

**AGENDA FOR A MEETING OF A HEARING BY COMMISSIONER TO BE HELD IN THE
CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,
ON FRIDAY, 28 APRIL 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 WAITAKERE CITY COUNCIL TO CONSTRUCT A NEW CAR PARKING AREA AT 1 BARRONS DRIVE, GREEN BAY (BARRONS GREEN)	1

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**NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE
RESOURCE MANAGEMENT ACT 1991 BY WAITAKERE CITY COUNCIL TO CONSTRUCT A
NEW CAR PARKING AREA AT 1 BARRONS DRIVE, GREEN BAY (BARRONS GREEN)**

NEW LYNN WARD

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

APPLICATION DETAILS

Planner: Fennel Mason

Site Address: 1 Barron Drive (Barrons Green)

Applicant: Waitakere City Council

Date Received: 11 November 2004

Resource Consent No: RMA 20042425

Building Consent No: Not required

Legal Description: Lot 22 DP 47050

Address for Service: Karen Foster
Meridian Planning Consultants Limited
PO Box 8960
Auckland

Site Area: 5253m²

Transitional Plan:
Hazards: None

District Plan:
Human Environment: Open Space
Natural Area: General
Landscape Elements: None
Hazards: Sanitary Sewer Line
Rooding Hierarchy: Local
Designation: N/A

Further Information Required: Yes

Date Requested: 24 November 2004 and 6 September 2005

Date Received: 5 September 2005 and 29 September 2005

1.0 INTRODUCTION AND RECOMMENDATION

1.1 Nature of the Application

The applicant seeks consent to construct a car parking area for community use within an Open Space Environment at Barrons Green, 1 Barrons Drive, Green Bay. The development will require consent for earthworks and traffic generation 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 and neighbourhood character. Consideration must therefore be given to associated traffic generation, public safety, and visual and acoustic amenity.

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

1.3 Planner's Recommendation

The planner who has prepared this report recommends that, subject to any contrary or additional evidence submitted at the Hearing, **consent be granted** to the application to construct a car parking area for 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

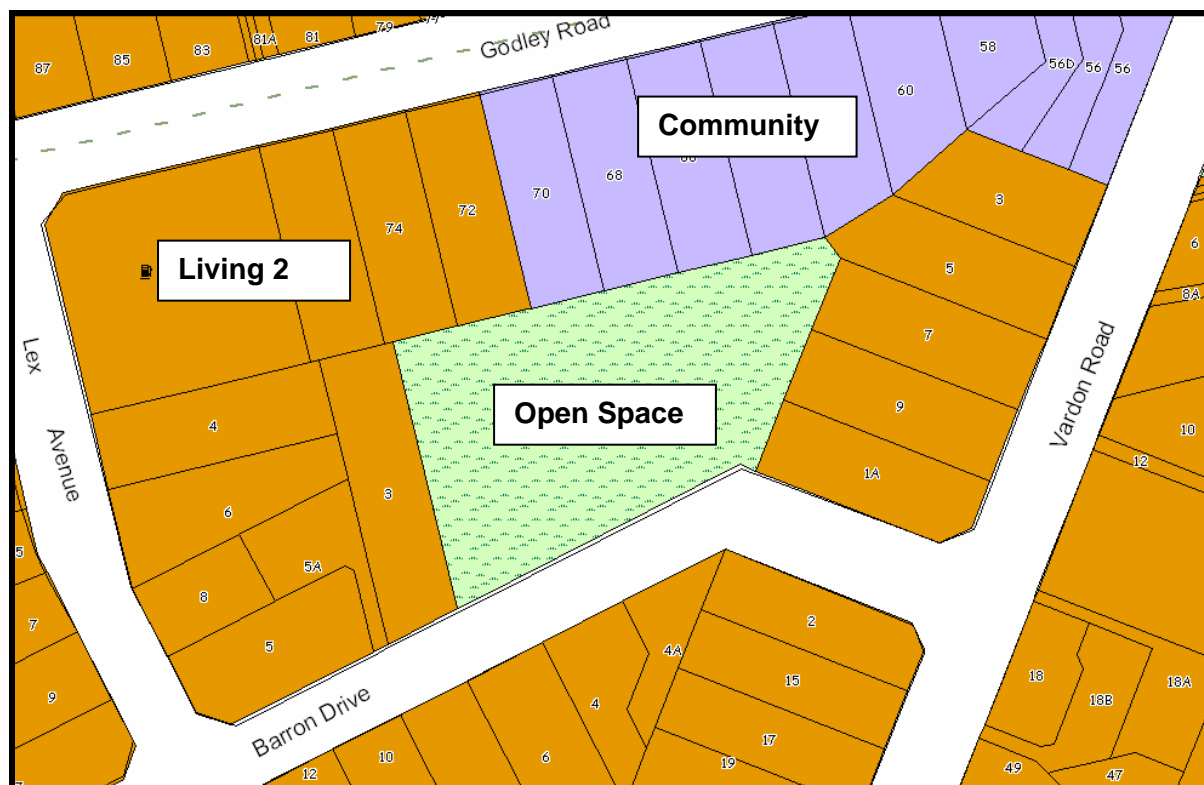


Figure Two - Human Environments

Legal Description: Lot 22 DP 47050
Human Environments: Open Space
Natural Areas: General
Landscape Elements: None

3.0 PROPOSAL

The proposed development involves the formation and construction of a car parking and driveway area which will act to serve an existing community centre at 1 Barrons Drive, Green Bay.

The proposed car parking area will comprise a total of 11 car parking spaces, which includes 2 disabled parking spaces. To achieve this, a new vehicle crossing from Barrons Drive, and car parking and manoeuvring areas will be created. This requires a sealed area of 460m² in area, and will be located within the south-western portion of the site.

A34-A36 It should be noted that this vehicle crossing has been amended to prioritise pedestrian safety, as attached at pages A34 to A36.

The paved car parking area is to be located generally 20m from the western boundary, with a small area required for turning reducing the minimum setback to 16.5m. The area roughly measures 32m in length and 12m in width.

The car parking spaces are intended to service the existing community rooms immediately to the north of the proposed car parking area.

It is proposed to collect the runoff from the paved car parking area, via a cesspit and new public stormwater line, and discharge to the existing public system at the northern boundary.

The development also entails the removal of a section of the existing footpath, and the construction of a new portion of footpath, 1.5m in width, in order to connect this with the existing footpath.

Consent is required to undertake earthworks over an area of 460m² with a volume of 260m³, which are required to form the paved area with appropriate gradient. It is proposed to undertake appropriate sediment and erosion control.

As the proposed development involves the use of a parks building, and the park has no Operative Reserve Management Plan, then the car parking area and associated traffic generation would also require consent.

The development does not require any vegetation alteration, however, the original position of the car parking area was partially within the drip line of a mature Gum Tree (*Eucalyptus sp.*) and upon guidance from Councils Landscape Architect, the car parking area was moved 4.0m to the east to avoid any potential or actual adverse effects on this vegetation.

The increase in impermeable surfaces lies well within the permitted levels identified within the District Plan and the development complies with all other bulk and location requirements of the District Plan.

A1-A33 A copy of the proposal is attached at pages A1 to A33.

4.0 REASONS FOR THE APPLICATION

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

Human Environments

Proposed Plan Change 12

The current District Plan provisions for the Open Space Environment place much emphasis on the presence of an Operative Reserve Management Plan, and almost any development on a reserve without a Reserve Management Plan automatically becomes a Non-Complying Activity. Plan Change 12 was notified on 1 December 2004 which removed much of the emphasis on Operative Reserve Management Plans and replaced this with performance standard based rules.

- Proposed Plan Change 12 was publicly notified on Wednesday 1 December 2004.
- Submissions closed on Friday 21 January 2005.
- Further submissions were sought on Friday 18 February 2005.
- Further submission closed on Friday 1 April 2005.
- Decision issued on 10 February 2006.
- Appeal period expires 28 March 2006.

While the Proposed Plan Change is considered to have some weight, the final version of the Plan Change is yet to be made operative. The Operative District Plan is therefore deemed to be the dominant document, and is in most cases the more restrictive of the two documents.

The infringement below has been based on the Operative District Plan, with the status under Plan Change 12 immediately below the Operative District Plan infringement status.

Operative Plan

- Non Complying Activity consent is sought to construct the car parking area, associated with the use of the community rooms on the site, where there is no operative parks management plan, pursuant to Rule 7.3 of the Open Space Environment.

Proposed Plan Change (PC12)

- The proposed development would be defined as “parks infrastructure” and would require Limited Discretionary activity consent to exceed 8 car parking spaces, pursuant to Rule 7.2 of proposed Plan Change 12 (PC 12), with a total of 11 car parking spaces sought.

Natural Environments

- Limited Discretionary Activity consent is sought to undertake earthworks outside a building platform not exceeding 300m³ in volume, pursuant to Rule 3.3 of the General Natural Area. The proposed development will require earthworks to be undertaken over an area of 460m² and volume of 260m³.

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

5.0 THE SITE AND NEIGHBOURHOOD DESCRIPTION

The subject site is located at 1 Barrons Drive in Green Bay, otherwise known as Barrons Green, which has the legal description of Lot 22 DP 47050, and measures 5253m² in area. Barrons Green is a Waitakere City Council owned park and is zoned as an Open Space Environment.

The site is irregular in shape, but could be considered as being roughly rectangular. The site is delineated by Barrons Drive to the south, residential sites to the west and east, and by a strip shopping centre to the north. This shopping centre has frontage to Godley Road and comprises of retail activities such as a supermarket, grocer, pharmacy and other shops serving the local community.

The park site is of a fairly level contour, with a slight fall from the southern boundary toward the north. The site has pedestrian access from Barrons Drive, with a concrete footpath running through the site to the New World car park to the north. There is no formed vehicular access to the site. Existing development comprises of two community buildings located toward the north-western portion of the site, and two children’s playground areas. The community rooms are used for approximately 45 hours per week.

There are several mature trees located on the site, including a 25m high Gum Tree (*Eucalyptus* sp.). The site is otherwise grassed and generally used for informal (passive) recreation purposes.

The site is connected to reticulated stormwater and wastewater systems.

Barrons Drive is classified as a Local Road under Councils Roading Hierarchy, and forms part of the secondary road network that serves the local community.

6.0 ISSUES IDENTIFIED THROUGH THE SUBMISSION PROCESS

Notice of this application was served on all identified affected persons on Friday 10 December 2004. The period for submissions closed on Monday 31 January 2005.

A37-A112 Twenty Two (22) submissions were received for the application. Eighteen (18) submissions supported the application, Four (4) submissions opposed the application, and One (1) late submission was lodged. Please refer to pages attached at A44 to A110 for copies of the submissions that were received, and pages attached at A111 to A112 for a copy of the late submission. A map showing the location of the submitters is attached at pages A37 to A43.

6.1 Submissions

	Submitter	Address	Support / Oppose
1	Sandy O’Gorman	71 Wood Bay Road	Support
2	John Ambridge	89 Cliff View Drive	Support
3	Green Bay Mah Jong Group (plus 8 signatories)	1 Barron Drive	Support
4	Green Bay Walking Group (plus 8 signatories)	1 Barron Drive	Support
5	Green Bay Ratepayers and Residents Association	229 Portage Road	Support
6	Green Bay Art Group (plus 11 signatories)	1 Barron Drive	Support
7	Titirangi Painters (plus 32 signatories)	1 Barron Drive	Support
8	West Auckland Community Toy Library	1 Barron Drive	Support
9	Green Bay Community Play Group (plus 29 signatories)	1 Barron Drive	Support
10	Jenny Tomlin	181 Godley Road	Support
11	Kidstart - Bamardos (plus 6 signatories)	Pioneer Street	Support
12	Green Bay Community House (plus 3 signatories)	1 Barron Drive	Support
13	Tropical Fish Club (plus 20 signatories)	1 Barron Drive	Support
14	Middle Eastern Dance School	1 Barron Drive	Support
15	Gerald and Carol Carter	5 Barron Drive	Support
16	Rashid Bharachi	70 Godley Road	Support
17	Graham Liggins	70 Godley Road	Support
18	Green Bay Pharmacy Limited	64b Godley Road	Support
19	Dipesh Kisharchandra and Darshna Dipesh Kapaia	1/3 Barrons Drive	Oppose
20	Arthur and Dorothy West	3/3 Barron Drive	Oppose
21	Steve and Shelley Harris	2/3 Barron Drive	Oppose
22	Steve and Laraine Kiddell	6a Barron Drive	Oppose

Summary of Submissions

Support

	Reason	Explanation
1	Improved Access	<p>At present there is no vehicle access, parking or loading facilities servicing the community rooms. Loading and unloading equipment is difficult.</p> <p>Elderly persons, people with disabilities and parents often find access to the community rooms difficult. The proposed car parking would provide safer access to the community rooms, especially for children.</p> <p>These issues were highlighted by submitters 1, 3, 4, 7, 8, 9, 10, 14 and 15.</p>
2	Increase in Car Parking	<p>There is currently a lack of car parking within the vicinity of Barrons Green (for community room users and the general public), resulting in congestion of the road. The public often use the supermarket car park which is restricted parking to shoppers only, and street parking is limited.</p> <p>There has been an ever increasing use of the community rooms, resulting in an increased car parking demand.</p> <p>These issues were highlighted by submitters 2, 5, 6, 8, 11, 12, 13, 15, 16, 17 and 18.</p>

Opposition

	Reason	Explanation
3	Loss of Amenity and Safety	<p>There will be drinking in the car parking area at night, creating a nuisance.</p> <p>The proposed vehicle access will create a hazard for pedestrians.</p> <p>The proposed development won't solve the existing car parking problem, and there has been a general lack of consultation with the community.</p> <p>These issues were highlighted by submitters 19, 20, 21, 22 and 23.</p>
4	Removal of green space	<p>The proposed car parking area will remove existing green features of Barrons Green, reducing recreational opportunities, and making the area unusable.</p> <p>These issues were raised by submitters 19, 20, 21 and 23.</p>

Late Submission

A late submission in opposition to the development has been received and the applicant has agreed to accept this. Council recommends that this late submission is accepted as it meets the tests under Section 37 of the Resource Management Act, in that:

	Submitter	Address	Support / Oppose
23	Bill Muru	4 Barron Drive	Oppose

6.3 Auckland Regional Council

Auckland Regional Council (Manager: Policy Implementation): to date no comment has been received.

6.3.2 Residents and Ratepayers Association

Green Bay Residents and Ratepayers Association: have submitted (submitter 5) in support of the application.

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)

No comments have been received from the above.

6.5 Pre Hearing Meeting

A113-A119 A Pre-Hearing meeting was held at Council Offices at 6.00 pm on Tuesday, 21 March 2006 with a copy of the minutes from this meeting attached at pages A113 to A119.

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 park already has community rooms available for public use, there is currently no vehicular access or on-site parking available to serve these rooms. The proposed development would provide for improved access to these community facilities.

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 improve usability of the community facilities, 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)) and may disregard an adverse effect of an activity on the environment if the Operative Plan permits and activity with that effect (Section 104(2)).

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

8.1.1 Water Quality and Quantity

The proposed development will increase the impermeable surface area of the site by approximately 460m², which comprises of the additional paved car parking and footpath areas. The increased stormwater runoff generated by this impermeable surface area will be collected from cesspits located within the car parking area, and via a new public stormwater line, connected into the existing reticulated stormwater line located to the north of the site.

The proposed increase in paved area does not result in the site exceeding permitted impermeable surface restrictions of the District Plan. The site is reticulated, and therefore impermeable surfaces are permitted up to 60% of the net site area.

At present the ground to the east of the footpath is frequently water locked due to failure of the existing stormwater system, it is anticipated that the upgrade will reduce ponding of water within this area. However, the increase in impermeable surface area has the potential to increase pressure on the existing reticulated system by increased velocity / loading.

The application has been assessed by Council's Drainage Engineer, Richard Yearsley. When examining the application, reference was made to Council's Code of Practice for City Infrastructure and Land Development (WCC COP). EcoWater supports the proposed development, subject to the imposition and monitoring of conditions, which relate to the installation of a complete public stormwater drainage system to acceptable standards.

Overall, subject to the imposition and monitoring of conditions, it is considered that any effects arising from the development can be adequately mitigated.

In respect of the temporary construction phase, potential adverse effects could be generated 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.

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

A120-A122 A copy of the Specialist Report by Council's Drainage Engineer has been attached at pages A120 to A122.

8.1.2 Land / Soil

The proposed development requires earthworks excavation to form the vehicle crossing, driveway and car parking areas. The site is of a relatively level gradient, but with a gentle slope falling from Barrons Drive toward Godley Road in the north.

The total excavation for the formation and construction of this area will require earthworks to be undertaken over an area of 460m² with a volume of approximately 260m³. It is proposed to remove all excess earth from the site (approximately 33 truck loads) during the earth working phase.

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. 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 \$1,000 be required in this regard.

Sediment and Erosion Controls, are considered appropriate to ensure earthworks are contained within the site.

A further condition will be imposed on this consent ensuring that upon completion of earthworks, that any exposed areas of earth will be regrassed, or otherwise stabilised.

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

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

Residential Amenities

The proposed development, as discussed, involves the formation and construction of a vehicle crossing, driveway and car parking area, with associated earthworks.

It is considered that the earthworks are keeping in scale with the development proposed, are of human scale and will not be obtrusively visible from any adjoining site and that no mitigation planting is required. However, opportunity remains to undertake landscape planting around the area of proposed works, and Council's Parks and Open Space Department have indicated that there are intentions to landscape the site upon completion of the works.

The subject site is within a highly modified urban environment, however, in light of the size and scale of the proposed works, the development is not considered to detract from the visual amenities of either the site or to the wider locality.

A126-A128 It is acknowledged that the proposed development will result in the loss of a portion of grassed playing area used for passive recreation. This was highlighted in the submissions received by the submitters: Dipesh Kisharchandra and Darshna Dipesh Kapaaia, Arthur and Dorothy West, Steve and Shelley Harris, and Steve and Laraine Kiddell. The parking area would occupy approximately 8.8% of the site. Whilst acknowledging that there is a loss of green space, the proposal would enhance the accessibility and functioning of the open space and most notably the established community rooms without undermining the overall use and enjoyment of this area. The proposed parking is considered to be an important asset for the public enjoyment of this area. This is recognised in the report by Council's Parks and Open Space Planner (Maylene Barrett) which can be found attached at pages A126 to A128.

To ensure the safety of users of the site, the applicant has agreed, upon the recommendation of Council's Parks and Open Space Planner, to the installation of bollards around the perimeter of the car park, which would ensure that vehicles do not accidentally drive / roll off the delineated car parking area.

Another concern raised by the submitters, in opposition to the development, related to the use of the proposed car parking area after hours by some members of the public for drinking and socialising, and generally causing a nuisance. Therefore, a condition has been proposed by the applicant for the installation of a chain link (or similar) fence between the hours after the hours of 7.00 am to 7.00 pm in winter and 7.00 am to 9.00 pm in summer. Should consent be granted, it would be recommended that this measure is imposed as a condition of consent. However, it is recognised that on occasion the use of the community rooms may exceed this time restriction, and for this reason a key for the lock will be available for the community room users should they require. It would be the responsibility of the room users to ensure that this fence is locked after these hours if the rooms are in use. If on any occasion the chain link gate is not locked, this would be reported to Council's Parks Department for action by the security officer whose responsibility it would be to reopen this lock in the morning.

Furthermore, another measure proposed by the applicant is a 180 minute parking restriction for the car parking spaces. This would act to ensure that the public (including employees of any businesses within the vicinity of the site) using these spaces do not park at the site for extended periods of time, and allow for community room users to utilise these spaces. Whilst still allowing sufficient time for people to use the park and for shopping. Should consent be granted, it is recommended that this proposed measure would be incorporated into the conditions of consent. Should any use of the community rooms exceed this 180 minute restriction, 'tickets' would be made available for the room users. These 'tickets' would comprise of a card or similar, to be placed in the window of the subject vehicle, and would be available from the community rooms themselves.

The proposed activity is intrinsically linked to traffic being generated to which parking (11 spaces) would be both accommodated on-site. By placing a limitation on the hours of operation, this would ensure that any adverse effects would be minor onto adjacent and nearby residential properties. It is noted that the parking area maintains separation distances of over 20m to residential properties that abut the site (3 Barrons Way) and separated from evens (Numbers 2 - 8 Barrons Way) by the formed road. This would help further protect those residential amenities and would not detract from the enjoyment of their property through increased noise. The proposal would also result in traffic being removed from Barrons Way (ie. parking).

It is considered that the imposition and monitoring of these conditions would act to satisfactorily alleviate the submitters concerns relating to safety, noise, nuisance and car parking issues.

For these reasons, 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.

Access and Parking

Barron Drive is designated as a Local Road in Councils Rooding Hierarchy under the District Plan. The street has a road reserve of approximately 16.4m in width, with the carriageway between the kerb and channel being approximately 7.7m wide. Local Roads should be designed for safe and efficient operation of motor vehicles to low speeds, allowing for easy and safe movement around neighbourhoods by pedestrians and cyclists, Roads should be designed to make high speed operation of motor vehicles unrealistic.

Submitter Shelley Harris has raised a particular concern about wider parking issues such as congestion of parking on Barrons Drive and the wider area, and speed of vehicles within the vicinity of Barrons Green. Some of these concerns, although valid, are outside the ambit of this resource consent.

As discussed, the proposed development will entail the construction of a car parking and associated driveway area, as well as and new vehicle crossing. The proposed development provides for 9 car parks as well as two disability spaces.

The proposed vehicle crossing is located (approximately 50m) from the relatively tight bend before the intersection with Vardon Road.

A copy of the application has been sent to Councils Transportation Engineer, Adam Moller to assess vehicle access and car parking.

Mr Moller considers that the proposed vehicle crossing is located appropriately to ensure that there are sufficient sight lines to allow for safe entrance and egress to the car parking area. In terms of the construction of the vehicle crossing itself, Transport Assets require the use of a standard light commercial vehicle crossing, to be imposed as a condition of consent, if granted.

The proposed car parking layout complies with Councils Parking and Driveway Guidelines (Table 3.1 Dimensions for Car Parking Areas).

Several of the submitters have an existing concern that New World supermarket employees continually park on Barron Drive which can lead to driveways being blocked, and creating issues with vehicles essentially narrowing the carriageway with parking along both sides of the road. Further to this, some of the submitters in opposition have concerns with the speed at which some of the vehicles travel down Barron Drive, creating a safety hazard.

These wider traffic concerns are outside the ambit of this resource consent. However, there is a related issue with employees of the adjacent shopping area parking within the spaces provided by this proposal. Therefore, to ensure that vehicles are not parked all day within this proposed car park, a condition will be imposed on this consent, limiting the hours of parking to 180 minutes (unless with an authorised 'ticket' as discussed).

Further to this, the adjacent supermarket car parking is private property and is provided for the use of customers and staff only. For this reason the car parking is unavailable for users of Barrons Green or Community Rooms.

Mr Moller concludes that the proposed car parking area will provide safe onsite parking for the Green Bay Community House and Barrons Green Reserve Facilities, and should assist in alleviating any pressure on local public on-street parking.

Further, it is considered that the proposed car parking area will not detract from the existing road environment.

Subject to the imposition and monitoring of conditions, it is considered that the proposed development would have no more than minor adverse effects on the functioning and safety of the transport environment.

A123-A125 A copy of Transport Assets Specialist Report is attached at pages A123 to A125.

8.1.4 Summary

The proposal would allow Waitakere City Council to construct a new vehicle crossing, car parking and driveway area providing vehicular access to the community rooms located within the Barrons Green reserve.

The main concerns raised by submitters opposing the development generally relate to a reduction of amenity values, removal of usable green space and public safety. The main issues raised by submitters supporting the development, related to improved access to the building and a needed increase in provision for parking.

While the development will result in the loss of an informal grassed playing area, the formation and construction of the car parking, associated vehicle crossing, and manoeuvring area will provide for increased accessibility and functioning of this area.

It is acknowledged that nearly every other community room located within a reserve within the City has on-site car parking available.

Councils Transport Engineer, Adam Moller, has assessed the proposed car parking situation and traffic generation and is satisfied, subject to the imposition and monitoring of conditions, that the development would have no more than minor adverse effects on the functioning and safety of the transport environment.

Furthermore, Councils Parks and Open Space Planner, Maylene Barrett, has also assessed the proposal and is satisfied that the development is appropriate for this site, and conditions could be imposed and monitored to ensure that submitters safety concerns are adequately addressed.

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

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

8.2.1 District Plan Policies and Objectives

The applicant seeks to construct a paved car parking and driveway at Barrons Green at 1 Barron Drive, Green Bay.

The Operative District Plan and proposed Plan Change 12 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 **Amenity**, **Traffic Generation** and **Earthworks**. 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:

Objective 1 is concerned with managing the effects of land use on the environment, and in particular on the quality and quantity on the City's water resource.

Objectives 10 and 11 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.

8.2.2 Plan Weighting

The Act requires consideration of both the Operative District Plan and Proposed Plan Change 12. As determined by case law the regard to be given to the different plans can be weighed up in relation to what stage in the process of becoming operative a proposed plan is. In this case While the Proposed Plan Change is considered to have some weight, the final version of the Plan Change is yet to be made operative. The Operative District Plan is therefore deemed to be the dominant document, and is in most cases the more restrictive of the two documents. Where Plan Change 12 is applicable, this has been highlighted.

(a) Amenity

Policy 10.6: *Buildings, storage and parking areas should be designed and placed on-site, or screened in a way that maintains the privacy and on-site amenity of adjacent residential properties, including the privacy within the more intensively settled Living and Rural Villages Environment.*

Policy 10.7: *New public and semi-public spaces should be designed in a way that ensures the safety of all users, and in particular, should provide for:*

- *Overlooking (surveillance) of public and semi-public places from surrounding buildings during the day and where possible at night;*
- *Direct and efficient movement routes through such spaces;*
- *Integration of pedestrian systems with vehicle routes;*
- *Adequate lighting.*

Policy 10.28 Δ12: *Public open space should provide for the recreation needs of the City's residents by:*

- *Providing for a range of activities, facilities and experiences in existing and new parks;*
- *Ensuring that development is appropriate to the size and function of a park;*
- *Ensuring that development in parks is well designed, located and maintained particularly with respect to adjoining properties.*

Policy 11.32 Δ12: *Public open space should be managed in a way that balances the needs of the city's residents for recreational opportunities with the protection of the natural environment by:*

- *ensuring that the management and development of recreational facilities on land in the Open Space Environment is sensitive to the natural landscape elements and qualities;*
- *protecting outstanding natural features and vegetation in the Green Network from development;*
- *ensuring that where necessary the natural environment is enhanced by planting and / or restoration;*
- *maintaining the infrastructure and facilities on parks to provide a high level of environmental amenity.*

Discussion

The proposed parking area is intended to enhance both access and safety of users of the community centre by providing off-street parking that lies immediately adjacent to the centre. Surveillance of this area is available both within the park, the roading network and residential properties opposite.

The car parking and driveway area meets the definition of "parks infrastructure" under the District Plan, and as such, provision is made for this type of activity as it is necessary for the use and development of parks. Parks are a public asset for the enjoyment of the wider community, and any development needs to balance the interests of adjoining properties as well as the wider community.

It is recognised that although the proposal would require the conversion of a grassed informal recreation area into a paved car parking and driveway surface, the development would generally improve the park asset by serving existing facilities without unduly compromising its underlying recreational purpose.

The development will provide 11 car parking spaces, including 2 disabled spaces, which it is considered that the development is of an appropriate size for this park, and will improve the functioning and use of the existing community rooms.

The proposed car parking area will also have an appropriate setback from the adjoining residential properties thereby protecting associated amenities (including privacy and on-site amenity).

The development is sensitive to the natural landscape elements and existing vegetation, as the car parking area has been positioned to avoid all vegetation. As discussed, landscaping would not be required, however Councils Parks and Open Space Department has indicated that it is intended to landscape the area upon completion of the development works.

For these reasons, I consider that the proposed development would be consistent with the policies and objectives of the District Plan.

(b) Traffic Generation

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 in the Roding Hierarchy, is not adversely affected*

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.*

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 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.*

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*

Policy 11.13: *Activities should be carried out that maintains the characteristic levels of quiet in each Environment.*

Discussion

As discussed, the proposed development will entail the construction of a car parking and associated driveway area, as well as and new vehicle crossing. The proposed development provides for a total of 11 car parks and the layout complies with Councils Parking and Driveway Guidelines.

Mr Moller (Councils Transport Engineer) considers that the proposed vehicle crossing is positioned to allow sufficient sight lines to allow for safe entrance and egress to the car parking area.

Mr Moller concludes that the proposed car parking area will provide safe onsite parking for the Green Bay Community House and Barrons Green Reserve Facilities, and should assist in alleviating any pressure on local public on-street parking. The activity will not detract from the capacity of the road to cater safely for motor vehicles, pedestrians, and cyclists, and the well being of residents occupying surrounding sites.

This car park layout has been designed to ensure the most appropriate parking and access arrangement is used, and is also an appropriate scale for Barrons Green. The setback from residential boundaries, in addition to the imposition of a condition (if granted) that restricts hours of operation would ensure nearby and adjacent residential amenities are protected from noise potentially generated by the activity.

A condition will be imposed, if consent is granted, ensuring the construction of a standard light commercial crossing, which will define the priority of pedestrians over cars, with provision of better pedestrian safety and amenity.

For the aforementioned reasons, I consider that the proposed development would be consistent with the policies and objectives of the District Plan.

(c) 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 3.2: *Activities involving the disturbance of soil or rock and exposure of soils should be carried out in a way that avoids, or where unavoidable, remedies or mitigates any adverse effects on the surrounding topsoil and soil structure.*

Discussion

The proposed development, as discussed, will require earthworks to form the vehicle crossing, driveway and car parking areas. The total excavation for the formation and construction of this area will require earthworks to be undertaken over an area of 460m² with a volume of approximately 260m³. It is proposed to remove all excess earth from the site during the earth working phase.

It is considered that the proposed earthworks are keeping in scale with the development undertaken and would not be obtrusively visible from any adjoining site. Once the earth working operation is completed, all exposed areas of earth will either be stabilised and sealed with the paved car parking area, or regrassed. This will act to avoid soil loss arising from sediment laden runoff from the site.

Further, if consent is granted, it is also recommended that appropriate conditions of consent are imposed to avoid, remedy or mitigate any potential adverse effects associated with the earth working activity. Recommended conditions would include sediment and erosion controls, the imposition of which would avoid the movement of soils and sediment into receiving waters, thereby further avoiding degradation of water quality.

For the aforementioned reasons it is considered that the proposed development is consistent with the objectives and policies of the District Plan.

8.2 Other Matters

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

The Auckland Regional Council 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.

For the reasons highlighted above of this report, it is considered that the proposal is consistent with these documents.

Wider Traffic Concerns

An issue has been highlighted through the public notification process of a concern related to the existing traffic movements within the local neighbourhood. The proposed development will not exacerbate these issues and will not adversely effect the existing road environment.

Further, the issues related to the existing wider traffic problems are outside the ambit of this resource consent and are the responsibility of other Sections within Council and the relevant Community Board.

8.3 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 earthworks.

8.4 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, five years after the date of commencement of the consent.

A standard five year period in which to give effect to this consent is not considered appropriate because any development on the site should be undertaken over a shorter time period to reduce any potential effects associated with a longer construction period.

The proposed development works such as the earthworks and construction could all realistically be expected to be undertaken within a reasonable timeframe. For that reason it is considered more appropriate that this consent period lapses two years from the date of issue of the consent.

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 paved car parking and driveway area at Barrons Green, 1 Barron Green, Green Bay. The site is located within the General Natural Area and the Living Environment. The development will result in infringements relating to traffic generation and earthworks.

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 car parking and driveway area will not lead to a noticeable decline in the amenity values of the area, whilst it will provide needed car parking and vehicular access to the existing community rooms within the park.

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.

I consider 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 Section 37 of the Resource Management Act, the submission made by Bill Muru is accepted.

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 Waitakere City Council to construct a new paved car parking and driveway area at 1 Barron Drive, Green Bay (Barrons Green) being Lot 22 DP 47050 for the following reasons:

- (i) The proposed car parking and driveway area is in keeping with the character of the park, and it is considered that the development will not significantly detract from the amenity of the neighbourhood.
- (ii) The car parking area would not detract from the existing road environment.
- (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) 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.

Consent shall be subject to the following conditions:

General

1. The development shall proceed in accordance with the plans titled "Barrons Green Site Plan" and all referenced by Council as RMA 20042425 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 two years after the date of issue of the consent.

Noise

4. 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

5. 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.
6. All earthworks shall be completed within the earthworks construction season between 1 November and 30 April, or within any extension period that may be approved by the Auckland Regional Council or Manager Resource Consents.

7. 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.
8. 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 \$1000.00 has been paid to Council prior to uplift of the consent to cover the cost of any outstanding reinstatement works.
9. 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.
10. All areas of exposed earth shall be top-soiled and grassed or otherwise stabilised against erosion as soon as practicable and in a progressive manner as works are complete but no later than one week following the completion of works.

EcoWater

11. Provide and install a complete public stormwater drainage system to serve the Park site in accordance with the engineering plans designed by Mitchell Vranjes Consulting Engineers Ltd, dated September 2004, referenced Job No 04/195 Dwgs C.1, C.2, C.3, C.4 & C.5. Specific requirements:
 - (i) All works to be in accordance with Council's Code of Practice for City Infrastructure and Land Development.
 - (ii) Use polystyrene packers between stormwater and wastewater pipes where clearance at the crossing point is less than 150mm.
 - (iii) Either remove or grout fill the abandoned public drainage lines under Council supervision.
 - (iv) Contact EcoWater's Quality Assurance Inspector, Eric Williams (ph 021 745583), to arrange a pre-start meeting.
 - (v) Provide an As-Built drainage plan prepared by a registered surveyor and cctv video inspection of the new public drainage, in accordance with WCC COP.
 - (vi) Advice Note: Public drainage – prior to applying for a drainage test, as-builts and cctv video must be lodged with EcoWater.
 - (vii) Advice Note: EcoWater policy requires any public stormwater line connections to be constructed by EcoWater Solutions maintenance contractor. Stormwater manholes or manhole connections may be constructed by the applicant's contractor with engineering plan approval and under EcoWaters Quality Assurance supervision or by EcoWater Solutions maintenance contractor.

Traffic

12. Form and construct a vehicle crossing with stormwater controls using standard detail SD 3.13 Light Commercial Vehicle Crossing, and for which a vehicle crossing detail form shall be completed and returned to Council. Note: The crossing should be set-out perpendicular to the kerb line with a maximum width of 6m at the road boundary.
13. Form and construct a pram crossing using standard detail SD 3.09 Pram Crossing, and for which a vehicle crossing detail form shall be completed and returned to Council. Note: The pedestrian access bay should be defined by pavement marking.
14. Inspection of the boxing prior to concrete pouring is required. Contact phone: 836 8000 Ext. 8725 at least 48 hours prior to inspection being required.
15. On completion of hard surfacing, the car park spaces are to be pavement marked, with signs erected, to clearly define the parking layout. All work to comply with The Manual of Traffic Signs and Markings, (MOTSAM) published by Land Transport New Zealand and Transit NZ. Also refer to NZS 4125 (1885), "Code of Practice for Design for Access and Use of Buildings and Facilities by Disabled Persons".

Vegetation

16. All development works should be outside of the drip lines of all protected vegetation.

Parks

17. Install bollards around the perimeter of the car park to prevent vehicles entering the park from the car park.
18. Install a chain entry gate (or similar) at the car park entrance to be monitored by security with hours of operation being 7.00 am to 7.00 pm in winter and 7.00 am to 9.00 pm in summer. A key to this locked gate will be available from the community room to community room users beyond these hours of operation, and it would become the responsibility of the community room operators to ensure this is locked after these nominated hours.
19. Impose a time limit of all parking within the proposed car park to 180 minutes. Exemption 'tickets' will be made available for community room users for display in vehicle windows should any use or activity within the rooms exceed this time restriction.

Monitoring

20. A consent compliance monitoring fee of \$530.00 (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 \$530.00 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. The existing power lines positioned above the proposed car parking area may need to be relocated or ideally under grounded at the same time as the development works. As at present they have a low clearance from ground level and trucks / vans using the proposed car parking area may have difficulty passing beneath which in turn would cause health and safety concerns.

Report prepared by: Fennel Mason, Resource Planner.

