

**AGENDA FOR A MEETING OF THE HEARINGS COMMITTEE TO BE HELD AT
WAITAKERE CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON,
WAITAKERE, ON FRIDAY, 14 SEPTEMBER 2007
COMMENCING AT 9.30 AM**

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1 APOLOGIES



2 URGENT BUSINESS

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

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

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

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



3 CONFLICTS OF INTEREST

The Council has acknowledged in its Code of Conduct that Elected Members need to be vigilant to stand aside from decision making when a conflict arises between their role as a member of the Council and any private or other external interest they might have. This note is provided as a reminder to members to check that no such conflicts arise in relation to any items on this agenda.



4 CONFIRMATION OF MINUTES

Meeting Minutes - Thursday, 19 July 2007
Thursday, 26 July 2007
Friday, 24 August 2007

RECOMMENDATION

That the minutes of the Meeting of the Hearings Committee held on Thursday, 19 July 2007, Thursday, 26 July 2007 and Friday, 24 August 2007, as circulated, be taken as read and now be confirmed.

5 **NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991 BY BAPTIST UNION OF NEW ZEALAND TO REDEVELOPMENT OF THE NORTH-WESTERN BAPTIST CHURCH AT 63-71 HOBSONVILLE ROAD, WEST HARBOUR**

GLOSSARY

Auckland Regional Council (ARC)
Council Environmental Monitoring Officer (EMO)

RMA: LUC2007-445

Ward: Massey

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:	Sonja Bury
Site Address:	63-71 Hobsonville Road, Hobsonville
Applicant:	Baptist Union of New Zealand
Date Received:	12.03.07
Resource Consent No:	RMA2007-445
Ward:	Massey
Legal Description:	Lots 1 & 2 DP43467, Lot 2 DP 176535, Lot 228 DP 100777, Lot 4 DP 176535
Address for Service:	Haines Planning PO Box 68856 Newton AUCKLAND 115 Attention: Susannah Tait
Site Area:	6,412m ²
District Plan:	
Human Environment:	Living
Natural Area:	General
Landscape Elements:	N/A
Hazards:	N/A
Roading Hierarchy:	Regional Arterial
Further Information Required:	Yes
Date Requested:	05.04.07, 11.05.07 & 06.05.07
Date Received:	01.05.07, 31.05.07 & 14.06.07

1.0 INTRODUCTION AND RECOMMENDATION

1.1 Nature of the Application

The applicant seeks consent to construct a new church auditorium with a capacity of 499 people and associated café, reception, counseling rooms and offices (totaling 1,080m² in area). The proposal requires consent for illuminated signage, vegetation removal, works beneath the dripline of protected vegetation, earthworks, and an impermeable surface coverage infringement. Overall consent is required for a Non-Complying Activity.

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 proposal are limited and primarily related to the amenity values and the effects on the immediately adjoining sites to the rear arising from the increase in the scale of the existing non-residential church activities within the Living Environment. Such consideration should include the associated vehicle movements to and from the site, noise, privacy - including the proximity of activities to adjacent properties, and onsite amenity.

Other important aspects of the proposal for consideration relate to the existence of the non-residential activities already occurring on the site legally established with Council approval by previous resource consent. The approved and legally established activities form a permitted baseline that must be taken into account and from which the level of effects that arise from the proposed additions must be measured from.

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 499 seat auditorium in the Living Environment at 63-71 Hobsonville Road, Hobsonville. 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



Photo 1: Aerial Photo Showing Location of Subject Site (March 2000)

Legal Description:	Lots 1 & 2 DP43467, Lot 2 DP 176535, Lot 228 DP 100777, Lot 4 DP 176535
Human Environment:	Living
Natural Area(s):	General
Landscape Elements:	None
Roading Hierarchy:	Strategic Arterial Road
Hazards:	Stormwater Connection into Hanson Place

3.0 PROPOSAL

The applicant proposes to undertake additions and alterations to the sites involving the following:

- Construct a new church auditorium for 499 people, a café, reception area, counselling room, offices and toilet facilities;
- Increasing the car parking numbers from 81 to 109 spaces in total;
- Creating two signs, an identification sign with a sign area of 3.85m² which will be illuminated, and a 8.7m high cross which will be located 20m from the front of the site and be illuminated in white light between the hours of 6pm - 10pm, 7 seven days a week;
- Earthworks over a total plan area of 2,950m² with a total volume of 780m³, and construction of a retaining wall along the western and south-western boundaries;
- Proposed work beneath the dripline of an Oak, and removal of a Camphor Laurel tree.

In summary the total building coverage from the proposed development on the site will increase from 782m² to 1,811m². Some earthworks will be required to construct the additional carparks and provide a level building platform. The development will require the construction of a new retaining wall to retain a maximum cut depth of 1m on the western, and south-western site boundaries to allow for the additional parking area. This will require earthworks within 1m of the site boundary. Stormwater from the carpark will be collected and detained on site via a new stormwater detention system prior to disposal to the public stormwater system available to the site.

4.0 REASONS FOR THE APPLICATION

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

- Discretionary Activity Consent is required for the non-residential activity which does not screen car parking areas (Living Environment - Rule 8.2);
- Discretionary Activity Consent is required for a non-residential activity which is not a home occupation and does not provide retail sales (Living Environment - Rule 10.3);
- Discretionary Activity Consent is required for the non-residential activity exceeding 50 vehicle movements per day or 1% of the road's daily traffic volume which ever is greater. The traffic generation for Sunday is expected to be 480 vehicle movements (Living Environment - Rule 11.3);
- Limited Discretionary Activity Consent is required for the parking associated with any non-residential activity (Living Environment - Rule 12.3);
- Non-Complying Activity Consent is required for the proposed signage being illuminated, and for the frontage sign having a sign area of 3.85m² and for the proposed cross signage having a sign area of 1.47m² (Living Environment - Rule 15.3);
- Limited Discretionary Activity Consent is required for the proposed removal of a Camphor Laurel Tree (General Natural Area - Rule 2.3);
- Controlled Activity Consent is required for works beneath the dripline of a protected Oak tree (General Natural Area - Rule 2.2);
- Discretionary Activity Consent is required for earthworks over a total plan area of 2,950m² with a total volume of 780m³ (General Natural Area - Rule 3.4);
- Limited Discretionary Activity Consent is required for the impermeable surface coverage being 78% of the net site area (5,002m²) which exceeds the 60% coverage for sites connected to a reticulated stormwater system (General Natural Area - Rule 4.2);

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

Consent is also required from the Auckland Regional Council (ARC) for stormwater discharge which was granted on the 10 of July 2007.

5.0 THE SITE AND NEIGHBOURHOOD DESCRIPTION

The subject sites are located on the southern side of Hobsonville Road, Hobsonville. The sites are of moderate topography which falls to the southern boundaries.

An existing single storey, brick dwelling is located on the western boundary of the site and is currently used as an administration building.

Two single storey, weatherboard clad buildings are located on the eastern side of the sites and utilised as a church auditorium, kindergarten, and Sunday school bible studies.

The centre and rear of the site is utilised as car parking. Access to the sites is available from Hobsonville Road and Hansen Place.

The existing boundaries are either fenced or screened by existing vegetation.

The surrounding neighbourhood is characterised by residential dwellings with a mixture of scales and claddings.

Photograph One – Subject Site



6.0 ISSUES IDENTIFIED THROUGH THE SUBMISSION PROCESS

The application was publicly notified on Monday, 2 of July 2007. Notice of this application was served on all identified affected persons. The period for submissions closed on the 27 of July 2007. A total of 41 submissions were received, 34 submissions in support, and 7 submissions in opposition, 2 submissions were received late (both in support).

The Hearings Committee needs to resolve whether to accept the late submissions, pursuant to Section 37 of the Act. In making this decision, the Council is required to consider the provisions set out in Section 37A(1), being:

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

Section 37A(2)(a) also requires that the extension of time shall not have the effect of exceeding twice the maximum period specified in the Act. It is noted that the last submission was received 2 days late (on 30 July 2007). The Act allows a twenty day period within which submissions are to be made. Accordingly, these submissions were within the maximum time period specified in Section 37A(2)(a) of the Act.

The late submissions in support of the proposal do not raise issues that have not already covered by other submissions received within the statutory timeframe. It is considered that no one would be prejudiced by the acceptance of these late submissions, and acceptance of the submissions would not result in any delays. It is therefore recommended that all late submissions are accepted.

A3 A map showing the location of parties notified within the neighbouring area is attached at page A3.

A10-A113 Full copies of all submissions that were received are attached at pages A10 to A113.

A majority of the submitters were from the local area, however a number of submissions were received from further a field (Glendene, Browns Bay, Herald Island, and Whenuapai).

6.1 Submissions

A5-A9 A broad summary of the submissions is discussed below, however it is noted that a number of submissions in opposition were pro forma, and therefore express the same issues. A summary of individual submissions is attached at the end of this report as pages A5 to A9

Submissions in Opposition:

William Athol, Pamela Bainbridge and Sharon Ross (73 Hobsonville Road) **oppose** the proposal on the basis that the application includes their property as part of the subject site. They are also concerned with the parking on Hobsonville Road as vehicles do park against their vehicle crossing and obstruct their drivers view when exiting their property.

Mr and Mrs Day (52 Hobsonville Road) **oppose** the proposal as they are concerned about the excess noise from loud music at functions held at the church, noise from vehicle movements, lights from vehicles exiting at the new access onto Hobsonville Road as car lights may shine into their bedroom, and noise issues from Youth Group activities.

Terri Newton (33 Cyril Crescent) **opposes** the proposal due to the impact of extra traffic and parking on an already busy road, and the illumination of the proposed sign.

Fang-Chiung Li (72 Hobsonville Road) **opposes** the proposal due to the impact of extra traffic on an already busy road.

Amy Martin & Terry Dibley (33 Cyril Crescent) oppose the proposal due to noise interruptions at night, amount of earthworks, and traffic jams during the construction period.

Mr & Mrs Ray Jenkin (18 Woodhouse Place) **oppose** the proposal due to earthworks against their boundary creating a 1m retaining wall, stormwater run-off issues, that an acoustic fence be constructed along their common boundary, and the removal of trees along the boundary which screens the church buildings.

Gregory Shewan (3 Hanson Place) **opposes** the proposal due to the parking on Hanson Place being busy on Sundays at present leaving no room for residents, and concerned about the additional parking and traffic volumes on the small road.

34 submissions (including 2 late submissions) were received in support, with the following matters referred to:

- Creation of more community service opportunities i.e playgroup, Girls Brigade, School Holiday Programme, Wedding courses etc;
- Create stronger communities;
- Enhance spiritual wellbeing;
- Visual enhancement;
- Provide an additional community facility within West Auckland;
- Present West Auckland in a positive light;
- Fun place for local community;
- Safer Hobsonville Road with proposed no parking signage.

6.2 Affected Persons Approval

Transit New Zealand had provided their written consent when the application was lodged.

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)).

7.0 STATUTORY REQUIREMENTS

7.1 Non-Complying Activities

The relevant Policies and Assessment Criteria which apply under the District Plan and the Resource Management Act 1991 are set out in more detail in Section 8.1 & 8.2 of this report below. 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 sufficiently unusual because it seeks to allow consent to expand an existing non-residential activity that is already well established on the site and promotes stronger communities and provides social, spiritual, youth and community facilities. It would also be reasonably unusual to have sufficient land available within the urban area to develop what is proposed by this application.

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 Activity consent would influence the approach taken by Council to similar consent applications. Whilst every application is required to be assessment on its merits, it is considered that for the reasons discussed above, the application is sufficiently unusual that it would not lead to the expectation that similar applications should be approved. For this reason, it is considered that the proposal does not establish a precedent.

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 would create additional impermeable surface areas, and therefore runoff from the subject sites would be increased.

The proposed additions to the church activity will result in the impermeable surface coverage of 78% or 5,002m² of the net site area, which exceeds the 60% permitted for sites which are connected to a public reticulated stormwater system. The applicant's have proposed to install a stormwater detention tank under the carparking area along the southern boundary to detain run-off from the site over and above the 60% detention levels. The overflow will be connected to the public reticulated stormwater system.

Council's Drainage Engineer, Ms Elena Zimbatu has assessed the proposal and has recommended that a stormwater quality treatment system for the proposed car parking area be provided, designed and installed in accordance with Waitakere City Council's Code of Practice for City Infrastructure and Land Development. Ms Elena Zimbatu has recommended that engineering calculations and a maintenance manual be provided to Council before commencement of any works on site, and a covenant shall be placed on the site ensuring that future reporting of the proposed stormwater detention device is undertaken to monitor the functioning of the mitigation measures, and treatment devices installed are functioning in accordance with their intended purpose.

Overall, it is concluded that subject to the implementation of the mitigation measure, that the adverse effect on water quantity and quality would be negligible. It is considered that any additional stormwater or wastewater concerns will be dealt with at Building Consent stage.

8.1.2 Earthworks

Earthworks is required over a total plan area of 2,950m² with a total volume of 780m³ (480m³ cut to 300m³ fill) to construct the access points and car parking area over the site. A retaining wall with a maximum height of 1m shall be constructed along the western and southwestern boundaries.

The development requires earthworks to provide a suitable building platform, access additional parking and relaying of the vehicle access. The proposed earthworks have the potential to create significant adverse environmental effects from contributing sediment into receiving waters.

Retaining to a maximum height of 1m is proposed along the common boundary of 18 & 21 Woodhouse Place and 61A Hobsonville Road. The retaining wall will not carry any surcharge from the car parking areas at any point and is proposed to be landscaped. Therefore is considered that the construction of the proposed retaining wall will not create any adverse effects on the adjoining neighbouring properties.

Although there are no nearby waterways, downstream effects of erosion and sedimentation can affect aquatic life in a number of ways. Organisms living at the bottom of water can be smothered by sediment which can also deprive them of habitat by filling up riffle pool areas. In addition, sediment reduces light penetration, clogs gills and causes a number of other adverse side effects. The effects of erosion and sedimentation do not just affect aquatic life but can result in a range of adverse effects including:

- loss of fertile top soil;
- clogged ditches, culverts, and storm sewers that increase flooding;
- muddy or turbid streams;
- damaged plant and animal life;
- filled-in ponds, lakes, and reservoirs;
- damaged aquatic habitats and reduced recreational value and use;
- structural damage to buildings, roads, and other structures;

Conditions of the consent will ensure that the earthworks undertaken on site are carried out with the appropriate erosion and sediment controls in place in accordance with ARC Technical Publication No.90 to protect the life supporting capacity, quality and Mauri of receiving waters and natural waterways. It is recommended that the applicant arranges a pre-construction meeting with Council's Environmental Monitoring Officers to ensure that the erosion and sediment control measures are adequate. This recommendation shall be placed as a condition of consent, if granted. Subject to the implementation of these measures, it is considered that the proposed earthworks would result in negligible effects on the water quality and would not lead to the degradation of downstream watercourses

Council's Environmental Monitoring Officer, Glen Pope has reviewed the proposal and has recommended that as the development is being undertaken within a residential area, noise issues during construction may arise and therefore it is recommended that all works be undertaken in accordance with the noise limits set out in the District Plan. This recommendation shall be placed as a condition of consent, if granted.

In addition, conditions of consent will ensure that no concrete is deposited into the stormwater, by direct application, by washing of any equipment associated with concreting or by rinsing or wetting freshly laid concrete. Lime is a major component of cement and as such is found in all concrete products. It easily dissolves in water to produce a very strongly alkaline solution that quickly burns and kills any fish, insects and plants that come in contact with it, in much the same way as acid does. Any water that comes in contact with unset concrete products or concrete dust quickly increases in alkalinity so as to become very dangerous if it is allowed to enter the environment.

It is considered that the scale of earthworks is appropriate to the development proposed. The earthworks proposed to be undertaken would not adversely affect the potential for restoration or enhancement of the site.

Approximately 20 truckloads of excavated material (180m³ of cut) are proposed to be transported off site to an approved clean fill facility. Given the low volume of truck movements generated by the proposed development, it is considered that the removal of the topsoil from the site would result in no more than minor effects on the local roading network. A stabilised entranceway is proposed to be provided within the existing accessway that would ensure minimal spoil is tracked onto the surrounding road network.

The proposed earthworks would result in de minimise adverse effects on the amenity of the surrounding residential dwellings, as the earthworks activity would be temporary in nature and the effects would be limited to the subject site. Overall, it is considered that the proposed earthworks would result in negligible effects on the environment, subject to the implementation of the proposed conditions of consent.

8.1.3 Native Vegetation, Vegetation and Fauna Habitat

The proposal seeks to remove a Capher Laurel located on the western portion of the site and undertake works beneath the dripline of a protected Oak tree located within the eastern portion of the site.

Council's Arborist, Mr Phillip Russell has assessed the application. Mr Russell considers that the Capher Laurel tree is of poor form and health, and that the removal would create no more than minor adverse effects on the surrounding environment as the specimen is not a notable example of its species or locally significant. Mr Russell considers that the proposed tree removal would not threaten natural ecosystems, contribute to or exacerbate stability problems, adversely affect plant health or reduce the ability to create linkages between native vegetation of fauna habitats.

There is adequate scope within the subject site to undertake replanting as mitigation. Mr Russell considers that the proposed replacement planting of the Magnolia tree is poor and that additional planting along Hobsonville Road boundary be undertaken, which is in accordance with Council's Landscape Architect, Mr Gordon Griffin's assessment in Section 8.1.9. Mr Griffin has recommended additional planting along the streetscape to retain and enhance the visual appearance of the site and amenity values of the surrounding residential environment.

Mr Russell states that the applicant's consultants aboricultural report undertaken by Greenscene Limited dated February 2007 makes no reference to the row of Acmena trees growing adjacent to the common boundary with 18 & 21 Woodhouse Place. Notwithstanding that these trees are listed in Environmentally Damaging Appendix under the District Plan, this row of trees does provide useful screening, and it is noted on the landscape plan that this hedge will be retained if possible. Therefore Mr Russell has recommended that the Council's Environmental Monitoring Officers be informed of any removal of the Acmena trees and replacement vegetation planting occur to retain the privacy along the common boundaries.

Mr Russell has recommended that all works beneath the protected English Oak tree be supervised by a suitably qualified and experienced Works Arborist and that an on-site log be undertaken that identifies the arborist attendance during all stages of work beneath the protected tree. It is also recommended that immediately following the pruning of the vegetation and prior to commencement of any other works, that temporary protective fencing be erected to ensure the English Oak's health during the construction of the new auditorium.

The recommendations made by Mr Russell shall be imposed as conditions of consent, if granted to ensure that the impact of the proposed development on the surrounding natural environment would be no more than minor. Overall, it is considered that there would be no more than minor adverse effects in relation to the overall resilience, biodiversity and integrity of the Green Network.

8.1.4 Land / Soil

There would be no more than minor adverse effects on the soil or existing landform as the subject sites are within an urban area, and are not known to Council as being affected by natural hazards, and are already modified.

As only a minimal volume of earthworks would be required outside the building platform to undertake the non-residential development, as discussed in Section 8.1.2 above, it is considered that the implementation of Council's standard erosion and sediment controls measures would ensure that there would be negligible effects on the soil as a result of the proposed non-residential development.

8.1.5 Air

As the subject sites are within the urban area, and the proposed activity does not include air emissions of any kind, there would not be any adverse effects on air quality.

8.1.6 Ecosystem Stability

As the subject sites are within the urban area, and the existing environment is already modified there would be negligible adverse effects on the stability of the ecosystem as a result of this proposal.

8.1.7 Outstanding Natural Features; Landforms, Geological Sites

The subject sites are not identified in the District Plan as being within an area containing "Outstanding Natural Features" within Waitakere City (refer to Maps 3.5D & E of the District Plan). The proposal would not adversely affect any identified outstanding natural features.

8.1.8 Natural Character of Coast and Margins of Lakes, Rivers and Wetlands

There would be no adverse effects in relation to the natural character of the coast, and margins of lakes, rivers and wetlands arising from the proposed non-residential activity as it would be located within the urban environment of the City and would not be located near the coast, water body or watercourse.

8.1.9 Outstanding Landscapes

The subject sites are not identified in the District Plan as being within an area identified of "Outstanding Landscapes" within Waitakere City (refer to Map 3.6B of the District Plan). The site is within an urban area of the city and the environment is already extensively modified. Therefore the proposed non-residential activity would create no adverse effects on any identified outstanding landscapes.

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

Overshadowing, loss of daylight and sunlight, scale, form, height, bulk, physical dominance, privacy

The proposed construction of the church auditorium comply with the relevant bulk and location requirements of the district plan and therefore it is not considered that the development would have more than de minimise adverse effect in terms of overshadowing, height, loss of daylight, or physical dominance. The auditorium would comply with the height in relation to boundary recession planes and it is considered that the building would have no more effect on the sunlight, if a complying dwelling was to be located in a similar location. The bulk and form of the proposed building in comparison to the buildings which are existing on the site are not considered significantly different and while the overall building may have an adverse bulk and form effect in comparison to a residential dwelling on the site, the increase in bulk and change in form from what is already existing on the site is considered negligible. The effect of the auditorium on the privacy of the neighbouring sites is considered to be negligible also in that the Non-Residential Activity already exists on the site and the proposed building would not overlook adjoining properties as the building complies with the bulk and location requirements of the District Plan.

Visual amenity, streetscape, sense of place, neighbourhood character, amenity values, views, on site amenity, adequate open space

The proposed development extends the existing Non-Residential Activities on the site towards the west of the site and the adjacent residential properties. The proposed church auditorium would be of a single storey nature and be clad in precast concrete walls, aluminium frames for glazing, and colour steel long run roofing, and therefore shall complement the existing buildings within the site which are of a similar appearance.

The café would serve the church and other group meetings at the church but would not be open to the public. The hours of operation of the café would relate to the church use and would provide a section of covered outside seating in the northern end of the auditorium.

The church will continue to be available for functions including weddings, conferences and community groups and will operate to 10.00pm at the latest. The crèche will continue to operate from the current location in the existing building on the north-eastern corner of the site.

Council's Noise Consultant, Mr Nevil Hegley has assessed the proposal in regards to noise levels and has stated that the proposed development will comply with the limits set out in the District Plan for the Living Environment. Vehicle noise, when on site had been considered by the application's acoustic specialist report undertaken by Marshall Day Acoustics dated 8 March 2007. This report concluded that providing a 1.8m high noise barrier is suitably constructed, that all vehicle noise can be controlled to within the noise limits for the Living Environment, and that this will depend on all activities finishing by 10.00pm when the lower noise limits of the District Plan must be complied with. Mr Hegley has therefore recommended that a condition of consent be imposed requiring the noise level from all activities within the site shall not exceed the District Plan limits, and screening fencing shall be constructed as per Marshall Day Acoustics report.

A featured freestanding cross of 11.47m² (8.7m high and 3.5m wide) shall be located at the front corner of the covered main entrance to the proposed auditorium. The featured cross shall be located 20m from the road boundary and would be illuminated (400 candelas per m²) with white light between the hours of 6.00pm - 10.00pm, seven days a week. The ground slopes away from Hobsonville Road so that the base level for the sign is at 75.75 and therefore below road level. The featured cross is located away from the neighbouring residential sites. While there would be some domination by the sign of the associated auditorium and the existing buildings on the site, it is considered to be intentional and appropriate, as the sign would be the focal point in the locality but would not create dominance over the neighbourhood.

A new sign identifying the Northwestern Baptist Church shall be illuminated (600 candelas per m²) with a sign area of 3.85m² (3.5m high and 1.1m wide) shall be located along the Hobsonville Road frontage. The proposed road front sign would relate to the activity on the site and to the character of the major road. The sign would not be located adjacent to any of the adjoining residential properties but would be located within the centre of the site, and therefore would not create any dominance of the surrounding environment.

It is recommended that a light assessment of the signage occurs upon completion to ensure that the proposed illumination falls within the District Plan requirements. This recommendation shall be placed as a condition of consent, if granted.

Proposed landscape development would include a framework of trees over much of the site including seven trees within the car parking area, and includes five Magnolia grandiflora and two Titokis. There would be two grass frontage areas at the east boundary by the Oak tree and west boundary near the existing building. Planted areas would be otherwise restricted to the west margin of the rear car park, a narrow planted area north of 18 and 20 Woodhouse Place, two garden areas adjacent to the new building, small garden areas within the car park and a section of the west boundary south of the existing building. Council's Landscape Architect, Mr Gordon Griffin has reviewed the proposal and has recommended that additional planting occur along the south-western boundary adjacent to 18 & 20 Woodhouse Place to retain the existing privacy and screening of the church buildings and car park relative to these sites since the existing Akmena hedge would be removed. It is recommended that at this stage the Chinese Elm remain in the road berm, and that one further tree be planted in the road berm near to this tree to enhance the streetscape amenity and reduce the visual appearance of a large car parking area. The LA4 Landscape Planting Plan has been amended taking into account these recommendations, and conditions of consent would apply to this amended plan, if granted.

The proposed auditorium and signage and the imposition of conditions such as compliance with noise controls, and landscaping would avoid, mitigate and reduce the potential effects in order to protect nearby residential amenities and to integrate the development into the residential environment.

Infrastructural capacity & availability

The infrastructural capacity of the proposed development has been assessed by the Council's Water and Drainage Engineer, Elena Zimbatu, who has reviewed the application and generally accepted that the development will have no significant impact on the Council's infrastructure provided recommended conditions are imposed on the consent to mitigate adverse effects. It is therefore considered that the proposed development would have de minimise adverse effects on the infrastructural capacity.

Traffic generation, on-street parking, driver safety, pedestrian safety, roading capacity and roading network, traffic noise, vehicle movements, access and driveway manoeuvring, driveway width & gradient

The subject site is located on the south side of Hobsonville Road, approximately 800m east of the north-western motorway interchange. The site is accessed from Hobsonville Road which is classified as a Strategic Arterial Road and Hanson Place which is classified as a local road under Council's Roding Hierarchy.

A traffic impact assessment was prepared by Traffic Design Group dated February 2007 with supplementary information dated May 2007. Council's Senior Traffic Engineer, Mr Adam Moller has reviewed the proposal. Mr Moller states that the traffic assessment has assessed the traffic generation based on the measured traffic generation to the existing facility (299 seats) and scaling up to reflect the scale of the new facility (499 seats). Mr Moller considers that the volumes of traffic turning in and out of the site are acceptable for a site with a flush median provided on the road outside. The level of delay predicted for movements into and out of the site is considered acceptable and with good visibility available to the vehicles entering and exiting the site, Mr Moller considers that the access will operate safely.

The existing vehicle crossing is proposed to be relocated and this repositioning is considered by Mr Moller to be acceptable as it maximises the driver's sight lines. Mr Moller support's the Traffic Impact Report's recommendation that no stopping controls be applied for a length of 6 metres on either side of the new vehicle crossing.

Transit New Zealand is the Road Controlling Authority for Hobsonville Road and has indicated that they are unopposed to the proposal subject to a number of conditions. Council's Transport Engineer is in general agreement with the condition proposed by Transit however Mr Moller considers that no stopping lines is a more economic and effective option that providing no stopping signage along Hobsonville Road. This recommendation shall be placed as a condition of consent, if granted.

The parking assessment is based on the proposed 499 seat auditorium. Council's Code of Practice identifies a parking requirement of 100 parks based on a ratio of 1 park per 5 seats in the auditorium. The applicants Traffic Impact Assessment measured the demand at the site at present and suggest that the future parking demand could be as high as 130 parks. The applicants have proposed to provide 109 parking spaces which exceeds the requirement of the Code of Practice (100 parks) ensuring that the spill of parking from the site will be infrequent, however the spill of up to 21 cars may be expected as a result of peak use.

Mr Moller states that approximately 10 vehicles could be located on Hobsonville Road frontage of the church site, with the remainder parking either further along Hobsonville Road, Hanson or Cyril Crescent. Mr Moller states that it is unlikely that the spill would occur immediately following the expansion of the site and the parking spill is likely to be confined to a Sunday morning.

Mr Moller has also stated that the parking assessment is based on the seating of the largest auditorium and therefore assumes that the old auditorium is not utilised simultaneously. Therefore Mr Moller has proposed a condition of consent limiting the simultaneous use of both auditoriums so that the total patronage on the site at one time does not exceed 500 people.

Overall it is considered that subject to the recommendations the proposed repositioning of the access, additional parking spaces within the site that the proposal will create no more than minor adverse effects to the surrounding road network.

8.1.11 Heritage

There would be no adverse effects in respect of heritage items, as the proposed non-residential activity would be located near, or impact on any identified heritage features.

8.1.12 Summary

It is considered that the actual and potential adverse effects of the proposed non-residential activity are no more than minor, and can be adequately mitigated through appropriate conditions of consent.

8.2 ANY RELEVANT PROVISIONS OF THE DISTRICT PLAN S104((1)(B)(IV)):

8.2.1 District Plan Policies and Objectives

It is considered that the proposed development would be consistent with the Objectives and Policies of the District Plan.

The relevant Objectives and Policies in relation to this proposal are:

Non Residential Activities

Policy 1.2

Activities should be located within the urban area in a way that supports the reduction of vehicle trip length and numbers, and the promotion of passenger transport, therefore minimising discharges into the stormwater system and waterways of contaminants deposited onto impermeable surfaces from motor vehicles. Particular regard should be had for the location of medium density housing within and adjacent to central locations.

Policy 1.18

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 onto roads and waterways.

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.

Objective 10

To maintain and enhance those natural and physical characteristics (amenity values) that contribute to the wellbeing of residents and workers, including maintaining:

- an acceptable level of quiet and freedom from nuisance created by noise, odour, dust and vibration;
- adequate levels of daylight and sunlight in dwellings;
- adequate levels of darkness for sleep;
- a safe environment;
- an accessible environment, which includes enhancing public access to and along the coast and waterways and between areas of public land;
- adequate levels of on-site privacy;
- healthy air quality.

Policy 10.3

Activities should be managed in a way that any associated artificial lighting of roads, driveways, signs and sites and the exterior of buildings do not detract from the ability of occupants of surrounding buildings to achieve uninterrupted and adequate levels of sleep.

Objective 11

To achieve a quality of settlement and associated activities within each of the City's Human Environments which is sympathetic to, and protects and enhances, the dominant natural and physical (including building) features which contribute to the amenity value and the neighbourhood character of an area, including maintaining and enhancing:

- the quality and character of different patterns of settlement within the City's intensively settled residential areas;
- the pedestrian-oriented amenity values of the town centres and the character of those areas as retail centres;
- the utilitarian nature and character of the industrial areas;
- the natural and physical features that give each rural and coastal village its particular and unique character;
- the pastoral/rural character of the northern parts of the City;
- the complex, mixed landscape of the foothills.

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.

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 carparking, vehicle access and storage areas from view, from residential sites.

Discussion

The proposed auditorium shall be located within the north western portion of the site. The physical dimensions of the proposed building and featured cross signage would not contrast architecturally from the existing buildings and would not be out of character with the well established structure which forms an integral part of the streetscape.

The proposal would not increase the existing level of activities on site as only one auditorium is proposed to be used at anyone given time, but it is proposed to increase impermeable surfaces on the site in order to accommodate parking. The nature of the proposed activity and the imposition of conditions such as compliance with noise controls would avoid, mitigate and reduce the potential effects in order to protect nearby residential amenities and to integrate the development into the residential environment whilst retaining the predominant residential character within this modified urban neighbourhood.

It is considered that the proposal would be consistent with the form and scale of the buildings and other structures in the locality, with the surrounding neighbourhood able to accommodate this form of development without adversely affecting the prevailing characteristics. The proposal is not considered to further fragment the residential character and amenity of the locality nor is it considered to lead, on an individual or cumulative basis, to pressure for further non residential activities near by.

It is considered that the proposal would allow the continuation and minor expansion of an activity which contributes to the eclectic mix of activities associated with residential communities which enhance the amenity of the local neighbourhood for its residents.

Visual Amenities

Policy 10.5

Structures should be placed to ensure that adequate levels of daylight reach any habitable rooms on-site, and allow adequate levels of sunlight and daylight to reach adjacent properties throughout the year.

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 onsite amenity of adjacent residential properties, including the privacy of outdoor space. Particular regard should be had for the protection of privacy within the more intensively settled Living and Rural Villages Environments.

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 carparking, vehicle access and storage areas from view, from residential sites.

Discussion

These Policies and Objectives are concerned with ensuring that structures are of a scale and height that do not overwhelm the generally low-level building character of the Living Environment. The proposed auditorium meets all of the relevant bulk and location requirements associated with the Living Environment with the exception of not being screened from the roadside. It is considered that the proposed development, including the car parking areas would not result in the site dominating the surrounding cohesiveness of the residential neighbourhood. The site shall be delineated with closed board or acoustic fencing against all residential boundaries for the purpose of screening and enhancing privacy between sites.

The proposed illuminated signage shall be located away from adjacent residential sites, and therefore shall not create any form of dominance, and shall relate to the activities within the site.

Overall the proposed development is considered to be of a form, height and scale that avoids the physical domination of neighbouring residential sites and maintains the neighbourhood character, visual amenity of the surrounding area.

Parking, Traffic Generation and Road Safety

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 Roading Hierarchy, is not adversely affected;

Policy 10.14

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

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

Policy 10.16

Driveways, carriageways and carparking 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

There is a need to manage the use and development of the city's transportation resources in a way that enables people in communities to provide for their social and economic well being, while providing for the sustainable management of the city's environment. The roading system has been designed around the efficient flow of vehicle traffic and relief of congestion. These aims are important, but just as important are the health of surrounding residents, amenity levels and the need to provide adequately for public transport, pedestrian and cycle access. Policy 11.12 recognises that increased traffic movements can have a direct impact on the amenity values of an area through increased noise, fumes and vibration and on the safety of road users.

As the proposed development will not increase the capacity of the site, it is considered that the existing carparking requirements and traffic generation will remain at present levels. As the applicant is not proposing to reduce parking, but in fact create additional onsite parking it is considered that in comparison to the existing facilities that the proposed auditorium will have a less than minor adverse effect on the traffic generation or parking requirement.

The proposed relocated access to Hobsonville Road is considered not to create any additional pressure on the existing roading network or on pedestrian safety, but enhance the driver's visibility.

Receiving Environment and Earthworks

Objective 1

To manage the effects of land use on the environment and, in particular, avoid, remedy or mitigate effects on the quality and quantity of the City's water resource, including maintaining:

- the life-supporting capacity of water;
- the ability to use aquatic ecosystems as a food source;
- the availability of water as a healthy place of recreation.

Policy 1.10

Impermeable Surfaces and Stormwater infrastructure should be designed and managed in a way that avoids adverse impacts on water quality, including life supporting quality of water, arising from the discharge of stormwater into the cities watercourses.

Policy 3.3

The use, manufacture and storage of hazardous materials should be managed in a way that avoids the possibility of escape of hazardous substances into the City's soils and any consequent adverse effects on the health and fertility of the City's land resource.

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 10.19

The location of activities and buildings on known contaminated sites should be avoided, where this will lead to adverse effects on human health and/or safety. Where there is a more than minor adverse effect development may only occur where remediation and restoration actions in relation to such a site have been carried out, sufficient to ensure that the contaminated materials on site will have no adverse effects on human health.

Discussion

The site is already modified by way of previous earthworks and existing impermeable surfaces and the proposal is seeking further modification, most notably toward the rear and north west area of the property with the extension of the car parking area. The imposition of conditions will ensure that the proposal meets sediment and erosion control standards set out by the ARC in TP90 which will ensure that any sediment runoff would be contained within the site and thereby protecting water quality.

The modifications to the landform of the site are consistent and in keeping with the character of the surrounding residential area and allows for the construction of an auditorium and an extension to the car parking area that would not undermine the amenity values and neighbourhood character. Landscaping would soften and screen these areas.

8.2.2 Rules and Assessment Criteria

The District Plan Assessment Criteria have been developed to address the issues covered in the Objectives and Policies and are a useful guide in assessing the effect of an activity. The proposed activity is assessed in relation to each of the relevant criteria as follows:

LIVING ENVIRONMENT - BUILDING LOCATION - PRIVACY/AMENITY ASSESSMENT CRITERIA

- 8(a) *The extent to which privacy is maintained between the main indoor and outdoor living areas of adjoining sites.*
- 8(b) *The extent to which Non-Residential Activity creates adverse visual effects on adjoining sites and the road.*

The effect of the new auditorium on the privacy of the neighbouring sites is considered to be negligible in that the Non-Residential Activity already exists on the site and the proposed building would not overlook adjoining properties as the building complies with the bulk and location requirements of the District Plan. The site shall be delineated by a close board fence or an acoustic fence against all residential boundaries for the purpose of screening and enhancing privacy between sites.

LIVING ENVIRONMENT - NON-RESIDENTIAL ACTIVITIES ASSESSMENT CRITERIA

- 10(a) *The extent to which the character, scale and intensity of Non-Residential Activities are compatible with amenity values and neighbourhood character.*
- 10(b) *The extent to which the effects of Non-Residential Activities on infrastructure can be accommodated without the need for public upgrading.*
- 10(c) *The extent to which Non-Residential Activities create adverse effects on the residential coherence and the safety of residents of the neighbourhood.*

The auditorium would be orientated towards the north western boundary of the site. The new building of the church would not contrast architecturally from the form of the existing buildings onsite and would not be out of character with the well established structure which forms an integral part of the streetscape.

The development will have no significant impact on the Council's infrastructure provided recommended conditions are imposed on the consent to mitigate adverse effects. It is therefore considered that the proposed development would have negligible adverse effects on the infrastructural capacity.

The nature of the proposed activity and the imposition of conditions such as compliance with noise controls would avoid, mitigate and reduce the potential effects in order to protect nearby residential amenities and to integrate the development into the residential environment whilst retaining the predominant residential character within this modified urban neighbourhood.

LIVING ENVIRONMENT - SIGNAGE ASSESSMENT CRITERIA

- 15(a) The extent to which signs are visually appropriate to amenity values and neighbourhood character.*
- 15(b) The extent to which signs create a situation hazardous to the safe movement of traffic.*
- 15(c) The extent to which signs are of a height which avoids the sign dominating the neighbourhood and nearby structures.*

The proposed featured cross sign and the signage proposed along the road frontage of Hobsonville Road relate to the non-residential activity on the site. Both signs will be located away from the adjoining residential properties. The featured cross sign will be located in front of the proposed auditorium building, and will be 20m back from the road boundary, and the proposed small 3.85m² signage will be located behind the road berm and therefore is not considered to create a hazardous situation to the movement of traffic along Hobsonville Road.

The 8.7m featured cross sign will create dominance in terms of the proposed auditorium building and the existing church buildings within the site, however this is intended and will create a focal point of the cross. As the sign will be located within the centre of subject site away from the adjoining residential properties it is considered that the proposed sign will not create any dominance of the neighbourhood or any adjoining residential dwellings.

LIVING ENVIRONMENT - CARPARKING AND DRIVEWAYS ASSESSMENT CRITERIA

- 12(b) The extent to which carparking accommodates expected peak demand of an activity, having regard to the position of the site in relation to public transport routes and the parking capacity of adjacent roads, and the road's function in the Roding Hierarchy.*
- 12(c) The extent to which driveways and carparking create adverse visual or aural effects on adjoining sites.*

As the applicant is proposing not to reduce parking but in fact creating additional onsite parking it is not considered that in comparison to the existing facilities that the new auditorium will have a less than minor adverse effect on the traffic generation or parking requirement.

**GENERAL NATURAL AREA – EARTHWORKS
ASSESSMENT CRITERIA**

- 3(a) *The extent to which the scale of earthworks is consistent with the scale of development being*
- 3(e) *The extent to which earthworks exacerbate or contribute to flooding, erosion or instability of land or the potential for flooding, erosion or instability of land.*
- 3(f) *The extent to which earthworks adversely affect or contribute to degradation of natural watercourses in a way that destroys or reduces their ability to support instream vegetation and fauna, their ability to be used as a healthy food source, their clarity, quality and flow and their suitability for swimmers.*
- 3(g) *The extent to which earthworks adversely affect the mauri (life force) of water.*
- 3(h) *The extent to which earthworks adversely affect the visual amenity of the site or adjoining sites.*
- 3(i) *The extent to which cut and fill activities involving earthworks are confined to the site rather than being transported off the site.*
- 3(j) *The extent to which earthworks may harm the health and safety of residents.*
- 3(q) *The extent to which the duration of earthworks is minimised.*

There would be negligible adverse effects on soil or existing landform as a result of the proposed activity as the site is within the urban area, is not known to Council to be affected by natural hazards and is already modified. The earthworks are being undertaken to facilitate the construction of the car parking area and extended building platform. The earthworks will be of short duration and controlled by way of consent conditions.

**GENERAL NATURAL AREA – IMPERMEABLE SURFACES
ASSESSMENT CRITERIA**

- 4(a) *The extent to which impermeable surfaces adversely affect potential for restoration or enhancement around and within the area subject to the application, and adjoining sites.*
- 4(c) *The extent to which impermeable surfaces adversely affect the significance and the landscape value of natural features.*
- 4(d) *The extent to which impermeable surfaces contribute to the creation, or exacerbate stormwater flooding problems on-site or in any other part of the stream catchment, with particular regard to impacts in known flood-prone areas and any impact on an existing stormwater system.*
- 4(e) *The extent to which impermeable surfaces adversely affect the quality of receiving natural water, including the life-supporting quality of natural water.*
- 4(g) *The extent to which impermeable surfaces result in adverse effects arising from soil loss from the site.*
- 4(i) *The extent to which impermeable surfaces result in adverse effects on the mauri (life force) of water.*

Council's drainage engineer has reviewed the proposed development and the effects that the resulting additional impermeable surfaces would have on the environment and on EcoWater's infrastructure. Overall it is considered that with appropriate conditions in place, the proposed additional impermeable surfaces would have de minimis adverse effects and would not place pressure on the receiving environment.

8.3 AUCKLAND REGIONAL POLICY STATEMENT, PLAN OR PROPOSED REGIONAL PLAN (104(1)(b)(iii) and (iv))

The Auckland Regional Policy Statement sets out 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 Waitakere City Operative District Plan has been prepared.

For the reasons highlighted in Section 8.2.1 of this report, it is considered that the proposal is consistent with these documents.

8.4 ANY OTHER MATTERS THE CONSENT AUTHORITY CONSIDERS RELEVANT OR REASONABLY NECESSARY TO DETERMINE THE APPLICATION (104(1))(c)).

8.4.1 Other Issues Raised by Submitters Not Covered Elsewhere in Report

Ray Jenkins (18 Woodhouse Place) raised the issue of undertaking works within his property without consent. The applicant will be required to obtain consent to enter if under a future engineering consent the applicant needs to carry out works within the adjoining 18 Woodhouse Place to locate the public stormwater and wastewater manholes.

8.4.2 Long Term Council Community Plan

Under the Local Government Act 2002, Councils were permitted to take development contributions towards the costs that capital growth imposes on the community. The financial contribution policy of the Waitakere City Council's Long Term Council Community Plan incorporates a development contribution based on the City's capital expenditure for infrastructure and community facilities for that ten year period. The development contribution estimated for this proposal is \$18,254.81 (incl. GST).

8.4.3 Monitoring

The performance of the activities under this consent will be subject to Council's standard monitoring procedures. These procedures include scheduled inspections to ascertain compliance with conditions of consent, together with periodic inspections as and when required to establish whether conditions are being complied with on an ongoing basis. In particular, attention is likely to be directed toward the implementation of conditions relating to sediment and erosion control measures and works beneath the dripline of protected vegetation.

8.5 ANY OTHER RELEVANT NON-STATUTORY DOCUMENTS

No other non-statutory documents are considered relevant in the processing of this application.

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 specified in the consent, or if no date is specified, then five years from the date of commencement of the consent.

A five year period in which to give effect to this consent is considered appropriate because of the nature and scale of works described and because a number of the conditions are intertwined (i.e. parking and earthworks. A lapse period of five years is therefore recommended.

9.0 PART II OF THE RESOURCE MANAGEMENT ACT 1991

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

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

It is considered that the granting of this application would not be contrary to the purpose of the Act. The proposed non-residential activity 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, such as erosion and sediment control, 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 (Section 104D(a)) or the activity will not be contrary to the Objectives and Policies of a Operative Plan or Proposed Plan (Section 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 new auditorium associated with an existing non residential activity at 63-71 Hobsonville Road, Hobsonville. The site is zoned Living Human Environment and General Natural Area under the Operative District Plan.

It is considered that the proposal meets the criteria for granting consent as the potential adverse environmental effects are less than minor and can adequately be mitigated through the imposition of appropriate conditions of consent. It is considered that the additions and alterations to the activity will not lead to a decline in the amenity values of the area in which it is located.

The proposal is considered to be consistent with the objectives and policies of the District Plan which seek to:

- Maintain and enhance those natural and physical characteristics (amenity values) that contribute to the well being of residents and workers;
- Achieve a quality of settlement and associated activities within each of the city's Human Environments which is sympathetic to, and protects and enhances, the dominant natural and physical (including building) features which contribute to the amenity value and the neighbourhood character of an area;

- Manage the effects of land use on the environment and in particular, avoid, remedy or mitigate effects on the quantity and quality of the cities water resource;
- Protect and enhance the amenity of the urban area through the provision of a range of activities but also maintaining the residential coherence of the neighbourhood;
- Protect the functioning of roads within the roading hierarchy, without detriment to road safety or the free flow of traffic.

It is considered that the issues raised by the submitters **can** be adequately addressed through the imposition of appropriate conditions.

Subject to any additional and/or contrary evidence being presented at the hearing, it is concluded that the application **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 Baptist Union of New Zealand to undertake a redevelopment at 63 - 71 Hobsonville Road, Hobsonville, being Lot Lots 1 & 2 DP43467, Lot 2 DP 176535, Lot 228 DP 100777, Lot 4 DP 176535 for the following reasons:

- i. The proposed development is considered to be of an appropriate design and consistent with the existing building and surrounding residential neighbourhood. The proposed auditorium being the extension of this non residential activity would not detract from the visual and residential amenities of the locality or the character and appearance of the surrounding residential area. The proposal would be sufficiently integrated into the residential neighbourhood.
- ii. The proposed development would not detract from the visual or landscape amenities of the site or cause detriment to nearby residential amenity in terms of loss of privacy, daylight access, traffic noise, or increased visual intrusion.
- iii. The proposed earthworks will be consistent with the level of development being undertaken, will be of short duration, and controlled by way of consent conditions.
- iv. The additional impermeable surfaces will not place additional pressure on the receiving environment and will be controlled through appropriate conditions of consent.
- v. Any actual or potential effects on the environment by the proposal are considered to be less than minor and would be adequately avoided, remedied or mitigated by the conditions imposed on the consent
- vi. The proposal satisfies the relevant Objectives, Policies, rules and other provisions of the Waitakere City District Plan.
- vii. The proposal is not contrary to Part II of The Act.

Consent shall be subject to the following conditions:

GENERAL CONDITIONS:

1. The development shall proceed in accordance with the plans titled:
 - “Site Plan, Sheet 01, Rev 06” dated 30.01.06
 - “Layout Plan, Sheet 02, Rev 02” dated 12.12.2006
 - “Elevations, Sheet 03” dated 12.12.2006
 - “Existing Site Survey, Sheet 04” dated 12.12.2006
 - “Cross & Site Details, Sheet 05, Rev 02” dated 19.12.2006 prepared by Houston Architects Ltd
 - “Earthworks & Sediment Control, File Ref 23902, Dwg 100, Rev B” dated 15.05.07 prepared by Davis Ogilvie
 - “Car parking Layout, File 23902, Dwg No 200, Ref C” dated 15.05.07 prepared by Davis Ogilvie

and all referenced by Council as RMA [20070445](#) and the information, including further information, submitted with the application.

2. Pursuant to Section 125 of the Resource Management Act 1991, this consent shall lapse 5 years after a period of five years after the commencement of the consent.
3. A consent compliance monitoring fee of \$672.00 (inclusive of G.S.T.) has been 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.
4. Prior to any works being undertaken, the consent holder shall organise a pre-start meeting with Council’s Environmental Monitoring Officer (EMO) for the purpose of discussing construction methodology. Present at the meeting shall be the Consent Holder’s representative, Council’s EMO and the Contractor undertaking the earthworks.

Meetings can be arranged by calling Council’s Call Centre (09 839 0400) and requesting a pre-start meeting with an Environmental Monitoring Officer. Note that response time can be up to 2 working days.

EARTHWORKS CONDITIONS:

5. A full copy of the Resource Consent Conditions, Approved Plans, including site management and Erosion and Sediment Control Plans shall be kept on the site at all times. All personnel working on the site shall be made aware of and have access to the contents of this consent document and the associated Site Management and Erosion and Sediment Control Plans.
6. All “cleanwater” runoff from stabilised surfaces including catchment areas above the site shall be diverted away from earthwork areas via a stabilised system, so as to prevent surface erosion and sediment laden run - off.
7. All sediment laden runoff from the site shall be treated by sediment control measures in accordance with the ARC Technical Publication No 90 “Erosion and Sediment Control Guideline for Earthworks” (latest version). These structures are to be constructed in accordance with best practice, be operational before earthworks commence, and be maintained until the site has been adequately secured against erosion (whether by vegetative means, paving or otherwise).

8. In the event of archaeological features being uncovered (e.g. shell middens, hangi or ovens, pit depressions, defensive ditches, artefactual material or human bones) work shall cease in the vicinity of the discovery and the area shall be secured. The Manager Resource Consents, the New Zealand Historic Places Trust ARC Archaeologist and the appropriate *Iwi authorities shall be contacted so that appropriate action can be taken. This includes such persons being given a reasonable time as determined by the Council to record and recover archaeological features discovered before work may recommence.
9. A stabilised entranceway 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 surrounding streets/roads shall be immediately removed by sweeping and any damage caused shall be immediately repaired at the expense of the consent holder.
10. All development works on the site including earthworks and the use of associated heavy machinery shall be undertaken between the following hours only:-

Monday to Friday:	7.30 am to 7.00 pm
Saturday	8.00 am to 5.30 pm
Sunday and Public Holidays:	No work
11. 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.

VEGETATION REMOVAL CONDITIONS:

12. No vegetation removal, that requires consent, shall take place until all relevant consents have been granted and works are to commence.
13. These conditions, which may reinforce or be in addition to those stated in section 6 of the Arboricultural Report by Greenscene Limited - February 2007, must be read in conjunction with that report and be kept on site throughout the duration of the works.
14. The removal of vegetation shall be in accordance with the approved plans and undertaken by appropriately trained and skilled persons in accordance with modern arboricultural practices so as not to cause damage to/or death of any other retained 'protected' vegetation.
15. The consent holder shall appoint a suitably qualified and experienced Works Arborist to supervise all works within the driplines of or in close proximity to protected or retained vegetation in accordance with the conditions of consent and recommendations of the arboricultural report by Greenscene Limited - February 2007. The consent holder must submit evidence of the appointment by way of an Arborists on-site log or report that identifies site attendance at stages 1 - 5. This evidence, including a final completion report that confirms all works have been carried out in accordance with the vegetation conditions, must be sent to the Resource Consents Manager, Consents Services, Waitakere City Council, Private Bag 93109, Henderson, Waitakere City. The submission of this report will be necessary for Consent Sign-off.

The Works Arborist must attend and oversee the following:

- Pre-commencement site meeting with a Council Environmental Monitoring Officer (EMO) to review the consent conditions, confirm the vegetation to be removed or pruned and agree the location and specification of temporary protective fencing. The attendance of an EMO must be arranged by telephoning (839 0400) at least 5 working days in advance of any proposed meeting;
 - Site meeting with contractors responsible for the pruning or removal of vegetation to ensure adherence to good arboricultural practice;
 - Erection of protective fencing;
 - Site meeting with construction personnel to ensure their familiarity with working practices close to protected vegetation and any other conditions of consent;
 - Work beneath the dripline of vegetation.
16. Immediately following the removal or pruning of vegetation and prior to the commencement of any other works temporary protective fencing shall be erected in accordance with the arboricultural report (Greenscene Limited - February 2007). The specification of the fencing must be no less than orange plastic mesh that is firmly fixed to and supported by waratahs placed in the ground at 4m centres. This fencing must remain in place until all works are completed or authorised by the Works Arborist.
17. The area within the temporary protective fencing and the driplines of any other protected or retained vegetation must be considered total exclusion zones unless otherwise stated. There shall be:
- No depositing of spoil or excavated material associated with the works. All excess excavated material not able to be incorporated appropriately within the site shall be removed immediately following the completion of earthworks and disposed of appropriately;
 - No storage of materials, tracking of any machinery, stockpiling of spoil, or other contamination.
18. Any excavation or works within the driplines of protected vegetation must be supervised by the Works Arborist. The location of any excavations shall first be established by hand digging and altered where possible to retain significant roots (above 35mm in diameter). Every attempt must be made to retain significant roots. All roots exposed during the works shall be kept moist and covered from direct sunlight by a suitable material such as Geotextile fabric, Hessian or shade cloth until backfilling with topsoil can occur. Exposed roots at the face of pile holes or earth cuts that may come into contact with poured concrete shall be first be wrapped in polythene or similar material to prevent contamination damage. Any roots requiring severance shall only be cut under the supervision of the Works Arborist using a sharp pruning tool to leave a clean cut surface at the excavation face.
19. Should the Works Arborist identify any other activity that may lead to the vegetation conditions not being met or circumstance that may result in adverse effects to vegetation not previously identified, works must cease and a Council EMO contacted in person to agree an appropriate course of action as soon as possible.
20. Should removal of the row of *Acmena* trees on the boundary with 21 Woodhouse Place be deemed necessary by the Works Arborist, a Council EMO must be contacted in person to ensure appropriate replacement planting, that is to the satisfaction of the EMO, is undertaken.

LANDSCAPE TREATMENT CONDITIONS:

A1

21. Landscape Treatment including retention of existing trees and screen hedges, planting of new trees and garden areas shall be as per the Landscape Planting Plan Rev 4 dated 30.05.07 (North West Baptist Church 67 Hobsonville Rd Waitakere City) by LA4 Landscape Architects, as amended at page A1 of this report and approved by Council and shall be to the satisfaction of Council's Environmental Monitoring Officer Resource Consents. The grade for each tree shall be as shown for each tree on the Planting Plan (Note the planting schedule on this plan has some inconsistencies in this regard). Note: It is recommended that the garden areas within the car park with New Zealand Iris include some Phormium cookianum 'Dwarf Green' (dwarf NZ mountain flax) to give a stronger impact.
22. Planting shall be set in place in the first planting season (May till 7 September 2007) following use of the new building and extended car park. Any new planting areas, such as those within the car park shall be good quality topsoil or garden mix (50:50 compost and topsoil) to 350mm depth for the garden areas and to a depth equivalent to the root ball depth and not less than 400mm for the trees to be planted within the car park and with a wood chip mulch to 60mm depth and shall be to the satisfaction of Council's Environmental Monitoring Officer Resource Consents.
23. Where existing Akmena (Eugenia) hedge is removed relative to the boundaries with 18 and 21 Woodhouse Place, new screen planting shall be set in place into weed and debris free garden areas with topsoil to 300mm minimum depth and with a wood chip mulch to 60mm depth, with the plants at Pb28 grade and 1.5m centres, in the first planting season following use of the additional car park area and using a range of species selected from the following list (and not using new Akmena smithii, (monkey apple) which is an environmentally damaging species): Pittosporum crassifolium, (karo), Myrsine australis, (mapou), Olearia albida 'Angulata', to the satisfaction of Council's Environmental Monitoring Officer Resource Consents. Note: It is recommended that underplanting be added to any new garden area where this has not been provided on the landscape plan (eg for the screen planting area adjacent to 18 and 21 Woodhouse Place) at circa 400mm spacings, selected from the following; Carex testacea, Carex lessoniana, Carex dipsacea, (NZ sedges), Phormium cookianum 'Dwarf Green', (dwarf NZ Mountain Flax), Coprosma 'Taiko'.
24. The planting shall be maintained for the first two years following initial planting with the plants watered as necessary and kept weed free to facilitate their establishment to the satisfaction of Council's Environmental Monitoring Officer Resource Consents.
25. Any plant that dies is removed or otherwise fails to prosper shall be removed the following planting season and maintained for a further two years from time of planting to the satisfaction of Council's Environmental Monitoring Officer Resource Consents.

DRAINAGE CONDITIONS:

26. Private stormwater, wastewater drainage systems and public water supply are to be assessed in the Building Consent.
27. Design, provide and install a complete stormwater quality treatment system for the proposed car park in accordance with the ARC's TP10 '*Stormwater Management Devices Design Guideline Manual*', and Waitakere City Council Code of Practice for City Infrastructure and Land Development (refer Section 4). Provide a copy of the ARC consent conditions, engineering plans and calculations to Council for approval prior to commencing works. Specific requirements:
 - Provide a maintenance manual for the treatment device. This device is the private applicant's responsibility to maintain in good condition.

28. It is the applicant's responsibility to obtain stormwater discharge consent and all other necessary consents, or evidence of dispensation, from the ARC, pay all associated costs and comply with any conditions imposed by the Regional Council. Provide EcoWater with a copy of the ARC consent conditions. It may be necessary to apply for a variation to this WCC consent if the documentation or consent conditions approved by WCC and ARC are conflicting in any way. The applicant is required to obtain full signoff from ARC stating that the pipe network, outfall, treatment device and any other items covered by the consent have been established in accordance with the consent conditions, and pay all fees and charges from ARC up-to-date. Once this has been achieved, apply to transfer ownership of the ARC discharge consent to Waitakere City Council. Provide copies of relevant documentation from ARC to demonstrate that this has been completed.
29. Pursuant to Section 108(2)(d) a covenant is to be entered into, in favour of Council, to record that to mitigate against adverse effects on the environment, increased downstream flooding, increased stream channel erosion, or adverse effects on public infrastructure systems, on-site stormwater management systems are required on a on-going basis to comply with EcoWater's Countryside and Foothills Stormwater Management Code of Practice / Stormwater Solutions for Residential Sites, and meet the following specific requirements:
- Maintain stormwater runoff flows, volumes, and timing to the extent permitted in the District Pan (60 %) for the 5 year storm event, additionally taking into account any ARC requirement.;
 - On the second anniversary of the date of this consent, and at two yearly intervals thereafter, the owner (at the owner's expense) must provide to the Council a report from a Chartered Professional Engineer demonstrating that the stormwater management system, including mitigation measures and treatment devices installed as the condition of this consent or as a condition of any future building consent for the proposed buildings, are functioning in accordance with their intended purpose;
 - Note: Council's Hazards and Special Features Register will be advised of the above requirements.

TRANSPORT CONDITIONS:

30. Car parks to be formed and marked in accordance with the approved plan "Carparking Layout Ref 23902 Dwg 200 Rev C" dated 15.05.07 undertaken by Davis Ogilvie and to the satisfaction of the Transport Planning and Design Manager.
31. No Stopping At All Times markings are provided on Hobsonville Road for a length of 6 metres each side of the proposed new vehicle crossing location.
32. That the old auditorium may not be used at the same time as the main auditorium is in use except where the total activity on the site is limited to no more than 500 persons.

ACOUSTIC CONDITIONS:

33. The noise Level from all activities within the site shall not exceed the following limits when measured within any other Living Environment Zone:

Monday - Saturday, 7.00am -7.00pm - L_{10} 50dBA L_{max} N/A

Monday - Saturday, Sundays & Public Holidays - 7.00pm - 10pm L_{10} 45dBA - L_{max} N/A

Monday - Saturday, Sundays & Public Holidays - 10.00pm - 7.00am - L_{10} 40dBA - L_{max} 70dBA

34. The noise levels shall be measured in accordance with the requirements of NZS6801:1991 Measurement of Sound and assessed in accordance with the requirements of NZS6802:1991 Assessment of Environmental Sound.
35. Noise emanating from construction, maintenance or demolition shall comply with the requirements of NZS 6803:1999 Acoustics - Construction Noise.
36. The details of any mechanical plant and associated noise attenuation shall be submitted at the time of lodgement of the building consent application accompanied by a certificate from a suitably qualified and experienced acoustic engineer showing how the noise will be controlled to within the requirements of Condition 34.
37. As a minimum, screen fencing shall include those screens as shown in plan "Location of New 1.8m Acoustic Fencing" undertaken by Marshall Day Acoustics in report dated the 8 March 2007.

ILLUMINATION CONDITIONS:

38. On completion of the proposed sign provide a lighting assessment from a suitably qualified expert of the candelas to Council's Environmental Monitoring Officers. If the candelas are above District Plan requirements reduced the extent of candelas until the illumination complies.
39. The featured cross signage and road front sign are required to have white illumination only.
40. The illumination of the signage shall occur between the hours of 6.00pm to 10.00pm only, seven days a week.

Advice Notes:

1. Where indicated in the conditions it is the consent holder's responsibility to inform the Environmental Monitoring Officer when inspection is required. Inspections can be requested through the Call Centre on 839 0400.
2. A Development Contribution is payable for this land use. This Development Contribution must be paid prior to the granting of the building consent. The Development Contribution will be assessed at the time of payment. The estimate of the amount payable at the date of this consent is \$18,254.81 incl GST.

Report prepared by: Sonja Bury, Resource Planner.