



Waitakere City Council
Te Taiao o Waitakere

NOTICE OF MEETING

HEARING BY COMMISSIONER

I hereby give notice that a Hearing By Commissioner will be held on:-

DATE: Thursday, 23 February 2006 **TIME:** 9.30 am

VENUE: Civic Centre, 6 Waipareira Avenue, Lincoln, Waitakere City

to consider the business as set out herein and to take any necessary action connected therewith.

8 February 2006

Owena Schuster
COMMITTEE SECRETARY

Telephone (09) 836 8000 extn 8864

MEMBERSHIP:

Commissioner H Bhana

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

**AGENDA FOR A MEETING OF A HEARING BY COMMISSIONER TO BE HELD IN THE
CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY, ON
THURSDAY, 23 FEBRUARY 2006, COMMENCING AT 9.30 AM.**

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**NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE
RESOURCE MANAGEMENT ACT 1991 BY LAINGHOLM SCHOOL BOARD OF TRUSTEES
TO CONSTRUCT A SCHOOL AUDITORIUM WITH COMMUNITY FACILITIES AT 50-54
VICTORY ROAD, LAINGHOLM (LAINGHOLM PRIMARY SCHOOL)**

WAITAKERE WARD

RMA 20042184

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: Fennel Mason

Site Address: 50 - 54 Victory Road, Laingholm

Applicant: Laingholm School Board of Trustees

Date Received: 29 September 2004

Building Consent No: Not yet applied for

Legal Description: Lots 1-3 DP 19099 and PT ALLOT 34 DP 1947

Address for Service: Barry Kaye
Barry Kaye Associates Limited
467 New North Road
Kingsland
Auckland

Site Area: 18 900m²

Transitional Plan:
Hazards: Stability Sensitive

District Plan:
Human Environment: Bush Living / Waitakere Ranges
Natural Area: Managed / General
Landscape Elements: Sensitive Ridge
Hazards: Stability Sensitive
Roading Hierarchy: Collector
Designation: ME26 - Laingholm School

Further Information Required: Yes

Date Requested: 13 October 2004, 27 October 2004 and 21 February 2005

Date Received: 21 October 2004, 30 November 2004 and 17 October 2005

1.0 INTRODUCTION AND RECOMMENDATION

1.1 Nature of the Application

The applicant seeks consent to construct a school auditorium for school and community use within the Bush Living and Waitakere Ranges Environments at Laingholm Primary School, 50-54 Victory Road, Laingholm. The development will require consent for a non residential activity, building location, traffic generation, car parking, building coverage, height, vegetation clearance, earthwork and natural hazard infringements.

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 outside its designated purpose. Particular consideration must therefore be given to associated traffic generation, visual and acoustic amenity, and compatibility with adjoining and nearby uses established in the neighbourhood given the scale, intensity and character of the proposed development in regard to the surrounding environment.

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

2.0 LOCATION PLAN



Figure One - General Location Plan

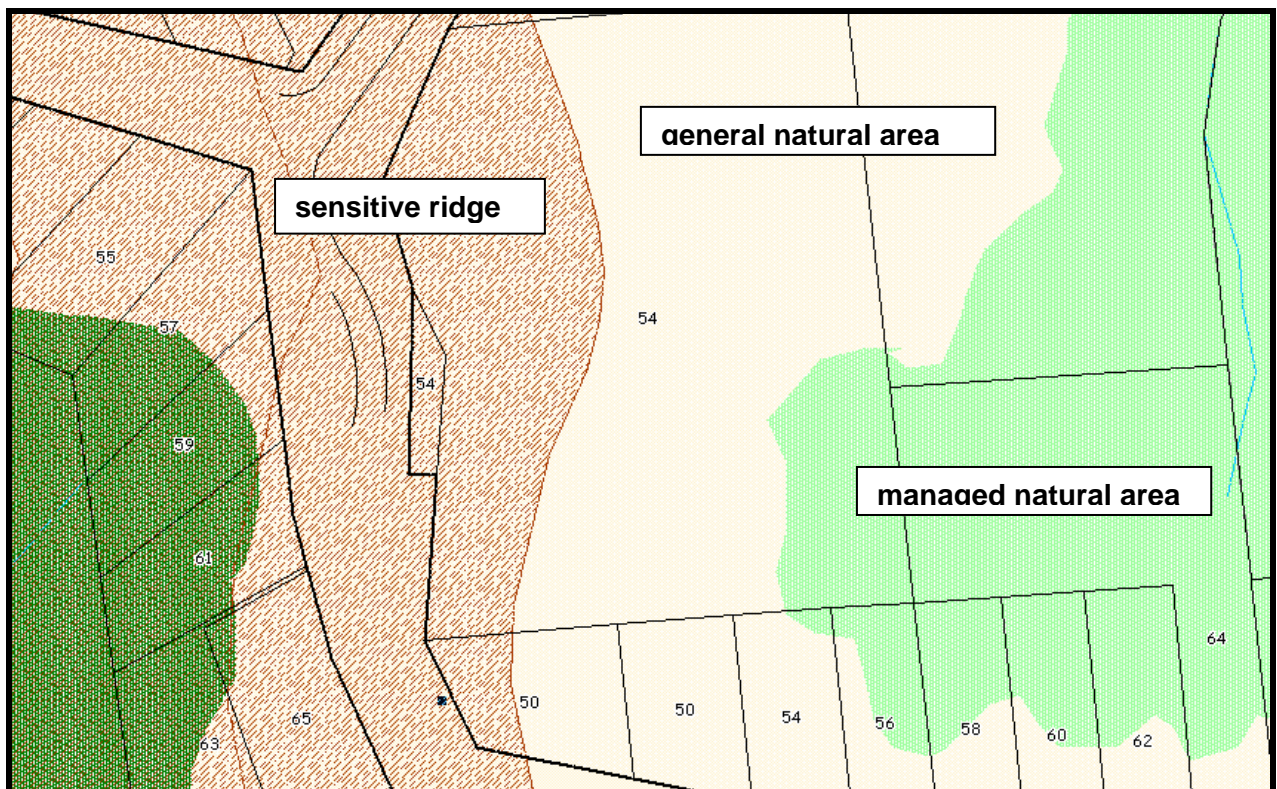


Figure Two - Natural Environments

Legal Description:	Lots 1-3 DP 19099 and PT ALLOT 34 DP 1947 (comprising of 4 titles)
Human Environments:	Bush Living / Waitakere Ranges
Natural Areas:	General / Managed
Landscape Elements:	Sensitive Ridge

3.0 PROPOSAL

At present, the school utilises the Laingholm Village Hall across the road for indoor recreation, school assembly (which due to its size needs to be held over separate sittings) and other uses when the need arises. The proposal seeks to provide for school assemblies in one sitting, performances, recreation and other general school activities. Resource consent is sought to construct a school auditorium building at Laingholm Primary School (hereafter referred to as the school), which will be utilised for both school and community purposes.

Following notification and the receipt of submissions the applicant has reviewed and amended the plans to reduce the scale of the proposed building, and in particular the community aspect, and has also changed the car parking layout. In addition, the building entry has now been orientated away from Victory Road, the classroom will now be relocated to abut the proposed building to the north-west, and the caretakers facilities will now be incorporated within the new building.

The provision for seating in the main auditorium has been reduced from 515 to 380 fixed seats, but still enabling up to 515 school pupils to be accommodated. The original application proposed three multi-purpose rooms to be constructed for community and school use, this has now been reduced to one community room, which is to be located adjoining the hall to the south. The total development, including the main auditorium and associated community room, will be reduced to approximately 587m² in area. As a result of the amended plans, the proposed impermeable surface area will also reduce, by approximately 200m² in area.

The school will have priority over the use of the auditorium as a hall during school hours, and will also be able to use the multi purpose rooms when they are not booked for community use. A proposed Management Plan has been provided as part of this resource consent application, which sets out the principles of the shared use arrangement between the School and community groups.

The proposed building will be located within both Bush Living and Waitakere Ranges Environments, with the majority of the proposed building being located within the Bush Living Environment. The proposed auditorium and associated community room increases the building coverage on the site by 587m², for a total building coverage on the site of 2754m².

Further, the amended design of the building has resulted in a height infringement, with the auditorium building now projecting beyond the 8m height restriction within the Bush Living Environment. The maximum level of infringement occurs towards the northern portion of the building, where there is a 1690cm infringement, reducing to compliance as it approaches the southern portion of the building. The height infringement occurs over approximately 50% of the roof area.

A1-A154 The development proposes to increase the parking spaces by 7 to a total of 19 on the site, which is a shortfall under Council standards. There are also 19 formed car parking spaces along the southern road boundary adjacent to the school site, and 8 new car parking spaces to be formed adjacent to the western boundary. It is anticipated that the proposed auditorium and community events centre will at times generate parking demands in excess of these spaces. Therefore, it is proposed to utilise existing paved playing areas (outside of school hours) to provide for up to 60 car parks when required. Further, it is proposed that the surrounding street network is able to accommodate any vehicles in excess of these spaces provided for on the subject site. A Traffic Planning Assessment has been prepared and submitted in support of this resource consent application, which was prepared by Traffic Planning Consultants Limited, as attached at pages A1 to A154. Further, the proposed auditorium will create a traffic generation exceeding 1% of the roads daily traffic volume, which has been surveyed at approximately 1471 movements per day.

A1-A154 The proposed development includes the removal and relocation of existing vegetation, and mitigation planting. An Arboricultural Report has been prepared and submitted as part of this resource consent application, as attached at pages 1 to A154. Further, resource consent (RMA 20041735) has previously been granted allowing the transplanting of a Liquidamber, a Totara and a Puriri, all of which are protected under the District Plan. However, since this consent (RMA 20041735) was granted, Telecom cables have been located, making it impractical to transplant the Puriri without damage to the cables. Therefore, consent is sought to remove the Puriri. In addition, the development will require the removal of other unprotected vegetation, such as Cabbage Trees and other species.

The proposed development will require earthworks to form the building platform area, with excavated materials to be transported to the north of the playing fields, which will then be re-contoured and planted. In total, it is proposed to excavate and redistribute approximately 515m³ in volume of earth, over an area of 2975m². This earth working activity will require approximately 50 truckloads of material to be transported from the proposed building platform, along the road and back into the school grounds to deposit at the fill site.

A1-A154 A Noise and Acoustic report has been prepared and submitted as part of the resource consent application, which was prepared by Acoustics and Noise Control Consultancy, as attached at pages A1 to A154.

The area was previously identified under the Transitional District Plan as being potentially stability sensitive, therefore consent is sought to construct a building on land known to Council as being potentially stability sensitive.

The proposed development complies with all other bulk and location requirements of the District Plan.

4.0 REASONS FOR THE APPLICATION

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

Human Environments

- An area along the western part of the site has been identified as sensitive ridge, and any building or development on this ridgeline requires consent. It is proposed to place and recontour the excavated earth in the northern part of the site, with an estimated 5% to be located on this sensitive ridgeline. As this development will also be visible from the road, the activity is considered to be a **discretionary** activity pursuant to Rule 2.4 of the Waitakere Ranges Environment.
- The proposed building will protrude beyond the 8m height restriction over approximately 50% of the roof area, using the rolling height measurement. The maximum extent of infringement is 1690cm within the north-eastern corner of the building. Therefore, this aspect of the proposed development is considered to be a **discretionary** activity under Rule 4.2 of the Bush Living Environment.
- The proposed auditorium and associated community room increases the building coverage on the site by 587m², for a total building coverage on the site of 2754m². However, as the proposed building is located within both Bush Living and Waitakere Ranges Environments, the building coverage is calculated for each. A portion of the proposed building will be located within the Waitakere Ranges Environment, and the building coverage within this zoning will increase to approximately 1926m² (12.4% of that part of the site within the Waitakere Ranges Environment) exceeding the 300m² maximum permitted within this zoning. Therefore, this aspect of the development is considered to be a **limited discretionary** activity under Rule 7.3 (Waitakere Ranges Environment).

- The majority of the proposed building will be located within the Bush Living Environment, and the proposed building coverage within this zoning will increase to approximately 828m² (25.1% of that part of the site within the Bush Living Environment) exceeding the 10% maximum permitted within this zoning. Therefore, this aspect of the development is considered to be a non **complying** activity under Rule 7.3 (Bush Living Environment).
- As the proposed auditorium and community events centre is to be located within residential intended use zoning, any non residential activity to be undertaken within a building not originally erected as a dwelling, is considered to be a **non complying** activity under Rule 7.4 (Waitakere Ranges Environment).
- As the proposed auditorium and community events centre is to be located within residential intended use zoning, any non residential activity to be undertaken within a building not originally erected as a dwelling, is considered to be a **non complying** activity under Rule 8.3 (Bush Living Environment).
- The traffic generation arising as a result of the proposed building could be expected to exceed 1% of the roads daily traffic volume, with an estimated 145 vehicle movements (based on an 85% occupancy of the hall) associated with a single performance. Therefore, the activity is considered to be a **discretionary** activity consent under Rule 8.3 of the Waitakere Ranges Environment.
- The traffic generation arising as a result of the proposed building could be expected to exceed 1% of the roads daily traffic volume, with an estimated 145 vehicle movements (based on an 85% occupancy of the hall) associated with a single performance. Therefore, the activity is considered to be a **non-complying** activity consent under Rule 9.2 of the Bush Living Environment.
- The proposed development involves the construction of a driveway associated with a non-residential activity that complies with gradient and on-site turning. Therefore, the activity is considered to be a **controlled** activity consent under Rule 9.2 of the Waitakere Ranges Environment.
- The proposed development involves the construction of a driveway associated with a non-residential activity that complies with gradient and on-site turning. Therefore, the activity is considered to be a **controlled** activity consent under Rule 10.2 of the Bush Living Environment.
- The proposed development will require the reinstatement of one, and the formation and construction of two new vehicle crossings serving a site within the Bush Living Environment. Therefore, the activity is considered to be a **controlled** activity under Rule 7.2 of the Transport Environment.

Natural Environments

- There was a previous resource consent (RMA 20031735) to transplant protected vegetation, being a Liquidamber, a Totara, and a Puriri to allow for the construction of the proposed auditorium. However, Telecom cables have since been located in a position which makes the transplanting of the protected Puriri impractical without damaging the said cables. Therefore, the removal of protected vegetation, being a 7m Puriri, is considered to be a **limited discretionary** activity under Rule 2.3 of the General Natural Area.
- The proposed development will require earthworks to be undertaken over an area of 976m² and volume of 513m³ for the formation of a level building platform and the car parking and driveway area. The excess excavated earth is to be transported to the northern part of the site, where it will be placed and recontoured. A small portion of this area is occupied by a sensitive ridgeline, which is estimated to be approximately 5% of the total fill area. Therefore, the proposed earth working activity is considered a **discretionary** activity under Rule 3.4 of the General Natural Area.

City Wide Rules

- The subject site has previously been identified under the Transitional District Plan as being potentially stability sensitive, and any development on a site known to Council to be likely subject to erosion or subsidence requires consent. Therefore, this aspect of the development is considered to be a limited discretionary activity pursuant to Rule 1.1 of the Natural Hazards – City Wide Rules.

4.1 Overall, the application is considered to be a non complying activity. The proposal complies with all other development controls under the District Plan.

5.0 THE SITE AND NEIGHBOURHOOD DESCRIPTION

The designated site (ME26) for Laingholm Primary School purposes is located at 50-54 Victory Road in Laingholm, which incorporates five separate titles, with a combined total area of 18 900m² (1.89ha). The site is roughly rectangular in shape and is delineated by Victory Road to the west and south, and by residential sites to the north and east. The school site is of fairly level contour, with a slight fall from the southern to the northern boundary where the land falls away moderately toward the adjoining residential site. The main access to the site is provided from Victory Road, to the south of the school buildings.

There is existing vegetation on the site, comprising of species such as Marcocarpa, Pinus Radiata, Puriri and Totara. The vegetation is generally located to the north and west of the subject site, which currently provides a visual screen of the school from these adjoining sites. Some vegetation is also located within the south-west corner of the site.

Connections to reticulated stormwater and wastewater systems are available.

Existing development at Laingholm Primary School comprises of 17 classrooms, library, office, swimming pool, other associated buildings, paved courts and a playing field. The present role of the School is approximately 380 pupils and 18 staff. Existing building coverage on the site is 2137m² in area.

There is an existing Laingholm Community Hall which is located opposite the school for which building consent was granted in 1980. The hall serves a variety of community needs, including currently being used for school purposes, such as recreation activities and assemblies. The hall is able to seat 150 persons.

In addition to the hall, there is a volunteer fire station located to the south east of the school site, at 75 Victory Road. The remaining surrounding neighbourhood comprises of residential use with buildings reflective of this in terms of size, scale and height.

Victory Road is classified as a Collector Road under Councils Roding Heirarchy, and forms part of the primary road network that serves the local community. Victory Road within the vicinity of the school has open drains located alongside the formed carriageway which has a width of approximately 7.6m. Other local roads within the area also have open drains alongside formed carriageways of similar width.

6.0 ISSUES IDENTIFIED THROUGH THE SUBMISSION PROCESS

A161-AA205 The application was publicly notified on Friday, 10 December 2004. Notice of this application was served on all identified affected persons as attached at pages A161 to A205. The period for submissions closed on Monday, 31 January 2005.

A161-AA205
A155-A160 Seventeen (17) submissions were received for the application. One (1) submission supported the application, and sixteen (16) submissions opposed the application, as attached at pages A161 to A205 for copies of the submissions that were received. A map showing the location of the submitters is attached at pages A155 to A160.

6.1 Initial Submissions

	Submitter	Address	Support / Oppose
1	Carolyn Pye and David Williams	60 Warner Park Avenue	Oppose
2	Wendy Hardinge	23 Victory Road	Oppose
3	New Zealand Fire Service	75 Victory Road	Oppose
4	Tony and Veronika Schipper	55 Victory Road	Oppose
5	Paul and Janette Davidson	1 Lookout Drive	Oppose
6	James and Anne-Sophie Lacey	43 Victory Road	Oppose
7	Leanne Wilson	6 Tane Road	Oppose
8	Wayne MacKenzie	227 Victory Road	Oppose
9	Jacqueline Parker	81 Victory Road	Oppose
10	Merv Wardell	70 Victory Road	Oppose
11	David Southey	18 Kauri Point Road	Oppose
12	David and Stephanie Doyle	56 Victory Road	Oppose
13	Chris and Marlene White	41 Victory Road	Oppose
14	John Fryer	58 / 60 Victory Road	Oppose
15	Shirley Fryer	60 Victory Road	Oppose
16	WCC (Parks)	69 Victory Road	Oppose
17	Simon Radford	1 Victory Road	Support

Summary of Submissions

Opposition

	Reason	Explanation
1	Parking and Traffic	<p>One of the main concerns which arose through the consultation process was that of the car parking shortfall.</p> <p>The proposed auditorium and community events centre will generate an increase in traffic generation which could be significant, on this road and neighbourhood.</p> <p>As a result of these aspects, there is concern over children's safety (having these parking spaces located on playing areas), increased traffic generation, noise, congestion and air pollution.</p> <p>Another concern relates to a potential clash with the Laingholm Events Centre across the road, which may have events run at the same time.</p> <p>These issues were highlighted by submitters 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 13, and 16.</p> <p>The proposed auditorium has proposed to utilise some of the parking within Laingholm Events Centre, as overflow parking. There is concern that there is a possibility that events could be run on the same night, and parking should not incorporate these spaces.</p> <p>This issue was raised by submitter 16.</p>

	Reason	Explanation
2	Financial	There is a general lack of detail relating to financing of the proposed development. These issues were raised by submitters 2, 4, 6, and 8.
3	Inflexibility of Facility	There is concern over the proposed auditorium in that the design doesn't allow for flexible use of school needs, and is rather restrictive in design. The facility negates any future ability of the building to adapt for a different function. This issue was highlighted by submitters 1, 9 and 11.
4	Safety	There is concern over children's safety where there is an increase in parking, and especially where they are proposed on paved playing areas. Other concerns relate to having an increase in the number of people, and especially strangers within the school grounds both during hours and after hours when children still play at the school. These issues were highlighted by submitters 7, 8, and 11. Concern that the increased traffic flows and car parking within the road reserve could impact on the possible functioning of the Laingholm Volunteer Fire Station ability to respond to emergencies. In particular, where there is significant roadside parking, access for fire appliances to manoeuvre and pass could be difficult, and may increase response times. This issue was highlighted by submitter 3.
5	Sustainability	The design of the existing Laingholm Events Centre across the road is unsustainable due to its size, location and design requiring large power inputs for heating and lighting. Concern that the proposed auditorium duplicates the function of the existing Events Centre. This issue was highlighted by submitter 1.
6	Consultation	There is a general concern that there has been a significant lack of community consultation and involvement throughout the design process. This issue was raised by submitters 1, 2, 6, 7, 8, 9 and 13.
7	Amenity	It is considered that the proposed building is out of scale with the surrounding neighbourhood, and that the significant increase in traffic generation and parking will detract from the amenity of this small neighbourhood. Of particular concern is noise arising from the traffic, performances and movements. These issues were highlighted by submitters 2, 4, 12 and 13.

Support

	Reason	Explanation
8	Other Facilities	There is a lack of other suitable venues in the neighbourhood, which impedes community events. This issue was highlighted by submitter 17.

Withdrawal of Submissions Subsequent to Amendments

	Submitter	Address
1	Carolyn Pye and David Williams	60 Warner Park Avenue
6	James and Anne-Sophie Lacey	43 Victory Road
13	Chris and Marlene White	41 Victory Road
14	John Fryer	58 / 60 Victory Road
15	Shirley Fryer	60 Victory Road

6.3 Organisations

The New Zealand Fire Service
The Baptist Union of New Zealand
Ministry of Education
Laingholm Play Centre
Laingholm Hall
Waitakere City Council (Manager: Parks and Open Space)

6.3.1 Auckland Regional Council

Auckland Regional Council (Manager: Policy Implementation)

6.3.2 Residents and Ratepayers Association

Laingholm District Citizens Association

6.4 Iwi Consultation

Te Kawerau A Maki (Saul Roberts)
Ngati Whatua O Orakei Maori Trust Board (Ngarimu Blair)
Reweti Marae (Heta Tobin)
Te Runanga O Ngati Whatua (Hally Toia)
Te Hao O Ngati Whatua (Bill Kapea)

6.5 Pre Hearing Meeting

No pre-hearing meeting was held.

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.

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

However it should be noted that for council to grant consent to a non-complying activity application there should generally be some exceptional or unusual element to the proposal. If such unusual circumstances do not exist, then the proposal would effectively compromise the integrity of the District Plan and public confidence in the consistent administration of the plan may be undermined. It is considered that the proposal would be unique because although the proposed community aspect is outside the Ministry of Education designated purposes of the Laingholm Primary School site, the construction of a building of similar bulk and location could be realistically expected for school purposes only, and any potential adverse effects can be adequately avoided, remedied, or mitigated where they would remain no more than minor.

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 as discussed, the proposed development will be in keeping with the nature of the school site, and the imposition and monitoring of conditions will 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)). When forming an opinion for the purposes of Section 104(1)(a), Council may disregard an adverse effect of the activity on the environment if the plan permits an activity with that effect i.e. a comparison between the environment as it exists at the time the application is considered and (the effects) of activities that are permitted by the Operative Plan even if hypothetical, as compared with the effects of the proposed activity. Case law has established that any such hypothetical developments must not be "fanciful" in terms of what could reasonably be expected to establish there.

Such an activity as proposed would not be permitted by the District Plan, as it falls outside the designated purpose of the site.

The proposed works relate to the establishment of a Non-Residential Activity (and non-school activity) within the Waitakere Ranges / Bush Living Environments.

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

8.1.1 Water Quality and Quantity

The proposed development will increase the impermeable surface area of the site by approximately 800m² (from approximately 26.8% to 31% of the site), which includes both the building and additional paving areas. This continues to be below the 60% threshold for stormwater reticulated sites as a permitted activity.

The increase in impermeable surfaces has the potential to increase pressure on the receiving environments through both increased runoff and velocity. The application has been reviewed by Councils Drainage Engineer (Lucy Lunevich).

The protection of the reticulated stormwater system would be ensured by designing the stormwater disposal system to comply with Council's Code of Practice for Countryside and Foothills Stormwater Management with stormwater flows limited to pre-development levels for the 1 in 2 year storm event. This would both reduce and limit the frequency of runoff potentially generated by the development.

In terms of stormwater quality, stormwater quality treatment would be required for the proposed parking areas in accordance with Auckland Regional Council's TP10 "Stormwater Management Devices Design Guideline Manual" and Council's Code of Practice for City Infrastructure and Land Development.

Both of these requirements are considered to be adequately addressed by conditions of consent, if granted, and with the Building Consent mirroring such requirements.

Overall, subject to the imposition and monitoring of conditions, it is considered that the development would have a no more than minor effect on water quality or quantity.

In 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 are implemented prior to start of the earth working activity. This would ensure that the environmental effects are contained within the site.

For the aforementioned reasons it is considered that any adverse effects on water quantity or quality would be no more than minor.

A210-A213 A copy of the EcoWater Specialist Report as attached at pages A210 to A213.

8.1.2 Native Vegetation, Vegetation and Fauna Habitat

The proposed development would entail the removal of two (2) protected trees, and the transplanting of a further two (2) protected trees. The proposal would also involve the removal of other vegetation not protected by the Operative Plan due to their size or species.

A1-A154 The application has been supported by an Arboricultural Report entitled "Report Tree Removal and Replanting for the Laingholm Primary School Auditorium Complex", as attached at pages A1 to A154, which described the following:

Vegetation Removal (Protected)

- Puriri (*Vitex lucens*) 7m
- Sycamore Maple (*Acer pseudoplatanus*) 8m

Vegetation Removal (Unprotected)

- Macrocarpa (*Cupressus macrocarpa*) 20m
- Silver Birch (*Betula pendula*)
- Bottlebrush (*Callistemon viminalis*)
- Cabbage Trees x8 (*Cordyline australis*)
- Kowhai (*Sophora microphylla*)
- Nikau Palms x4 (*Rhopalostylis sapida*)
- Rhododendron (*Rhododendron sp.*)

Transplanting Protected

- Liquid Amber (*Liquidambar styraciflua*) 10m
- Totara (*Podocarpus totara*) 8m

The application has been reviewed by Council's Arborist (Andrew Richards). He has commented that in addition to this vegetation alteration, the submitted information suggests that excavated soil from the building platform will be deposited within the area "on the northern boundary below the sports field". This proposed fill area is predominantly covered in low growing weeds. Towards the eastern side there are a few Kanuka (*Kunzea ericoides*) and several large exotic trees scattered across the slope. The exotic trees consist of Monterey Pines x2 (*Pinus sp.*), Gum Trees x2 (*Eucalyptus sp.*), Japanese Cedar x3 (*Cryptomeria japonica*), and Chinese Poplar x1 (*Populus yunnanensis*). The Pines, Poplar (listed in the *Removable Vegetation Appendix* of the District Plan) and Kanuka (due to size) are not protected, but the Cedar and Gum are.

There is potential for works to occur within the drip line of the large exotic trees resulting from the transporting (access) and distribution of the excess soil from the building platform. This should be avoided, and conditions of consent, if granted, would require the erection of temporary fences on or outside the drip line of this vegetation. This would ensure that the vegetation is not adversely effected by the proposed works.

Further, within the Arboricultural Report replanting to mitigate the proposed vegetation removal was proposed to mitigate the vegetation loss. Mitigation planting includes a number of native species that in the first instance seeks to mitigate modifications to the landform, through earthworks and through the erection of the building and parking areas.

This would entail planting near the roadside (between the proposed building and the road), along the base of the building, the transplanting of the vegetation to the playing field, and the planting of species within the area of fill.

Upon consultation with the applicant, Councils Landscape Architect, Gordon Griffin, has prepared a Framework Planting Plan, which strengthens the initial planting proposed by the applicant. This planting plan, combined with recommended conditions of consent, would require a variety of native vegetation to be planted, and sufficiently maintained to ensure its survival.

It is considered, subject to the establishment of the proposed mitigation planting, that the building would relate to the wider setting, would have appropriate character to its function and location, and would have good amenity.

The planting will also be required to be ecologically appropriate to the Waitakere Ranges and Bush Living Environments and will ultimately act to improve the linkages between native vegetation and fauna habitats. Opportunity would also remain for restoration and enhancement further to that proposed.

The proposed area of fill is to be compacted appropriately and planting will also act to improve the stability of this area.

For the aforementioned reasons, it is considered that the proposed development would have no more than minor adverse effects on the overall integrity of the natural ecosystem, existing neighbourhood character and site amenity.

A14-A216 A copy of the Arborist Specialist Report is attached at pages A214 to A216, and the Landscape
A217-A223 Architect Specialist Report is attached at pages A217 to A223.

8.1.3 Land / Soil

The proposed development requires earthworks excavation to form the building platform, the formation of the new vehicle access to the site and car parking area. This excavated earth is then to be transported, via the road network, to the northern end of the site, to be deposited and recontoured, as described in the previous section.

The construction works will require the excavation of earth over an estimated area of 813m², and volume of 515m³ (inclusive of the building platform). The transportation of the earth will require approximately 50 truckloads of material to be shifted to the fill site, which is located to the northern part of the school site and accessed off Laingfield Terrace. The 515m³ of excavated earth is proposed to be deposited over an area of 2975m².

Overall, the total earthworks proposed to complete this development have been calculated as being over an area of 3798m² and volume of 1026m³ (inclusive of the building platform).

There are a number of mature trees within the vicinity of this fill area, which have been previously discussed in section 8.1.2.

The proposed fill area partially lies within the northern part of the site and approximately 5% of this area is located on the sensitive ridge.

The applicant has offered a number of conditions, such as limiting truck movements to standard working hours, the imposition of appropriate sediment and erosion controls, employing wheel wash facilities at access and egress points, and planting the area of fill.

In order to protect (residential) amenities in the locality, earthworks or construction would be carried out both within specified times and in accordance with NZS6803P:1984 "The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work". This would ensure that the proposal would not emit noise that causes a nuisance to adjoining and nearby properties.

Traffic flows generated by construction traffic, would not adversely affect the roading network given the expected level of traffic movements likely to be generated during this period. Appropriate signage would be required to warn road users regarding truck movements. All dirt tracked onto the surrounding roads would be firstly avoided through appropriate access controls. Subsequently, any dirt found to be on the road would be cleaned by sweeping on a daily basis. Footpaths, berms and kerbs would be protected from damage. Nevertheless, any damage attributed to this activity shall be rectified. It is recommended that a bond valued at \$2,000 be required in this regard.

In order to ensure that the effects are minor or less, it is considered appropriate that all necessary action be taken to prevent a dust nuisance, and compliance with the District Plan Controls with respect to Vibration (Rule 12 of the Bush Living Environment and Rule 11 of the Waitakere Ranges Environment).

Sediment and Erosion Controls, to mitigate any sediment loss, and earthworks only to be carried out between 1 November and 30 April are considered appropriate limitations to ensure earthworks are contained within the site and are of short duration.

Should consent be granted, a number of conditions will be imposed such as having an on-site meeting prior to the start of the earth working operation, providing a construction management plan, and the imposition of appropriate sediment and erosion control.

Further, the subject site was previously identified under the Transitional District Plan as being potentially stability sensitive. Therefore if this consent is granted, then a condition will be imposed requiring a geotechnical report to be prepared and submitted to Council at building consent (ABA) stage for assessment and approval.

It is felt, that such appropriate measures as described above and encompassed within a Construction Management Plan would ensure that any actual or potential adverse effects generated by construction / earthworks would be adequately mitigated to a minor extent.

8.1.4 Natural Landscape of Coast and Margins of Lakes, Rivers and Wetlands / Outstanding Landscapes

The subject site is not identified in the District Plan as being within an area identified as containing "outstanding landscape" (refer Map 3.6B) or "outstanding natural features" (refer Maps 3.5D and E). The proposed activity would not therefore adversely affect any outstanding landscape or outstanding natural features.

The subject site is however, identified in the District Plan as being within an area identified as "outstanding (natural character) coastal area" within the City (refer Map 3.5C). The existing school is not visible from the sea or coastline, but is visible from surrounding roads and forms an established part of the neighbourhood character.

The proposed development is of a size, location and scale that while visually materially greater, would generate only minor adverse effects to the natural, albeit slightly modified, of this coastal area.

8.1.5 Amenity Values - Health and Safety, Landscapes, Local Areas and Neighbourhood

Visual Amenity and Neighbourhood Character

The subject site, as it is designated for school purposes, is obviously more intensively developed than the surrounding sites which are residential in nature. Laingholm Primary School is typical in scale and appearance of many other New Zealand primary schools.

The existing built environment within the immediate vicinity of the school generally comprises of traditional residential dwellings (of one or two stories). Larger buildings, Laingholm Community Hall and Play Centre are located directly across Victory Road to the south, and the Fire Station also located across Victory Road to the south-east.

The subject site is more intensively developed than the surrounding sites, and is occupied by a cluster of class rooms and other associated administration and facility buildings. These buildings are located toward the southern portion of the site, while the northern portion contains paved and grassed playing areas.

The proposed development will generally comply with bulk and location requirements under the District Plan such as yard setback and height in relation to boundary restrictions. However, the development will infringe the building coverage restriction for both the Waitakere Ranges and Bush Living Environments, and the height restriction for the Bush Living Environment.

The designated school site already exceeds permitted building coverage, for these two underlying Human Environments, due to the existing school buildings which occupy the site. The proposed auditorium and associated facilities, will further increase the building coverage to a total 587m², resulting in a total building coverage on the school site of 2754m² in area.

The proposed auditorium has been designed with the stage and main seating located at ground level and with a mezzanine sitting and viewing area positioned partially above. As a result, the building will project beyond the 8m height restriction within the Bush Living Environment. The maximum level of infringement will occur within the north-eastern corner of the building, where there will be 1690cm protruding beyond the permitted 8m height restriction. The level of infringement decreases to the south and west of this point, due to the contour of the land and design of the building.

External cladding for the auditorium would include a range of detailing as follows: dimondeck roofing; folded metal fascia; dimondeck powder coated steel cladding and aluminium flashings; colour steel style line metal profiled roofing for its southern frontage; painted compressed cement sheeting on the east, west and north frontages; and anodized aluminium joinery. Thus materials, design, bulk and form, would relate to the Laingholm Community Hall located opposite Victory Road, and would appropriately strengthen the sense of community focus in the area.

As discussed, the development will require earthworks to form a level building platform and associated entrance / egress and car parking areas. All excavated earth will be transported to the northern portion of the site where it will be placed as fill, recontoured and planted. It is considered that the proposed earthworks are keeping in scale with the development proposed, are of human scale and will not be obtrusively visible from any adjoining site. A relatively minor portion of the fill site is occupied by a Sensitive Ridge, approximately 5% of this area, and as discussed, a condition will be imposed on this consent requiring the recontouring of this fill area to have a natural appearance.

Further, to mitigate the development, the applicant initially provided a Planting Plan which provided for limited landscape planting between the proposed car parking area and the road. However, as the application has since been amended, and no updated planting plan has been provided, the applicant is satisfied to allow Councils Landscape Architect, Gordon Griffin, to prepare a Framework Planting Plan and otherwise guide the applicant with planting recommendations. This has been discussed in further detail within section 8.1.2 above.

The proposed building would be visible above the skyline from locations on Victory Road, south and south-east of the site, and could obscure some quality views toward bush covered hills that are presently enjoyed from Victory Road (this view has not been identified in the Operative Plan). The proposed building would also be visible above the skyline but enframed by mature vegetation (such as *Macrocarpa*) from Victory Road to the west of the site.

From other orientations, such as from the north and east of the site, the building may be partially visible above the existing single storey school buildings. However, existing mature vegetation and buildings will act to sufficiently screen the proposed development from adjoining sites, and would ensure that the structure is not obtrusively visible.

It is recognised that the proposed building is a large structure which is placed relatively close to the road, therefore it is important that the auditorium is screened and integrated into the existing environment. Existing vegetation that grows close to the schools southern boundary include *Macrocarpas* (included within the Removable Vegetation Appendix of the District Plan) up to 11m in height, and a *Puriri*. The proposed vegetation alteration and landscape treatment has previously been discussed in more detail in the preceding section 8.1.2.

It is noted that *Macrocarpa (Cupressus macrocarpa)* and Pines (*Pinus sp.*) are identified within the Removable Vegetation Appendix of the District Plan, which means that these trees are generally unprotected and can be removed without a resource consent. However, where they are located on a Sensitive Ridge (as in this case) then resource consent would be required for their removal.

It is considered that the remaining vegetation, being the mature *Macrocarpas* located in the south-western corner of the site, and the establishment of the proposed Framework Planting Plan, prepared by Gordon Griffin (established by way of recommended conditions of consent if granted), would improve amenity, and provide for adequate integration of the proposed building into the landscape.

As previously discussed, Councils Landscape Architect, Gordon Griffin, has assessed the proposed development, and has recommended a number of conditions are imposed on this consent which, if granted, will act to sufficiently avoid and mitigate any potential adverse effects associated with the visual amenity of the area and retention of the neighbourhood character.

In addition to the Framework Planting Plan and associated conditions prepared by Mr Griffin, a methodology has been recommended to manage the proposed fill area. Measures include requirements to recontour the fill area to give a natural appearance, topsoil shall be stockpiled and respread over the fill material, exposed areas of earth are to be grassed, and appropriate planting shall be undertaken (with suitable species provided as a condition of consent). This planting, once established, will act to integrate these earthworks into the subject site and wider community.

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 development is compatible with the existing development on the school site, is in context with the surrounding environment, and appropriate landscape planting will act to soften the appearance of the development, and integrate the building into the landscape.

A217-A223 A copy of the Landscape Architect Specialist Report is attached at pages A217 to A223.

Noise

The existing noise environment of the neighbourhood could be considered to be rural in character. The proposed development has the potential to create noise other than construction, from vehicle noise, people at the facility and amplified music.

The proposed building has been designed to both limit the level of noise emissions escaping the building, and also to allow for good sound distribution within the auditorium. However, the increased number of vehicles parking either on the site or on the adjacent road network will generate additional noise to that already existing.

A feature of the proposed auditorium is that an electronic monitor will be set up in the main auditorium, which will illuminate a red light when the sound level outside is approaching the maximum permitted noise level (under the District Plan), which can trip any electrical device connected to the power circuits if the permitted noise level is exceeded.

The community room adjacent to the main auditorium building has not been designed to have high noise within it, and are therefore similar to other existing classrooms in this aspect. It is not proposed to play music or any other loud noise generating activities within this room, other than a CD player or musical instruments.

The applicant has proposed that major events (identified as being 85% occupancy of the auditorium) will be limited to a maximum of 20 weekends (being Friday, Saturday and Sundays) with no more than three performances to be held on any of these weekends. It is proposed that a Management Committee is established to manage the programming of activities, and the controls and compliance with controls, among other roles. It is proposed that a register is held to keep a record of the usage rates of the auditorium, which can be checked also upon request from Council, subject to conditions of consent.

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 Acoustics and Noise Control Consultancy and dated 21 September 2004. Mr Charlton is generally satisfied, subject to the imposition and monitoring of conditions, that the construction and operation of the proposed building will have no more than minor adverse effects on the surrounding environment.

Further, a condition will be imposed on this consent, if granted, which would allow a review of conditions of consent, within a specified time of 6 months from the first use of the facility. To ensure that disruption to the local neighbourhood is minimised, conditions as such will be imposed on this consent, to ensure that performances are limited in size and frequency.

The existing area is considered to be a quiet residential neighbourhood at night, and therefore a condition will be imposed on this consent, if granted, that will restrict performances to 10pm, while allowing up to 30 minutes to vacate the building and car parking areas.

It is noted that although noise emitted from motor vehicles is outside the control of Territorial Local Authorities (Section 326 of the Resource Management Act), the above condition, relating to restricted hours of operation, will act to limit any noise to appropriate hours. Noise emission from vehicles being driven on the roads is managed under the Transport Act. Further, a condition will be imposed ensuring that the proposed development and operation of the school auditorium would at all times comply with the relevant noise restrictions for this zoning under the District Plan.

A224-A225 A copy of the Noise Specialist Report is attached at pages A224 to A225.

Access and Parking

As previously discussed, the proposed development will comprise a new building containing a hall for both school and community use. The full capacity of the hall (515 seats) will be available for school use only, and any events not associated with school use will be limited to 380 seats. In addition, a multi purpose room (50m² in gross floor area) for community use is proposed and adjoins the main building to the south. This room is intended to be used by various community groups, and the school during the day.

A Traffic Planning Assessment has been prepared by Traffic Planning Consultants Limited (dated June 2005) and submitted in support of this application.

EXISTING TRANSPORT ENVIRONMENT

Victory Road forms part of the primary road network serving the Laingholm Community and is classified as a Collector Road under the District Plan Roading Hierarchy. The carriageway carries one lane of traffic in each direction.

There are a total of 12 existing marked car parking spaces within the school site, with a further 19 angled car parking spaces on the road reserve, adjoining the southern boundary of the school site. In total there are approximately 100 car parking spaces within 200m of the school, on Victory Road, Lookout Drive and Laingfield Terrace.

Parking surveys carried out show approximately 10 parked cars within this area during evening periods, which appears to be associated with residential activity in the area. This survey was carried out while the Laingholm Community Hall was not in use. The Laingholm Community Hall has capacity for 120 people and demand for parking would usually total approximately 45 vehicles. This Hall has provision for parking of 20 cars on-site, with any balance being absorbed within the roading network.

The Fire Station is located approximately 120m to the east of the school on Victory Road, and is generally run by volunteers. A call out can generate parking demand of up to 15 vehicles; 10 of these spaces can be provided on-site with the balance having to be located within the roading network.

For these reasons, the existing car parking demand in the evenings of on-street parking can be as high as 30 vehicles if the Laingholm Community Hall is at capacity and there is an emergency call out for the Fire Service. It is recognised that this would not be a regular occurrence however.

ACCESS

There are two existing vehicle crossings accessing the site, one on the western boundary of the site, and the other along the southern boundary of the site. It is proposed to remove the existing access along the southern boundary and replace with two crossings nearby. Both new crossings are 5m in width and form separate entrance and egress accesses.

CAR PARKING

Permanent car parking within the site will provide for a total of 27 car parking spaces, including 2 for disabled parking. This total includes 8 new car parking spaces proposed adjacent to the western vehicle crossing, which are within the road reserve but intended primarily for school use.

Further to the marked on-site car parking spaces, it is intended to utilise two existing playing areas within the school site for temporary car parking during events at the auditorium. These two areas can provide an additional 60 unmarked car parking spaces, providing a total of 87 spaces available on-site.

The car parking requirements outlined within Waitakere City Councils Parking and Driveway Guidelines differentiates parking requirements for each of the three different activities proposed on the school site. The three separate activities can be classified as Primary School, Multi Purpose Room and Hall.

- The Primary School requires 3 spaces per 2 classrooms, and 2 spaces per 3 staff. A total of 36 car parking spaces are required.
- The Multi Purpose Room requires 1 space per 40m² gross floor area. A total of 2 car parking spaces are required.
- The Hall requires 1 space per 5 seats. A total of 103 car parking spaces are required (calculated from the maximum 515 seats).

The total of 87 on-site car parks falls 16 spaces short of the 103 car parking spaces required under the Parking and Driveway Guidelines for the hall (auditorium) activity.

Based on the car occupancy rate of 2.3 people per car, the 290 people (based on 85% of hall capacity) expected to arrive by car and park will need approximately 126 car parking spaces. The more typical scenario of 50% occupancy of the hall is likely to be expected, representing a car parking demand of 66 cars. TPC have considered the greater demand (126 spaces) to form the basis for assessment.

Councils Principal Transportation Engineer, Adam Moller, has assessed the proposed development in respect to vehicle access, car parking and traffic generation.

It is considered that the proposed site access, while constrained for sight distance, is adequate for the operating speed of the road, and is an improvement over that which is presently available.

In terms of the car parking demand associated with the development, Mr Moller has recommended that the use of traffic management plans is incorporated into this consent, if granted, to manage the car parking spill. The table below outlines the requirements for such traffic management plans:

Occupancy	Spaces Required	Spaces Provided on Site	On Street	Traffic Management
30%	45	27	18	Not Required
50%	74	54	20	TMP for on site parking only
70%	103	83	20	TMP for on site parking only
85%	126	87	39	Full TMP
100%	148	87	61	Full TMP

Traffic Management Plans have been recommended by Mr Moller, at varying levels for occupancies above 30% capacity of the hall.

Occupancies of up to 30% capacity would not require any traffic management measures to be imposed, as car parking would be confined to the marked spaces within the school and the parking immediately outside the school.

For occupancies between 30% and 70% capacity, it is envisaged that temporary car parking (being the use of the paved playing areas) would be required, limiting the spill of parking on the street. A limited Traffic Management Plan is recommended, requiring the use of marshals to manage the on site car parking areas, and the use of signage on the approach to the school indicating access to these temporary parking areas.

It is envisaged that for occupancies exceeding 70% capacity, a full Traffic Management Plan will be required. Further to providing site marshals, it would be necessary to provide management of on street parking to prevent parking in close proximity to the fire station, limiting parking to one side only on narrow streets, and generally ensuring that vehicles are parked in appropriate locations.

Such a Traffic Management Plan would be required to be provided for approval, to Councils Transport Assets Section, prior to the opening of the auditorium.

Recent works have also been undertaken by Council within the vicinity of the school, including the introduction of additional no stopping controls opposite the Fire Station, which has reduced the possibility of this access being obstructed. However, with large scale performances, it would be desirable that measures such as marshals and road cones be used to ensure that there is no illegal parking, including within the vicinity of the Fire Station to ensure that Fire Trucks can enter and exit the site, as well as parking for volunteer fire personnel. Further, the recommended condition includes consultation with the New Zealand Fire Service Commission.

Councils Parks Department is concerned that the proposed development should provide the necessary car parking associated with events at the school hall independent of the car parking at the Laingholm Community Hall Reserve located opposite Victory Road. This is to ensure that if there happens to be an event on at the same time at both venues, that adequate car parking is still available. Although the Traffic Planning Assessment prepared by TPC included car parking spaces at the Laingholm Community Hall as part of its assessment, Mr Moller is satisfied that adequate car parking associated with any event at the proposed hall can be achieved on the roads surrounding the school (and within the school site). However, as the reserve is public land the general public are able to use this parking when there is no event on at the Community Hall across the road.

The key issues within any TMP would include: the direction of motorists to car parking spaces with priority to utilise on-site spaces in the first instance; ensuring school accesses, and private driveways are kept clear; ensuring on-road parking controls are complied with; possible warning signs on approaching roads; and maintaining adequate entrance / egress with the Fire Station.

Mr Moller is satisfied that the Traffic Planning Assessment, prepared by Traffic Planning Consultants Ltd, adequately assesses the proposal and makes reasonable estimates of the parking demand likely to result from the community use of the facility. Subject to the imposition and monitoring of the condition relating to the preparation of a Traffic Management Plan, it is considered that any potential adverse effects can be adequately avoided or mitigated, where the adverse effects on the transport environment will be no more than minor.

A206-A209 A copy of the Traffic Specialist Report, as attached at pages A206 to A209.

8.1.6 Summary

The proposal would allow Laingholm Primary School to construct a new auditorium with associated community facilities, which would not only provide an essential facility for students, but also the wider community. The main concerns raised by submitters relate to a reduction of amenity values, neighbourhood character and effects related to traffic generation and car parking.

It is considered that the proposed development would have a similar building bulk and size as a complying development used solely for school purposes, and fitting in with the designated purpose of the site.

The earthworks associated with the development will be mitigated through appropriate sediment and erosion controls as required by consent conditions. Further, Councils Landscape Architect, Gordon Griffin, has recommended conditions of consent relating to the top soiling and replanting of the proposed fill area, in addition to the preparation of a Framework Planting Plan to provide appropriate landscaping to soften the appearance and integrate the development into the environment.

Councils Transport Engineer, Adam Moller, has assessed the proposed car parking situation and traffic generation, and is satisfied that a Traffic Management Plan developed in consultation with Council will adequately manage any potential effects arising from the car parking and traffic generation associated with the community use of the proposed auditorium.

Overall, I consider that appropriate recommended conditions of consent would adequately avoid and mitigate any potential adverse effects to ensure that they are no more than minor.

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 construct a school auditorium and community room at Laingholm Primary School at 50-54 Victory Road, Laingholm.

The District Plan provides a range of objectives, policies, rules and assessment criteria to be considered in relation to development in the General Natural Area, Bush Living and Waitakere Ranges Human Environments. These have been used as a guide in considering the proposal and are discussed below under the headings of **Building Location, Building Coverage, Non Residential Activity, Traffic Generation, Car Parking, Vegetation Alteration, Earthworks, and Natural Hazards**. If a specific Objective or Policy is considered particularly relevant it has been included, in its entirety, prior to the discussion.

The relevant objectives in relation to the matters specified above are:

- Objectives 3, 4 and 5 which seek to maintain the life supporting capacity of resources and manage the effects of land use.
- Objective 9 which seeks to protect the quality and significance of landscapes.
- Objectives 10 and 11 which are concerned with maintaining and enhancing amenity values and the quality and character of different patterns of settlement throughout the residential areas of the City.

(a) Development Location

***Policy 9.3** Structures (including fences) and driveways should be designed and placed in such a way that they do not detract from the visual significance of those landscape elements that are essential to the City's outstanding landscapes, and do not detract from landscape elements that are essential to the City's character. Particular regard should be had for the placement of structures so that they do not intrude above any sensitive ridgeline when viewed from a public place, or intrude visually on any other Natural Landscape Element. Consideration shall be given to the most practicable option with respect to the placement and provision of infrastructure.*

***Policy 9.12** Activities should not give rise to modification of the form and structure of those landscape elements, and in particular, natural landscape elements, identified as essential to the City's outstanding landscapes, such that their contribution to the overall quality of the City's outstanding landscapes is adversely affected.*

Discussion

There is a moderate (65m) natural sensitive ridgeline which occupies part of the school site, and roughly follows the western boundary with Victory Road, and extends from the south-western to the north-western portion of the site. The proposed development, specifically the construction of the proposed building, relocation of the existing classroom and extension of the car parking and manoeuvring area will fall outside this area. However, the applicant has proposed to transport the excess excavated earth, estimated to be 515m³ in volume, to the northern part of the site, which is currently unused and overgrown with weeds and other vegetation, with several Pine trees (*Pinus radiata*) also within this area. Once transported here, the earth will then be placed as fill and recontoured, and it is intended that this area is then revegetated upon completion of the earth working activity. Only a small portion (approximately 5%) of this fill area is occupied by the sensitive ridgeline.

Councils Landscape Architect, Gordon Griffin, has viewed the proposed development, and among other issues that have been included in his assessment, the earthworks on this sensitive ridgeline have been evaluated. It is Mr Griffins opinion that the recontouring of this fill shall be spread evenly over the area, and should appear natural and fit unobtrusively into the natural landscape. A condition will be imposed ensuring this is undertaken. Provided the earth working activity associated with the development is undertaken in accordance with this condition, and the recommended replanting is undertaken, it is considered that these earthworks will not detract from the visual landscape qualities of the sensitive ridgeline. Although the activity is visible from the road, it is not obtrusive, and upon establishment of the replanting it is considered that the activity will actually improve the visual appearance of the site.

For the aforementioned reasons it is considered the proposal is consistent with **Policies 9.3 and 9.12.**

(b) Building Height and Building Coverage

Policy 11.3 *Buildings and structures should be located so that they maintain the neighbourhood character, visual amenity of the surrounding area and the characteristic streetscape of the area, including providing for:*

- *the overlooking of streets by buildings;*
- *maintaining characteristic links between private and public space arising from the orientation of houses and the way they face the street;*
- *the setback of buildings from the road boundary;*
- *planting of section frontages;*
- *in a way that gives particular regard to variations in amenity values, and neighbourhood character.*

Policy 11.8 *Structures, (except within the Working and Community Environments), should be of a form, height and scale which avoids physical domination of surrounding sites and buildings, which does not adversely affect the landscape character and other amenity values of these areas, and which minimises encroachment on views. In particular, relocated housing must be of a scale, form and finished quality, and located so as to maintain and enhance surrounding amenity values and neighbourhood character.*

(b)(i) Building Height

Discussion

The proposed development seeks consent to construct and utilise a new school auditorium for both school and community use. It is also proposed to relocate an existing classroom to adjoin the new building to the north-west. The new auditorium, as discussed, is to be located within the existing arrangement of school buildings. The auditorium will be accessed from Victory Road, with the main entry having been orientated away from facing directly onto the road and is now offset to the south-eastern corner of the building.

The building will comply with general bulk and location requirements under the District Plan such as yard setback, and height in relation to boundary restrictions. However, the development will infringe the height (and building coverage) restriction within the Bush Living Environments, as discussed.

The proposed auditorium will protrude beyond the 8m height restriction over approximately 50% of the total roof area (using the rolling height measurement). The maximum extent of infringement is 1690cm at the north-eastern corner of the building. When viewed from Victory Road (southern elevation) the building will protrude only 720mm beyond the height restriction, along the eastern side. The auditorium building will otherwise be separated from adjoining sites by existing school buildings and distance.

Councils Landscape Architect, Gordon Griffin, has made a visual assessment of the proposed development. He considers that the building would be visible above the skyline from some locations on Victory Road and to the south and south-east of the site. The proposed building would also be visible above the skyline but enframed by mature vegetation (such as *Macrocarpa*) from Victory Road to the west of the site.

From the north and east of the site, the building may be partially visible above the existing single storey school buildings. However, as discussed, existing mature vegetation and buildings will act to sufficiently screen the proposed development from adjoining sites, and would not be obtrusively visible.

The proposed auditorium building has been designed to complement the existing school buildings. Overall, it is considered that the proposed development would not physically dominate or compromise the privacy of the neighbouring sites, and with the establishment of the recommended landscape planting, will be integrated into the landscape. For these reasons I consider that the proposed development would have a no more than minor adverse effect on the natural landscape, site amenity and neighbourhood character.

For the aforementioned reasons it is considered the proposal is consistent with **Policies 11.3 and 11.8.**

(b)(ii) Building Coverage

Discussion

It is proposed to construct a new school auditorium for both school and community use, and relocate an existing classroom to adjoin the new building to the north-west. The new auditorium, as discussed, is to be located within the existing arrangement of school buildings. The auditorium, and associated car parking areas will be accessed from Victory Road, with the main entry located to the south-eastern corner of the proposed building.

The building will comply with general bulk and location requirements under the District Plan such as yard setback, and height in relation to boundary restrictions. However, the development will infringe building coverage (and height) restrictions. The proposed auditorium and associated community room increases the building coverage on the site by 474m², to a total building coverage of 2642m² in area.

The additional increase in building coverage is considered to be in keeping with the character of the school site, and the buildings are designed to complement the existing school buildings.

Overall, it is considered that the proposed development would not physically dominate or compromise the privacy of the neighbouring sites, and with the establishment of the recommended landscape planting, will be integrated into the landscape. For these reasons I consider that the proposed development would have a no more than minor adverse effect on the natural landscape, site amenity and neighbourhood character.

For the aforementioned reasons it is considered the proposal is consistent with **Policies 11.3 and 11.8.**

(c) **Non Residential Activity**

Policy 4.7: *That a wide range of opportunities for Non-Residential Activities be provided within the urban area to help reduce the need for travel, and as a consequence reduce the discharge of contaminants from motor vehicles into the air.*

Policy 9.8: *Activities within the outstanding landscapes, coastal villages and bush living areas should be managed in a way that ensures that the amount and frequency of traffic movement through the City's outstanding landscapes is at a level that avoids adverse effects on the wilderness character and characteristic levels of quiet.*

Policy 11.10: *Non-residential activities should be designed and managed in a way that:*

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

Discussion

Laingholm Primary School has been established and operated at the subject site for a number of years, is integrated into the community, and forms part of the fabric of the neighbourhood. The site is designated for Ministry of Education purposes, however, the underlying zoning is intended for residential use, being zoned as both Bush Living and Waitakere Ranges Environments, and therefore consent is required to construct this non-residential building and associated non-school activity.

It is considered that the proposed building and facilities will have similar effects in terms of bulk and location, as a facility constructed solely for school use and in keeping with the designated purpose of this site. All new school purpose buildings would in any case require an Outline Plan of Works pursuant to Section 176A of the Resource Management Act.

The use of the facility for community purposes does mean that the development falls outside the designated purpose of the site, and therefore the development requires assessment as a non-complying activity. It is considered that the main potential for adverse effects arising from the community use aspect of the proposal relates to car parking and traffic generation, which has been assessed by Councils Principal Transport Engineer, Adam Moller, and is discussed in more detail below.

The proposed development is generally considered to be in keeping with the character of existing development on the site, as the building is to be constructed within the existing arrangement of school buildings, and although visible from the road and several adjoining properties, landscape treatment will act to soften the building. Councils Landscape Architect, Gordon Griffin, has assessed the proposed development and prepared a proposed Framework Planting Plan which if consent is granted, will be required to be implemented through conditions of consent. Once the planting is established, it will act to offset the vegetation removal and sufficiently soften the development.

For the aforementioned reasons it is considered the proposal is consistent with **Policies 11.3 and 11.8.**

(d) Traffic Generation

Policy 10.14: *Activities should be of a scale and located and managed in a way that:*

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

Policy 11.12: *Activities should be of a scale, and located and managed in a way, that does not increase the number of vehicle trips, including heavy vehicle trips, to a level that adversely affects the amenity values of the surrounding Environment or neighbourhood, taking into account the location of the site in relation to the roading hierarchy and the characteristic levels of quiet found in these areas.*

Discussion

It is recognised that the majority of non residential activities should be located within the urban area of the city, to utilise existing infrastructure and resources. There is also a need to protect rural and semi-rural neighbourhoods from the effects of non residential activities, such as loss of character and vehicle movements. The catchment area of the auditorium will be both from the immediate surrounding area and the wider community.

As previously discussed, Councils Transportation Engineer, Adam Moller, has assessed the proposed traffic generation with respect to the proposed development. It is considered that the likely traffic generation for the community use of this facility is in the order of 120 - 145 vehicles per hour. The site is located on Victory Road which is designated as a collector road and has appropriate capacity for this level of traffic generation.

The imposition of the Traffic Management Plan, as a recommended condition by Mr Moller, would act to ensure that traffic movements within the vicinity of the school would retain the safe and efficient functioning of the road network.

Further, conditions of consent, if granted, would limit the hours of performances to 10pm and allowing up to 30 minutes to vacate the building and car parking area. For this reason, it is considered that the operation of the proposed building would sufficiently retain the levels of quiet currently found in this area to acceptable hours.

For the aforementioned reasons it is considered the proposal is consistent with **Policies 10.14 and 11.12.**

(e) Car Parking

Policy 10.11: *Activities should provide for:*

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

Policy 10.16: *Driveways, carriageways and car parking areas should:*

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

Discussion

Consent is sought for a car parking shortfall on site, generally associated with capacity performances at the proposed school hall. Permanent marked car parking within the site will provide for a total of 27 car parking spaces, and further to the marked on-site car parking spaces, it is intended to utilise two existing playing areas within the school site for temporary car parking during events at the auditorium. These two areas can provide an additional 60 unmarked car parking spaces, providing a total of 87 spaces available on-site.

The car parking requirements outlined within Waitakere City Councils Parking and Driveway Guidelines recommends that 103 car parking spaces be provided under the Parking and Driveway Guidelines for the hall (auditorium) activity, a shortfall of 16 spaces.

Councils Principal Transportation Engineer, Adam Moller, has assessed the proposed development in respect to the proposed car parking. It has been recommended, if consent is granted, that Traffic Management Plans are prepared to the satisfaction of Councils Transport Assets Section, prior to the opening of the new auditorium. On site Management Plans would be required for events between 30% and 70% capacity, and full Management Plans would be required for events exceeding 70% capacity.

Recent works creating additional no stopping controls within the vicinity of the Fire Station has reduced the possibility of the access being obstructed, and the Traffic Management Plan will require that marshals and cones ensure that this area is also kept free for access and egress. Further, the recommended condition includes liaison with the New Zealand Fire Service Commission when preparing the Traffic Management Plans.

Overall, Mr Moller is generally satisfied that the Traffic Planning Assessment, prepared by Traffic Planning Consultants Limited, adequately assesses the proposal and makes reasonable estimates of the parking demand likely to result from the community use of the facility. Subject to the imposition and monitoring of the condition relating to the preparation of a Traffic Management Plan, it is considered that any potential adverse effects can be adequately avoided or mitigated, where the adverse effects on the transport environment will be no more than minor.

For the aforementioned reasons it is considered the proposal is consistent with **Policies 10.11 and 10.16**.

(f) Vehicle Crossing

Policy 11.4: *Structures (including infrastructure) within the Transport Environment should be of a scale (height, form and bulk), and designed, located and managed in a way that the adverse effects on the amenity values and neighbourhood character of any surrounding Environments and which enhances the amenity of the Transport Environment itself. In particular, structures should:*

- *be compatible with the existing streetscape, including the links between streetscape and the neighbourhood character and amenity of the surrounding Environments;*
- *minimise impact on views from adjacent sites;*
- *minimise the removal or damage to existing native and exotic vegetation;*
- *minimise physical domination and intrusion into the privacy of adjoining sites;*
- *located so that planting of road berms can be provided for.*

Discussion

The proposed development would entail rearranging the existing vehicle crossings currently servicing the site, of which there are two. One is located along the western boundary of the site, and the other is located along the southern boundary of the site. It is proposed to remove the existing access along the southern boundary and replace with two crossings nearby. Both new crossings are 5m in width and form separate entrance and egress accesses.

Council's Principal Transportation Engineer, Adam Moller, has viewed the application and is generally satisfied with the proposed vehicle crossing arrangement. It is considered that although the site access is constrained for sight distance, it is adequate for the operating speed on the road, and is an improvement over the access currently available.

For the aforementioned reasons it is considered the proposal is consistent with **Policy 11.4**.

(g) Vegetation Alteration

Policy 5.4: *Activities (including subdivisions) should be designed, be of a nature and scale, and be located and managed in a way that avoids or minimises adverse effects on the overall resilience, biodiversity and ecological integrity of the Green Network and its constituent parts, and enhances linkages between natural resources in all parts of the City. Particular regard should be had for the design of subdivision and the placement of structures in maintaining the linkages between native vegetation, fauna habitats, natural features, landforms and waterways.*

Policy 9.9: *Activities should be managed in a way that avoids, remedies or mitigates damage to or clearance of native vegetation from the outstanding coastal and Waitakere Ranges landscapes.*

Discussion

A1-A154

The proposed development would entail the removal of two protected trees (Puriri and Sycamore Maple), and the transplanting of a further two protected trees (Liquid Amber and Totara). The proposal would also involve the removal of other vegetation not protected by the Operative Plan due to their size or species. The application has been supported by an Arboricultural Report entitled "Report Tree Removal and Replanting for the Laingholm Primary School Auditorium Complex", as attached at pages A1 to A154.

As discussed, the application has been reviewed by Council's Arborist, Andrew Richards, who has commented that in addition to this vegetation alteration, the excavated soil from the building platform will be deposited within the area "on the northern boundary below the sports field". This proposed fill area is predominantly covered in low growing weeds, with a mixture of native and exotic vegetation also present.

There is potential for works to occur within the drip line of the large exotic trees resulting from the transporting (access) and distribution of the excess soil from the building platform. This should be avoided, and conditions of consent, if granted, would require the erection of temporary fences on or outside the drip line of this vegetation. This would ensure that the vegetation is not adversely effected by the proposed works.

Further, within the Arboricultural Report replanting to mitigate the proposed vegetation removal has been proposed to mitigate the vegetation loss. Mitigation planting includes a number of native species that seeks to mitigate modifications to the landform arising from the development.

Upon consultation with the applicant, Councils Landscape Architect, Gordon Griffin, has prepared a Framework Planting Plan, which strengthens the initial planting proposed by the applicant. This planting plan, combined with recommended conditions of consent, would require a variety of native vegetation to be planted, and sufficiently maintained to ensure its survival.

It is considered, subject to the establishment of the proposed mitigation planting, that the building would relate to the wider setting, would have appropriate character to its function and location, and would have good amenity. The planting will also be required to be ecologically appropriate to this area and will ultimately act to improve the linkages between native vegetation and fauna habitats.

Therefore, it is considered that the proposed development would have no more than minor adverse effects on the overall integrity of the natural ecosystem, existing neighbourhood character and site amenity.

For the aforementioned reasons it is considered the proposal is consistent with **Policies 5.4 and 9.9**.

(h) Earthworks

Policy 1.8: *Activities, including the management of forestry and woodlots should be carried out in a way that avoids, remedies or mitigates, so minimising, the movement of soils and sediment and other contaminants into receiving waters, and the degradation of water quality in a way that destroys or reduces their:*

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

Policy 9.12: *Activities should not give rise to modification of the form and structure of those landscape elements, and in particular, natural landscape elements, identified as essential to the City's outstanding landscapes, such that their contribution to the overall quality of the City's outstanding landscapes is adversely affected.*

Discussion

The proposed development will require earthworks to be undertaken to form a usable building platform associated with the auditorium building, and for the formation and construction of the vehicle crossing, car parking and manoeuvring areas. It is estimated that this activity will require earthworks to be undertaken over an area of 813m² and volume of 515m³. It is then proposed to transport the excavated earth, via the road network, to the fill area (approximately 2975m² in area) in the northern portion of the school site. It is envisaged that this activity will require approximately 50 truckloads, to be undertaken during standard working hours. The earth will be placed, recontoured and planted upon completion of the earth working activity. The applicant has proposed that a Construction Management Plan is submitted to Council for approval prior to any works commencing to ensure that the construction and earth working activities are appropriately managed and to ensure that any potential adverse effects are adequately avoided or mitigated.

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.

Councils Landscape Architect, Gordon Griffin, has assessed the proposed placement of the fill, and is generally satisfied, subject to the imposition and monitoring of conditions, that this activity would have a no more than minor adverse effect on the environment. These conditions include a requirement to stockpile the topsoil separately and respread over the subsoil, requirements that the fill is appropriately contoured to suit and kept outside the drip lines of protected vegetation, and 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 to arrange a pre-start meeting with an Environmental Monitoring Officer, for the applicant to liaise with the Emergency Management Officer to prepare a Construction Management Plan, including the imposition of appropriate sediment and erosion control measures.

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 in keeping with the scale of development undertaken and would not be obtrusively visible from any adjoining site.

It is therefore 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.

For the aforementioned reasons it is considered the proposal is consistent with **Policies 1.8 and 9.12.**

(i) **Natural Hazards**

Policy 3.4: *Activities should be carried out in a way that does not exacerbate slipping, subsidence, and/or erosion of soils and any natural hazard event within an identified natural hazard area.*

Policy 10.13: *Activities should be carried out in a way that avoids or mitigates adverse effects of natural hazards on natural and physical resources and on the health and safety of people and communities.*

Discussion

The subject site has previously been identified under the Transitional District Plan as being potentially stability sensitive. As a geotechnical report has not yet been prepared with respect to this development, if granted, a condition will be imposed on this consent requiring that a geotechnical report is prepared and submitted at building consent stage for assessment and approval.

It is therefore anticipated that the proposed development would have no more than minor adverse effects on the environment, subject to approval of said geotechnical report.

For the aforementioned reasons it is considered the proposal is consistent with **Policies 3.4 and 10.13.**

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

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

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

Policy 1.1.1 of the NZCPS states that,

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

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

Other relevant policies are:

Policy 3.2.1

Policy statements and plans should define what form of subdivision, use and development would be appropriate in the coastal environment, and where it would be appropriate.

Policy 3.2.2

Adverse effects of subdivision, use and development in the coastal environment should as far be practicable be avoided. Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying those effects, to the extent practicable.

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

As discussed above, and highlighted in the District Plan, the subject site and its surrounds have been modified by built development. The natural character has already been compromised, however, the proposal would retain as far as possible its natural character with the proposed development of a height, scale and form, compatible with the scale of development located in the immediate vicinity.

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

The Auckland Regional Policy Statement became operative in 1999 and 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 City Operative District Plan has been prepared.

Natural Hazards

Land instability occurs as a result of steepness, and because of the existence of a number of inherently unstable geographical units. Policy 11.4.1 states the following:

9. Development shall not be permitted in areas subject to erosion / land instability unless it can be demonstrated that the adverse effects can be avoided or mitigated.

The subject site has been identified as stability sensitive. The proposal has been supported by a geotechnical report with its recommendations concurred with by Council's Design Engineer. The proposal, with appropriate mitigation, would not cause harm to people or property.

Coastal Environment

Strategic Objectives and Policies relate to the Natural Character of the Coastal Environment (Policy 7.4.4.), Areas of Special Value (Policy 7.4.7) and Development (Policy 7.4.10). Policies recognise that development should be encouraged to locate in areas where the natural character has been compromised, but continuing to protect those elements of its natural character that continue to exist. This proposal is considered to be accordance with Strategic Objectives and Policies.

8.5 Monitoring

The performance of the activities under this consent, if granted, 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 noise, earthworks, traffic management and landscaping.

8.6 Lapsing of Consent

Under Section 125 of the Resource Management Act 1991, unless it is given effect to, a consent lapses either on the date that is specified on the consent or if no date is specified, 5 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 because although any development (such as earthworks, construction and landscaping) should be completed within a short time period, there is a possibility that funding and building consent approval could delay the project.

For these reasons it is considered appropriate that this consent period lapses five (5) years from the date of issue of the consent.

8.7 Other Matters (Section 104(1)(c))

There are no other matters relevant and reasonably necessary for this application.

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. 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, in that subject to appropriate conditions of consent requiring mitigation the adverse effects on the environment of the proposal will be no more than minor and the proposal is not contrary to the relevant objectives and policies of the District Plan. Jurisdiction to grant consent has therefore been established.

11.0 CONCLUSION

The applicant seeks consent to construct a school auditorium and community room at Laingholm Primary School, 50-54 Victory Road, Laingholm. The site is located within two Natural Environments being General Natural and Managed Natural Areas, and both the Bush Living and Waitakere Ranges Human Environments. The development will result in infringements relating to earthworks, non-residential activity and traffic generation, among others.

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 the main auditorium and associated community room will not lead to a decline in the amenity values of the area in which it seeks to locate.

The proposal is not considered to be contrary to the objectives and policies of the District Plan which seek to maintain amenity values and neighbourhood character, while promoting the health and safety of residents, and the safe and efficient functioning of the road network.

It is considered that the issues raised by the submitters have either been addressed by the amendments, or can be adequately avoided or mitigated through the imposition of appropriate conditions.

Subject to any additional and/or contrary evidence being presented at the hearing, it is concluded that the application merits consent in accordance with Section 104 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 Laingholm School Board of Trustees to construct a new auditorium and associated community room at 50-54 Victory Road, Laingholm (Laingholm Primary School) being Lots 1-3 DP 19099 and PT ALLOT 34 DP 1947 for the following reasons:

- (i) The proposed auditorium and associated community rooms are keeping with the character of the school site, and it is considered that the development will not significantly detract from the amenity of the neighbourhood, as the proposed building would have a comparable bulk as a complying development in keeping with the school designation.
- (ii) The reduced community aspect of the development will ensure that the traffic generation and associated effects are sufficiently reduced to ensure that they are no more than minor.
- (iii) Conditions of consent would ensure that there would be no erosion or sediment runoff to adjacent sites or waterways.
- (iv) Conditions of consent will be imposed ensuring that noise levels generated by the development are reduced to an acceptable level, and will comply with general noise standards under the District Plan.
- (v) Landscape Treatment will offset the proposed vegetation alteration and will act to visually soften the proposed building from the road and adjoining sites.
- (vi) The proposal is generally consistent with the objectives and policies of the District Plan and would create no more than minor adverse effects on the environment.
- (vii) The development is not contrary to Part II of the Act and is consistent with the relevant policies and the New Zealand Coastal Policy Statement (NZCPS) and the Auckland Regional Policy Statement (ARPS).

Consent shall be subject to the following recommended conditions:

General

1. The development shall proceed in accordance with the plans titled:

“Laingholm Primary School Proposed Hall”

- Site Plan (Sheet A01)
- Ground Floor Plan (Sheet A02)
- Second Floor Plan (Sheet A03)
- Elevations 1&2 (Sheet A05)
- Elevations 3&4 (Sheet A06)

Prepared by Xcite Architects Limited and dated June 2005; and

- Framework Planting Plan

Prepared by Gordon Griffin (Waitakere City Council - Landscape Architect)

and all referenced by Council as RMA 20042184 and the information, including further information, submitted with the application.

2. All infrastructure relating to stormwater treatment and disposal, wastewater disposal, and water supply shall be designed and completed to the satisfaction of Council's Drainage Assets Engineer. (Compliance with the Waitakere City Council Code of Practice for City Infrastructure and Land Development is deemed to be in accordance with the above condition).
3. Pursuant to section 125 of the Resource Management Act 1991, this consent shall lapse after a period of three years after the date of issue of the consent.
4. Pursuant to Section 128 of the Resource Management Act 1991, the Council may, 6 months after the commencement of the activity, serve notice upon the consent holder of it's intention to review conditions 6, 7, 8 and 29 of this consent should it consider this to be necessary in order to deal with any adverse effects on the environment which may arise from the exercise of this consent. The review shall be undertaken at the expense of the consent holder.
5. A copy of the consent conditions and Construction Management Plan (required by condition 14 below) shall be kept on site at all times and all contractors and sub contractors shall be aware of and work in accordance with them. It is the responsibility of the consent holder to ensure that this happens.
6. The occupancy for Community (non-school) use of the Auditorium should not exceed 380 persons at any one time.
7. Community (non school) use of the auditorium should be limited to outside of normal school hours (and also subject to condition 13 below).
8. Community (non school) performances within the auditorium exceeding 323 persons (85% occupancy) shall be limited to 20 weeks a year, with performances to be limited to Friday, Saturday and Sundays, with no more than three performances on any of these weekends (being the three days specified).
9. Council's Environmental Monitoring Officer must be advised in writing three working days prior to any site works, to arrange a pre-start meeting.
10. A Registered Surveyor shall set out the foundations of the proposed structure and certify to Council in writing prior to work progressing beyond the foundation stage that the building is located exactly as proposed in the application and will not exceed the degree of infringement applied for in relation to the overall height controls of the District Plan and elsewhere complies with the height in relation to boundary and overall height rules of the District Plan if constructed in accordance with the approved consent in terms of levels and position. No work shall proceed beyond this stage until receipt of such certification, to the satisfaction of the Manager Resource Consents.

And

A Registered Surveyor shall certify to Council in writing prior to work progressing beyond the pre-lining stage that the building is located exactly as proposed in the application and will not exceed the degree of infringement applied for in relation to the overall height controls of the District Plan and elsewhere complies with the height in relation to boundary and overall height rules of the District Plan. No work shall proceed beyond this stage until receipt of such certification, to the satisfaction of the Manager Resource Consents.

Noise

11. Noise from the Laingholm Primary School Community Event 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.

12. The auditorium may not be used between the hours of 10.00 pm - 7.00 am.
13. Noise from construction, maintenance, demolition and earthworks on the site shall not exceed the relevant noise levels as specified in NZS6803P:1984 "The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work".

All construction, maintenance, demolition and earthworks on the site shall be undertaken between the following hours only:

Monday to Friday:	6.30 am to 8.00 pm
Saturday:	7.30 am to 6.00 pm
Sunday and Public Holidays:	No Work

Earthworks

14. Two weeks prior to the commencement of work on the site, the resource consent holder shall submit a Construction Management Plan to Councils Environmental Monitoring Officer, 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 Construction Management Plan is also required to encompass the following earthworks conditions (conditions 15 to 23).

15. Before commencement of any works and until completion of exposed site works, adequate sediment and erosion control measures shall be constructed and maintained by the consent holder. The consent holder shall notify Council's Monitoring Officer when controls are in place. Work shall not commence until approval has been gained in writing from the Manager Resource Consents. The control measures must be maintained until the site has been adequately stabilised against erosion and sediment-laden run off. The construction and maintenance shall be in accordance with the Erosion/Sediment Control Measures Appendix to the Natural Area rules of the Waitakere City Council District Plan.

16. Stabilised entranceways to the site shall be provided prior to the commencement of works and maintained for the duration of works. Additional measures such as wheel wash facilities shall be implemented (as) if deemed necessary by Council's Environmental Monitoring Officer to prevent the deposition of earth or other debris on the surrounding street network by vehicles entering and exiting the site. Roads, footpaths, berms and kerbs including entry and exit points to the site shall be kept free from damage and clear of mud and debris at all times. Any material deposited on the street shall be immediately removed by sweeping and any damage caused shall be immediately repaired at the expense of the consent holder. The consent holder shall notify Council's Monitoring Officer when entranceway controls are in place. Work shall not commence until approval has been gained in writing from the Manager Resource Consents.
17. 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 and at the direction of Council. The consent holder shall notify Council's Monitoring Officer when entranceway controls are in place. Work shall not commence until approval has been gained in writing from Manager Resource Consents and a bond of \$2000.00 has been paid to Council prior to uplift of the consent to cover the cost of any outstanding reinstatement works.
18. All necessary action shall be taken to prevent a dust nuisance to neighbouring properties to the satisfaction of the Manager Resource Consents. Should these measures not prove satisfactory on any particular occasion due to the prevailing wind or soil conditions, the contractor shall cease the work until conditions are suitable for the recommencement of the works.
19. Prior to work commencing signage shall be placed in appropriate locations to warn traffic about truck movements, to the satisfaction of the Manager Transport Assets and the Manager Resource Consents.
20. All dirt tracked onto the surrounding roads as a result of the development covered by this consent shall be cleaned by sweeping on a daily basis at the expense of the applicant. In case of repeated non-compliance with this condition, Council may engage the road cleaning contractor nominated by the applicant to carry out the road cleaning. Council's Environmental Monitoring Officer may engage the road sweeping contractor to carry out road cleaning if it is the Emergency Management Officer's opinion that the dirt on roads and/or footpath is creating an adverse effect on the environment. The road cleaning contractor shall be engaged at the cost of the applicant.
21. All earthworks shall be completed and stabilised within the earthworks construction season between 1 November and 30 April.
22. The batter of the fill area shall not exceed a ratio of 1:3 gradient.
23. Truck deliveries (including those associated with the earth working operation) to and from the site shall not be undertaken during peak times (being the drop off and pick up hours).

Geotechnical

24. It is required that a Geotechnical Investigation Report is prepared and submitted at Building Consent stage for Council approval.

EcoWater

25. To prevent increasing downstream flooding and increased channel erosion on the **Stream**, storm-water disposal is required to comply with EcoWater's Countryside and Foothills Storm-water Management Code of Practice. The storm-water disposal system from any development on the site shall be designed to incorporate the following requirements to the satisfaction of EcoWater:
- (i) Maintain storm-water runoff flows, volumes, and timing to pre-development levels for the 2 year storm event.
 - (ii) Mimic natural runoff patterns, and not to discharge directly to a watercourse, open drain or piped system.
 - (iii) Rainwater to be reused for toilet, laundry, and gardening use to reduce runoff volumes and minimise water importation.
 - (iv) A storm-water detention tank to be provided to limit the rate of runoff.
 - (v) The property owner is required to maintain any devices to meet the above requirements. The property owner is to provide to Council (EcoWater) at 5 yearly intervals a report from a suitably qualified person, demonstrating that the storm-water mitigation measures and devices are functioning in accordance with their intended purpose. This includes any rain gardens and dispersion devices installed under future building consents.
 - (vi) Note: Council's Hazards and Special Features Register will be advised of the above requirements.
26. Provide storm-water quality treatment to the site for the proposed car parking area in accordance with the Auckland Regional Council's TP10 '*Storm-water Management Devices Design Guideline Manual*', and WCC Code of Practice for City Infrastructure and Land Development (refer Section 4).
- (i) Provide engineering plans and calculations to EcoWater for approval prior to commencing works.
 - (ii) Provide a maintenance manual for the treatment device.
27. The low flow water saving devices listed below is to be installed under a future building consent. Please advise Council that the following devices will be installed under a future building consent:
- (i) 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.
 - (ii) All units/dwellings shall have showers.
 - (iii) All toilets shall be of 6/3 litre dual flush type.
 - (iv) No in sink waste disposal units shall be installed.

Provide an EcoWater "Water Saving Devices Inventory Form" completed by a registered plumber to demonstrate that the above requirements are satisfied.

Traffic

28. Prior to opening of the auditorium, Traffic Management Plans for events where public attendance exceeds 120 people be developed and approved in consultation with Councils Transport Assets Section. The New Zealand Fire Service Commission or their nominated representative shall also be consulted and be invited to provide feedback on the proposed traffic management plans prior to their submission for final approval by Council's Transport Assets Section.

29. The approved Traffic Management Plan (refer to condition 28 above) shall be exercised on all occasions where public attendance exceeds 120 people within the auditorium building.

Evidence of implementation of the traffic management measures should be recorded (photos and diagrams) and made available for Council if requested.

Vegetation

30. Prior the commencement of any site works within the area where excavated soil is to be deposited ("on the northern boundary below the sports field") the consent holder shall erect temporary fences or series of temporary fences on or outside the drip line, on that side of the protected vegetation the works take place on. The temporary protective fences shall be strong and appropriate to the degree of construction works taking place on the site. **The protective fences shall form a solid barrier which cannot be picked up and moved. The protective fence shall be at least 1.1m high.**

The temporary fence(s) can be constructed using orange plastic mesh, but this must be supported by waratahs (or equivalent) placed firmly into the ground at 4 meter centres. The waratahs will have two stands of wire attached to them (top and bottom) and the orange plastic mesh must be fastened to the wires every 1 meter (top and bottom). Any sediment control measures can be fixed to the lower portions (bottom) of the plastic mesh (temporary tree protection fence) but must be otherwise installed to manufactures standards.

31. Access to the area where excavated soil is to be deposited ("on the northern boundary below the sports field") shall be gained via Laingfeild Terrace at the extreme north-western corner of the site and be as far from the two Eucalyptus located near the western side of the area as possible.
32. No storage of materials, cement/concrete washings, leaching of chemicals, storage or tracking of machinery, excavation or stockpiling of spoil shall occur beneath the drip line of any protected vegetation within the site.

Landscaping

33. Landscape treatment including planting shall be as per the Council modified and Approved Framework Planting Plan for the south frontage area.
34. Where gardens can be located along the east and west sides of the base of the auditorium building garden areas shall be circa 1.2m wide and against the building, shall be weed and debris free, of suitable quality topsoil or garden mix, and with a wood chip mulch to 60mm depth. The gardens shall be set in place in the first planting season (May till 7 September) following use of the auditorium and shall be to the satisfaction of Council's Environmental Monitoring Officer, Resource Consents. The exotic species Royena shall not be used in these gardens, instead, planting shall be carried out using a range of native species, Pb5 minimum grade at planting time, with a planting density of 1 plant per 1m² (ie. 1 metre between plants but closer spaced to circa 400mm, where under storey ferns, Arthropodium cirratum, or dwarf flax are used), selected from the following species:

West side of auditorium: A combination of native ferns, eg Cyathea dealbata, ponga, Dicksonia squarrosa, whekī, and under storey ferns eg. Asplenium bulbiferum, hen and chicken fern, Blechnum capense, kiokio. Also suitable, Astelia banksii, coastal astelia, Astelia solandri, dianella nigra, Arthropodium cirratum, rengarenga, Cordyline banksii, forest cabbage tree, with Metrosideros perforata, akatea. Alternatively, native shrubs or a combination thereof, as follow: Alseuosmia macrophylla, toropapa, perfume of the glade, Corokia buddleioides, Pimelia longifolia, Geniostoma rupestre 'ligustrifolium' hangehange, Rhabdothamnus solandri, taurepo are suitable.

- East Side of auditorium:** Potentially use a combination of the following: *Geniostoma rupestre* 'Ligustrifolium', hangehange, *Corokia buddleioides*, korokio, *Coprosma lucida*, shining karamu, *Hebe stricta*, koromiko, perhaps *Hebe* varieties, eg *Hebe* 'Wiri Image' H.'Wiri Jewel' *Hebe* 'Inspiration', or an other suitable *hebe* cultivar, and/or *Phormium cookianum*, mountain flax, or its dwarf form, *Phormium cookianum* 'Dwarf Green'.
35. Replacement planting shall be carried out in the following planting season after the initial planting to replace any losses of plants in the planting areas required as per this outline plan of works and shall be to the satisfaction of Council's Environmental Monitoring Officer, Resource Consents.
 36. Any tree planted within a grass area shall be within a 600mm diameter weed and debris-free garden area with a woodchip mulch to 60mm depth. (This is to give protection against mower or weed eater or children, during the establishment period).
 37. Fill shall be spread in the area north of the playing field to give a natural appearance and to meld with the adjacent land and to fit with the wider natural landscape and landform and shall be to the satisfaction of Council's Environmental Monitoring Officer, Resource Consents. Existing topsoil both from the northern area proposed for fill and the auditorium area shall be scraped off and stockpiled on site (desirably in piles near the edge of the sports field), and spread over the subsoil and fill material once the subsoil fill has been spread over the proposed fill area. Council's Environmental Monitoring Officer, Resource Consents, shall be contacted immediately prior to commencement of placing the fill including topsoil piles and again prior to completing this work so that any changes that may be required by the monitoring officer prior to completion of the earthworks can be made during the period of this earthworks activity.
 38. All areas of exposed earth shall be top-soiled and with grass sown or otherwise stabilised against erosion as soon as practicable and in a progressive manner as works are completed within the fill area, but no later than one week following the completion of works.
 39. Planting within the area proposed for fill (the circa 2975m² area north of the playing field, 'flight corridor area'), shall be carried out in the first planting season (May till 7th September) following placement of the fill, shall use a range of native species planted as (minimum grade) root trainers or Pb3 minimum grade, selected from the following list: *Dacrycarpus dacrydioides*, kahikatea, *Dacrydium cupressinum*, rimu, *Podocarpus totara*, totara, *kunzea ericoides*, kanuka, *Pittosporum eugenioides*, lemonwood, *P. tenuifolium*, kohuhu (non variegated forms), *Sophora microphylla* var *microphylla*, Northland kowhai, or *S. chathamica* (also a local form of kowhai), *Vitex lucens*, puriri, *Carpodetus serratus*, putaputāwētā, *Coprosma arborea*, mamangi, *Coprosma grandifolia*, kanono, *Coprosma lucida*, shining karamu, *Coprosma robusta*, karamu, *Cordyline australis*, cabbage tree, *Griselinia lucida*, pukapuka, *Hedycarya arborea*, pigeonwood, *Leptospermum scoparium*, mānuka, *Macropiper excelsum*, kawakawa, *Melicytus ramiflorus*, mahoe, *Myrsine australis*, mapou, red matipo, *Pseudopanax arboreus*, *Rhopalostylis sapida*, nikau. The plants shall be planted at between 1m and 1.5m spacing between plants (1m spacing, ie 1 plant per 1m² is the preferred planting density) throughout the fill area. It is recommended that each plant be planted into a pre 'released' space, free of other growth, be given two bamboo or other stakes to identify its location, and a slow release fertiliser pellet at planting time to facilitate establishment. Where possible use eco-sourced plant material.
 40. Replacement planting of native species selected from the above list, within the northern 'flight path' planted area, shall be carried out as necessary the following planting season to replace any losses to the satisfaction of Council's Environmental Monitoring Officer, Resource Consents.

41. The northern fill area and all new planting/garden areas shall be watered as necessary in the first planting season(s) to facilitate plant establishment, and shall be kept free of environmentally damaging plants during the time the planting is established and on an ongoing basis beyond that time.

Monitoring

42. A consent compliance monitoring fee of \$1560.00 (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.

The \$1560.00 fee shall be paid as part of the resource consent and the resource consent holder shall be advised of any further monitoring fees if they are required.

Advice Notes:

1. Where indicated in the conditions it is the consent holders responsibility to inform the Environmental Monitoring Officer when inspection is required. Inspections can be requested through the Call Centre on 839 0400.
2. Although vegetation such as *Macrocarpa (Cupressus macrocarpa)* and Pines (*Pinus sp.*) are identified within the Removable Vegetation Appendix of the District Plan (which means that these trees are generally unprotected and can be removed without a resource consent), where they are located on a Sensitive Ridge then resource consent would be required for their removal.
3. Phormium tenax, New Zealand flax and Phormium cookianum, NZ mountain flax, require full light to prosper and should be used at the edge of the planting area rather than within it. When a canopy is established, only the flax at the edge, in the high-light areas, would survive.
4. The applicant should be aware that if the subsequent geotechnical report (required to be provided at Building Consent stage) requires amendments or redesign of the building if approved under this resource consent, then a variation or new resource consent may be required.
5. The consent holder shall arrange and conduct a pre-construction site meeting between EcoWater and all relevant parties, including site storm-water engineer, with regard to the storm-water management system, prior to any infrastructure works commencing on the site.
6. The consent holder shall ensure that, for storm-water flows in excess of the capacity of the primary systems, secondary flow paths shall be provided and maintained to allow surplus storm-water from critical storms, up to the 2% Annual Exceedance Probability event, to discharge with the minimum of nuisance and damage.
7. The consent holder shall submit an Operation and Maintenance storm-water management system include, but not be limited to: frequency of regular maintenance/inspections.

Report prepared by: Fennel Mason, Resource Planner.

