vehicle trips from the site to the nearest retail. As this is a destination service it is expected that the majority of customers to the pharmacy would be by referral from the tenancies, therefore not reducing the importance or role of existing retail in the nearby town centre.

Consistency with the District Plan

The District Plan contains policies in relation to non-residential activities that seek to reduce vehicle trips, provide services to the local community and support to major town centres. The location of retail activity outside of town centres should not compromise the achievement of these aims. It is considered that the proposal would be able to establish and operate in accordance with these aims as the centre is destination specific with the retail element of the centre secondary to the main use of the site as a 'community service'. Unlike shopping centres the centre would not cater for casual visitors. The majority of visitors would go by appointment. Car parking areas are unlikely to be fully occupied with traffic to and from the site staggered over the day rather than occurring in peak periods.

The slim-line and generic design of the freestanding sign will have a no more than minor effect on the visual amenity of the surrounding area or detract from surrounding neighbourhood character. The sign provides distinct recognition to the use of the site while maintaining the open residential amenity of the surrounding area. Given that the frontage of the site spans some 48m (over three lots) the slim-line design of the sign would not appear visually intrusive. The sign does not exceed the height of the centre and set clear of the Maple tree located within the front boundary. The sign in this location would have a no more than minor effect on pedestrian and traffic safety and for south-bound travellers would be viewed with the Maple as a backdrop.

Traffic Movements

The District Arterial nature of the road and vehicle access to the site as designed would allow for the safe and efficient movement of vehicles to the site whilst not compromising the safety of surrounding neighbours or the flow of existing traffic. Transit New Zealand has raised no objections to the application stating that the additional traffic generated by the proposal is expected to be limited given that the medical centre currently exists on the Te Atatu Peninsula and visitors to the site would be staggered by appointment times. This statement may be applied to parking demand also. The main customer base to the centre is expected to be from the Peninsula itself and as mentioned would be destination specific. The proposal in this location is not expected to adversely affect the Te Atatu interchange.

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

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

RECOMMENDATIONS

That pursuant to Sections 104,104B, 104D, 108 and 113 of the Resource Management Act 1991, and subject to additional or contrary information being presented at the hearing, **consent be granted** to the application by Ongoing Enterprises Limited to establish and operate a medical centre containing seven separate healthcare tenancies and associate retail, being a non-residential activity within the Living Environment with infringements to traffic, car parking, building coverage, building location, signs, vegetation alteration, earthworks and impermeable surface rules of the District Plan at 382 – 386 Te Atatu Road and 9 Karamu Street, Te Atatu Peninsula, being Lots 108, 109, 110 DP 42624 and Lot 2 DP 211131 for the following reasons:

- (i) Any adverse effects on the environment would be no more than minor because:
 - The bulk, scale and positioning of the centre and associated signage on site would not detract from the amenity of the site or the surrounding Living Environment;
 - Although commercial in nature the design of the centre has had regard to the residential environment in which it is located. Design elements such as building height, roofline, building bulk and coverage, and impermeable surface coverage have been balanced to achieve an integrated and cohesive development;
 - The façade detail of the north and east elevation provide good street presentation. The building would be articulated with varying building materials for visual interest whilst maintaining the appearance of a single building.
 - Proposed landscaping and proposed replanting would ensure visual amenity is maintained;
 - The retail element is in character with the proposed use of the facility and ancillary to the main use.
 - Effects from earthworks would be of short duration and controlled by means of consent conditions;
 - Stormwater disposal from increased impermeable surfaces would be avoided, remedied or mitigated by means of appropriate and approved design and by conditions of consent;
 - Effects from traffic would not compromise the safe operation of the road network;
 - Design of car parking would allow for safe on-site manoeuvring and safe egress/ingress from the site;
 - Noise would be controlled by means of boundary screening and would be required to meet District Plan standards;
- (ii) Geotechnical investigations have confirmed the suitability of the site for the intended development.
- (iii) The proposal satisfies the relevant assessment criteria and is not contrary to the relevant objectives and policies of the Waitakere City Operative District Plan.
- (iv) The proposal is not contrary to Part II of the Resource Management Act 1991.

Consent shall be subject to the following conditions:

GENERAL

- (GEN1) The development shall proceed in accordance with the plans titled Te Atatu Peninsula Medical Centre – drawings A-002 revision D, A-200 revision D, A-201 revision D, C001, C002, C003, C004, C005, signage detail as shown in Appendix F, Planting Plan Revision 4, prepared by Klein Limited and dated September/October 2005 and all referenced by Council as RMA 20052041 and the information, including further information, submitted with the application.
- (GEN2) Pursuant to section 125 of the Resource Management Act 1991, this consent shall lapse after a period of five (5) years after the commencement of the consent.
- (GEN3) Noise from the medical centre shall not exceed the following levels as measured at or near any residential boundary:
- Monday to Saturday 7.00 am - 7.00 pm 50dBA L10
 - Monday to Saturday 7.00 pm - 10.00 pm 45dBA L10
 - Sundays and public holidays 7.00 am - 10.00 pm 45dBA L10
 - Monday to Sunday (inclusive) 10.00 pm - 7.00 am 40dBA L10 and 70dBA Lmax
 - Noise shall be measured and assessed in accordance with NZS6801:1991 and NZS6802:1991
- (GEN4) No service or delivery vehicles are permitted to visit the site between the following hours:
- a. Monday to Sunday (inclusive) 10.00 pm - 7.00 am.
- (GEN5) The medical centre shall not operate outside of the following hours:
- a. Monday - Friday 7.00 am - 7.00 pm.
 - b. Saturday - 9.00 am - 2.00 pm.
- (GEN6) A solid boundary fence shall be constructed along the entire length of the northern, western and southern external site boundaries. The fence shall be not less than 1.8metres in height, and shall be constructed in a manner approved by the acoustic engineer.
- (GEN7) Within 1 month of installation a Producer Statement, or similar, from a suitably qualified lighting engineer shall be submitted to the Manager, Resource Consents, certifying that all outside lighting complies with Rule 14 of the Living Human Environment.

EARTHWORKS

- (EWK1) **Before commencement of any works and until completion of exposed earth site works**, adequate sediment and erosion control measures shall be constructed and maintained by the consent holder. The control measures must be maintained until the site has been adequately stabilised against erosion. The construction and maintenance shall be in accordance with Appendix 3, Erosion and Sediment Control Measures Appendix to the Natural Area Rules of the Waitakere City Council District Plan.

Please **advise Council's Environmental Monitoring Officer when the controls are in place and await the approval of the monitoring officer** before commencing work.

- (EWK2) Prior to the commencement of work on the site, the resource consent holder shall submit a site management plan to the Senior Subdivision Engineer, and shall have received written approval for this plan. The plan shall include, but not be limited to the following:
- The name, telephone number (including after hours) and address of the site manager.
 - A plan of the property showing the area to be cut and filled, including the existing and proposed final contours and extent of the cut and/or fill.
 - The entry/exit to the site and on-site access provisions.
 - The supervision and operation of the site including measures to be used to maintain the site in a tidy condition e.g. storage and disposal of rubbish and/or materials.
 - The proposed sequence of operations including the numbers and timing of truck movements throughout the day.
 - An appraisal of the stability of the existing site both during and after the completion of works by a registered engineer experienced in geotechnical matters. The appraisal shall include recommendations for the operation of the site to ensure short and long term stability.
- (EWK3) No truck movements to and from the site shall occur during peak traffic times of the day; being 7.00 am - 9.00 am and 3.30 pm - 5.00 pm, Monday - Friday.
- (EWK4) In the event of archaeological evidence being uncovered (eg. Shell, middens, hängi or ovens, pit depressions, defensive ditches, artifactual material or human bones) work shall cease in the vicinity of the discovery, the area secured, and the Council (Ph 839 0400) contacted. Activity on site will remain halted until the Manger Resource Consents gives approval for operations to recommence.
- (EWK5) The consent holder shall implement suitable measures, such as wheel wash facilities or the construction of a stabilised entrance way, to prevent the deposition of earth on the surrounding streets from trucks entering or leaving the site, to the satisfaction of the Manager Resource Consents. These measures shall remain in place until the completion of the development. Should any material be deposited on the street, it shall be removed immediately at the expense of the consent holder.
- (EWK6) 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.
- (EWK7) The development works associated with the development are to be carried out in accordance with NZS 6803P:1984 'The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work' with the exception of the hours of work, which are to be limited as follows:
- | | |
|-----------------------------|--------------------|
| Monday to Friday: | 7.30 am to 7.00 pm |
| Saturday | 8.00 am to 5.30 pm |
| Sunday and Public Holidays: | No Work |

- (EWK8) All necessary action shall be taken to prevent a dust nuisance to neighbouring properties to the satisfaction of the Manager Resource Consents.
- (EWK9) All earthworks shall be completed within one earth working season (October - April) and stabilised and regrassed if necessary after completion.
- (EW 10) All excess or unsuitable excavated material shall be removed from the site before or immediately following the completion of earthworks, and disposed of to the satisfaction of the Manager Resource Consents. Written evidence demonstrating that the excavated fill has been deposited in the approved location, should be submitted to the Manager Resource Consents in the form of producer statement, certification or similar.

VEGETATION REMOVAL

- (VEG1) The consent holder shall appoint a suitably qualified and experienced Works Arborist to be in attendance at the following stages:

Pre-commencement meeting with the contractor(s) to establish working practice within the drip line of the Sycamore and erection of protective fencing.

A copy of an invoice from the appointed arborist and copies of key stage reports identifying site attendance must be submitted to Consents Manager, Consents Services, Waitakere City Council.

- (VEG2) Protective fencing shall be erected around the Sycamore tree prior to the commencement of works. The location and specification of the fencing shall be appropriate to the level of construction activity as assessed by the Works Arborist but where used be no less of a specification than orange plastic mesh supported by waratahs placed firmly in the ground at 4m centres. This fencing must remain in place until the landscape stage of development.
- (VEG3) The removal of the subject vegetation, shall be undertaken by appropriately trained and skilled persons in accordance with modern arboricultural practices so as not to cause damage to/or death of other 'protected' vegetation growing beneath or alongside.
- (VEG4) The removal of any hard surfaces beneath the drip line of the Sycamore tree must be carried out by hand. Any damaged roots above 35mm in diameter found within the excavated areas must be cut cleanly with a sharp pruning tool under the supervision of the Works Arborist and recovered with without delay.
- (VEG5) No fill associated with building and laying of foundations (including that fill generated by any post hole borers for pole foundations) shall be deposited within the drip line of remaining vegetation. All excess excavated material not able to be incorporated appropriately within the site shall be removed immediately following the completion of earthworks and disposed of appropriately.
- (VEG6) No storage of materials, building waste, cement/concrete washings and leaching of chemicals, tracking of any machinery, stockpiling of spoil, or other contamination shall occur within the drip line of retained vegetation on this site or on adjacent land.

LANDSCAPE TREATMENT

- (LST1) Landscape treatment including fencing and planting shall be implemented as shown on the Planting Plan by LA4 Landscape architects dated 13.12.05 and shall be to the satisfaction of the Manager, Resource Consents. Any irregularities in the boundary ground levels shall be graded as necessary to an even grade prior to construction of fences. Fences shall be set in place and any low concrete nib walls required to define garden areas adjacent to hard surfacing areas shall be set in place prior to establishment of garden areas. Where new gardens are established gardens shall be of good quality topsoil/garden mix, free of weeds and debris, and shall have a wood or bark chip mulch to 60mm depth. The planting shall be set in place within the first planting season (May till 7 September) following use of the building and parking area.
- (LST2) All planting and garden areas shall be maintained for a minimum of two planting seasons following the initial planting, with plants watered as necessary to facilitate their establishment, with gardens kept weed-free, and with any plant losses within this time replaced and maintained for a further planting season from the date of replacement, to the satisfaction of the Environmental Monitoring Officer, Resource Consents.

TRAFFIC AND PARKING

All conditions relating to traffic shall be to the satisfaction of the Service Manager: Transport Assets.

- (TP1) Form and construct the proposed car park including marking for 52 cars to approved Council standards.
- (TP2) Form and construct a vehicle crossing using standard detail SD 3.11 Heavy Commercial Vehicle Crossing in Council's Code of Practice for City Infrastructure and Land Development; and for which vehicle crossing detail forms shall to be completed and returned to Council.
- (TP3) Demolish all the redundant vehicle crossings and fully reinstate the kerb and channel, footpath and grassed berms; all to the satisfaction of Council.
- (TP4) On completion of hard surfacing the car park layout will be pavement marked, with signs to clearly define staff / visitor parking, circulation and site access etc. All to comply with The Manual of Traffic Signs and Markings, published by Land Transport New Zealand and Transit New Zealand. Also refer to NZS 4125 (1985) "Code of Practice for Design for Access and Use of Buildings and Facilities by Disabled Persons".
- (TP5) Inspection of the vehicle crossing and footpath boxing etc. prior to concrete pouring is required. Contact phone 836 8000 extension 8725, at least 48-hours prior to the inspection being required.

GEOTECHNICAL

- (GEO1) Load bearing walls and columns shall be supported on piles founded below the peat layer, driven to sets advised by the building foundation designer, who shall be an experienced professional engineer familiar with the geotechnical report prepared by Engineering Geology, dated 27 June 2005. Piles in the vicinity of existing services shall be pre-drilled to below the service trench inverts.
- (GEO2) Retaining walls shall be designed by an experienced professional engineer familiar with the geotechnical report. Rigid retaining walls, or retaining walls integral to the building shall be designed to not less than at-rest earth pressures.

- (GEO3) Subgrades under slab on ground floors shall be undercut of all topsoil and unsuitable fill. Filling under slabs shall consist of clean free draining hard fill compacted as directed by the supervising engineer. Exposed subgrades beneath slabs shall be protected from wetting or drying during construction. A compacted basecourse layer shall be utilised under the slab. No filling under the slab shall exceed 500mm in depth without further consideration by an experienced geotechnical engineer familiar with the geotechnical report.

ECOWATER

- (EW1) Contact EcoWater's Subdivision Assistant (phone 386 9848) to arrange a pre-start meeting. Plans are required to be submitted and Engineering Approval obtained before requesting a pre-start meeting.
- (EW2) Provide an As-Built drainage plan for the property, prepared by a registered drain layer, showing the separate private drains from the proposed development to the point of connection to the public drains.
- (EW3) Design, provide and install a complete **private wastewater reticulation system** to serve the development in compliance with Councils Code of Practice for City Infrastructure and Land Development (Refer Section 5.0). Specific requirements:
- i. Locate and relay the existing private drainage serving the existing dwelling to a position clear of the proposed building platform.
 - ii. Pay to council for capping of the three exiting connections serving the existing dwellings (382, 384, and 386 Te Atatu Road).
 - iii. Obtain a Minor Drainage Works Permit for any proposed private drainage works to serve the development.
 - iv. Pay to the Council the cost of providing a new connection to the drain to serve the proposed development.
 - v. Re-route the existing public line from the manhole at 7 Karamu Street SSMH LL 13.46 and SSMH IL 11.92 passing through the site to provide more adequate building sites for this development. Relocate the public manhole if it is necessary and re-route the private drainage serving 7 Karamu Street. Submit full engineering plans according with Council Code of Practice for approval if it is necessary.
- (EW4) Design, provide and install a complete public / private storm water drainage system to serve the development in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer section 4.0). Specific requirements:
- a. Under specific engineering approval extend a private storm water system from the public line located at 7 Kamaru Street to serve the proposed development. Specific requirements:
 - i. Provide a new manhole over the public line and extend the storm-water line from this manhole to serve the development.
 - ii. Collect all existing discharge points. The system shall include connection to down pipes or drainage from any existing buildings/paved areas.
 - iii. Obtain a Minor Drainage Works Permit for any proposed private drainage works to replace the private drainage if not covered by engineering approval.
 - iv. Prior to the commencement of work obtain written approval from the adjoining property at 7 Karamu St, Lot 84 DP 44012 to show their satisfaction with the restoration.

- (EW5) Any development on the site shall be designed to incorporate the following requirements to the satisfaction of EcoWater and the ARC discharge consent No 31806.
- a. Maintain storm water runoff flows, volumes, and timing to pre-development levels for the 2 & 10 year storm event(s).
 - b. Rainwater to be reused for toilet, laundry and gardening use to reduce runoff volumes and minimise water importation.
 - c. A storm water detention tank to be provided to limit the rate of runoff.
 - d. The property owner is to provide to Council (EcoWater) at 2 yearly intervals a report from a registered engineer, or suitably qualified person, demonstrating that the storm water mitigation measures and devices are functioning in accordance with their intended purpose.

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

- (EW6) The storm water mitigation measures proposed in Davis Ogilvie Consultants Limited "Hydrological Neutrality Report" dated 15 November 2005 shall be deemed to satisfy EW 5 (above), subject to compliance with the following conditions:
- a. Provide the 1,111m² permeable paving for the car parking area. All permeable paving is to be constructed in accordance with the manufactures specifications and any subsoil drainage to connect to a cesspit or sediment trap prior to discharging to the public system.
 - b. Provide a 42 cubic metre detention tank at the north western corner of the site, beneath the car park area. The detention tank must be designed to hold back storm water during rainfall events and release this stored water over an extended period of time, in order to reduce the peak discharge from the previous surface areas to below predevelopment levels.
 - c. Provide a 25 cubic meter detention tank to enable rainwater off the roof of the building to be reused for non-potable supply.
 - d. Provide an Ingals Storm water Filter to treat stormwater to improve the quality of storm water runoff before it enters receiving waterways.
 - e. Provide engineering plans and calculations to EcoWater for approval prior to commencing works for all stormwater devices.
 - f. Provide a maintenance manual for the treatment device as described in (d) above.

- (EW7) Design, provide and install a complete private water supply reticulation system and fire fighting services to serve the development in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer section 6). Specific requirements:
- (i) Liaise with the Water Assets Engineer regarding the location of the existing water meter and arrange for its relocation or substitution and pay all fees applicable. Note: Council require that an existing water meter serving an existing house remain the meter serving that house.

BONDS

- (BD1) A refundable cash bond of \$2,500 shall be deposited with Waitakere City Council to ensure compliance with Conditions TP1, TP2, TP3 and TP4 of this consent.

MONITORING

- (MON1) A consent compliance monitoring fee of **\$1035.00** (inclusive of GST) shall be paid to the Council. This fee is to recover the actual and reasonable costs incurred ensuring compliance with the conditions of this consent. If, on inspection all conditions have not been satisfactorily met, a reinspection shall be required at the relevant hourly rate applicable at the time the reinspection is carried out.

This 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.

ADVICE NOTES

GENERAL

1. Where indicated in the conditions it is the consent holders responsibility to inform the Environmental Monitoring Officer when inspection is required. Inspections can be requested through the Call Centre on 849 0400.
2. An experienced geotechnical engineer familiar with the geotechnical report and with the specific design shall be engaged to inspect the slab subgrade as exposed and shall provide the Council with a such reports as are required by the consent under the Building Act relating to the foundation construction and if required by the consent under the Building Act, inspection by the Council staff shall be arranged.
3. Site management in terms of hazardous waste is the responsibility of the site operator.
4. It is noted that the proposed development attracts a development contribution in accordance with the Waitakere City Council Long Term Council Community Plan. Under the Local Government Act 2002, Councils were permitted to take development contributions towards the costs that growth imposes on the community. The financial contribution policy of the Waitakere City Council's Long Term Council Community Plan incorporates a development contribution based on the City's capital expenditure for infrastructure and community facilities for that ten year period. Please note that the actual development contribution payable will be assessed at the time an application for building consent is lodged according to the scale applying at that time. The next review of the development contribution policy and amounts of payment will be undertaken for 1 July 2006.

ECOWATER

5. To avoid delays in processing of building consents, provide engineering plans to EcoWater for approval at least 10 working days prior to submitting plans for building consent.
6. Take note that the existing public sanitary sewer passing through site may need to be re-laid at the owners expense (for that length below and one metre either side of the new dwelling) at the time application is made for building consent on this development. The building consent application shall include a cctv video inspection of the wastewater drain and foundation bridging details.

7. If the low flow water saving devices listed below are to be installed under a future building consent, a 10% remission off the wastewater and water supply components of the development contribution will be available. To be eligible for the remission, advise Council that the following devices will be installed under a future building consent:
 - a. All taps over hand basins/sinks and showerheads are to be of a type that limit the flow rate to 9 litres/minute or less.
 - b. All units/dwellings shall have showers.
 - c. All toilets shall be of 6/3 litre dual flush type.
 - d. No in sink waste disposal units shall be installed.
 - e. A covenant is required to be issued and registered on the development requiring the use of low water use devices to limit wastewater flows to Council's satisfaction. Council's Hazards and Special Features Register will be advised of the above requirement.
8. EcoWater policy requires any wastewater manholes or line connections to be constructed by EcoWater Solutions maintenance contractor. Wastewater manhole connections may be constructed by the applicant's contractor with engineering plan approval and under EcoWater's Quality Assurance supervision or by EcoWater Solutions maintenance contractor.
9. EcoWater policy requires any public storm water line connections to be constructed by EcoWater Solutions maintenance contractor. Storm water manholes or manhole connections may be constructed by the applicant's contractor with engineering plan approval and under EcoWater's Quality Assurance supervision or by EcoWater Solutions maintenance contractor.
10. Where drainage work is required to be carried out on land outside the subject site, obtain the written consent of the owner(s) of that land prior to the approval of the drainage plans. After construction obtain the written acknowledgment of the owner(s) that the property has been satisfactory reinstated.

Report prepared by: Jade Hunt, Resource Planner.

