

**MINUTES OF A MEETING OF THE HEARINGS COMMITTEE HELD AT WAITAKERE
CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON, WAITAKERE,
ON THURSDAY, 14 DECEMBER 2006, COMMENCING AT 9.35 AM.**

PRESENT:

Councillors DQ Battersby, JP (Chairman)
 WW Flaunty, QSM, JP (Deputy Chairman)
 PA Hulse
 JP Lawley
 VS Neeson, JP

Ward Representative
 Mrs EAG Grimmer, MNZM (Henderson Community Board)

IN ATTENDANCE:

Group Manager: Planning and Community Services
Team Leader Consents: J Ibrahim
Unit Coordinator
Committee Secretary: S McDaid
Committee Secretary (Intern)

1 APOLOGIES

2554/2006

MOVED by Cr Neeson, seconded Cr Flaunty:

That an apology from Cr Stone for absence be received and sustained.

CARRIED

2 URGENT BUSINESS

There was no Urgent Business.

3 CONFIRMATION OF MINUTES

2555/2006

MOVED by Cr Neeson, seconded Cr Hulse:

That the minutes of the Meeting of the Hearings Committee held on Friday, 8 September 2006 as circulated, be taken as read and now be confirmed.

CARRIED

4 **NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991 BY THE FREE CHURCH OF TONGA TO INSTALL AIR CONDITIONING ON AN EXISTING COMMERCIAL BUILDING WITHIN 20 METRES OF A RESIDENTIAL SITE FOR THE PURPOSES OF ESTABLISHING A CHURCH AT 78 FLANSHAW ROAD**

9.37 am Hearing Opened.

Track No. 49 (000 - 2.01).

9.39 am Sione Fonua (Applicant) presented evidence and Sione Fonua and Paula Fonua (Applicants) responded to a question from Cr Battersby.
Track No. 50 (000 – 4.22).

9.43 am Phil Skinner (Submitter) presented evidence and responded to questions from Crs Neeson and Flaunty.
Track No. 51 (000 – 5.13).

9.48 am Chris Skinner (Submitter) presented evidence.
Track No. 52 (000 – 0.44).

9.50 am Sione Fonua (Applicant) presented evidence and responded to questions from Crs Flaunty and Hulse.
Track No. 53 (000 – 4.37).

9.54 am The Hearing closed and the Committee went into deliberations.

Track No. 54 (000 – 19.03).

2556/2006

MOVED by Cr Hulse, seconded Mrs Elizabeth Grimmer:

A. That pursuant to Sections 104,104B, 104D, 105, 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 **The Free Church of Tonga** to install air conditioning on an existing commercial building within 20 metres of a residential site as a discretionary activity, for the purposes of establishing a church activity with infringements to street frontage and landscape treatment (car parking) rules of the Community Environment at 78 Flanshaw Road, Te Atatu South being Lot 2 DP174714 for the following reasons:

- (i) Any adverse effects on the environment would be no more than minor because:
 - Existing design of carparking would allow for safe on-site manoeuvring and safe egress/ingress from the site;
 - Noise would be controlled by means of acoustic design and would be required to meet District Plan standards;
 - The street frontage is provided with a canopy and although no displays would be provided there is existing glazing over 50% of the street frontage;
 - Landscape treatment of the site boundary along Flanshaw Road would soften and partially screen the car parking within the site.
- (ii) The proposal satisfies the relevant assessment criteria and is consistent with the relevant objectives and policies of the Waitakere City Operative District Plan.

- (iii) The proposal is not contrary to Part II of the Resource Management Act 1991.
- B. The relevant statutory provisions that were considered by the Hearings Committee are summarised in section 8.0 of the reporting planner's report.
- C. The relevant provisions of the District Plan and Regional Policy Statement that were considered by the Hearings Committee are also contained in section 8.0 of the reporting planner's report.
- D. The principal issues that were in contention as a result of the application are summarised in section 1.2 of the reporting planner's report and further elaborated in section 6.0 (Submissions and Pre-Hearing) of the reporting planner's report.
- E. Evidence that was heard by the Hearings Committee comprised the following:
- A verbal statement from Sione Fonua the applicant's legal representative, in respect of the resource management issues that related to the application;
 - Responses from Sione Fonua and Paula Fonua to questions from Councillor Battersby;
 - Verbal statement from Phil Skinner (submitter) and responses to questions from Councillors Neeson and Flaunty;
 - Verbal statement from Chris Skinner (submitter);
 - Further evidence from Sione Fonua and response to questions from Councillors Flaunty and Hulse.
- F. The main findings of fact, as determined by the Hearings Committee, are summarised in the reasons for granting consent.

Consent shall be subject to the following conditions:

- (GEN1) The development shall proceed in accordance with the plans titled
- Plan View and Elevations - Drawing number 3; dated 24/12/2005;
 - Floor Plan of Meeting Room and Floor Plan of Service Room - Drawing number 2; dated 24/12/2005;
 - Appendix B: Landscape Treamnet/Plan Plan.
- And all referenced by Council as RMA 20060031 and the information, including further information, submitted with the application.
- (GEN2) Pursuant to section 125 of the Resource Management Act 1991, this consent shall lapse after a period of five years after the commencement of the consent.
- (GEN3) A consent compliance monitoring fee of \$1308.00 (inclusive of G.S.T.) shall be paid to the Council. This fee is to recover the actual and reasonable costs incurred ensuring compliance with the conditions of this consent. If, on inspection all conditions have not been satisfactorily met, a reinspection shall be required at the relevant hourly rate applicable at the time the reinspection is carried out.

The \$1308.00 fee shall be paid as part of the resource consent and the resource consent holder shall be advised of any further monitoring fees if they are required.

Landscaping

- (LN1) Landscape treatment shown on Appendix B: Landscape Treatment/Planting Plan shall be set in place to the satisfaction of Council's Environmental Monitoring Officer, Resource Consents.

- (LN2) Landscape treatment required involves the following:
- Removal of the concrete filling from the raised 'kerb island' (but retaining the concrete kerb itself) to 250 mm to 300mm depth.
 - Replacement of the removed material with garden mix (top soil mixed with compost 50:50 to 250-300mm depth). (Garden Mix is available from Central Soils Ltd).
 - Planting as per the planting shown on Appendix B plan. Note the tree planted in the grass area fronting Sylvan Crescent shall be planted into a 600mm diameter weed and debris free garden with a wood chip mulch to 60mm depth.
 - Applying of wood chip mulch to 60mm depth. (weed mat below the wood chip mulch is optional).
 - Note: Planting season is May till 7 September.
- (LN3) Maintenance: The planting area shall be watered as necessary during the establishment period and kept weed free and maintained for two years minimum following the initial planting, with replacement planting put in as necessary to replace any losses, to the satisfaction of Council's Environmental Monitoring Officer, Resource Consents, and with replacement planting maintained for a further two years following planting.

Transport Assets

- (TA1) The existing car park area layout shall be remarked, with signs erected where necessary, to clearly define access, circulation and manoeuvring areas. All in accordance with The Manual of Traffic Signs and Markings, (MOTSAM) published by Transit NZ. Also refer to NZS 4125 (1885), "Code of Practice for Design for Access and Use of Buildings and Facilities by Disabled Persons" and to the satisfaction of the Manager, Transport Assets.

Noise

- (No1) The activity shall be designed and operated to ensure the noise level complies with the requirements of Community Environment Rule 13.1 of the Waitakere City District Plan, namely:
- | | | | |
|--------------------|--------------------|---|---|
| Monday to Saturday | 7:00 am - 7:00 pm | 50dBA, L ₁₀ ; L _{max} | N/A |
| Monday to Saturday | 7:00 pm - 10:00 pm | 45dBA, L ₁₀ ; L _{max} | N/A |
| Sundays & | 7.00 am – 10.00 pm | | |
| Public Holidays | All days | 10.00 pm – 7.00 am | 40dBA, L ₁₀ ; L _{max} ; 70dBA |
- Measurements to be in accordance with the provisions of NZS 6801:1991 and NZS 6802 :1991.
- (No2) Within six (6) months of establishing the church activity the applicant shall provide a report prepared by a person specialising in acoustic design demonstrating that the noise requirements in condition (8) are being achieved. This report shall include how the building and any mechanical plant has been designed and operates to ensure the noise requirements are complied with at all times.
- (No3) Prior to holding the New Years Eve function the applicant shall provide a report to the Council demonstrating that the noise requirements of condition (8) will be complied with.

FEES, BONDS & CONTRIBUTIONS

- (FC1) Pay any engineering, works supervision and administrative fees as incurred. These fees will be charged at Councils advertised schedule of fees.

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. All infrastructure relating to stormwater treatment and disposal, wastewater disposal, and water supply as may be required under the building consent shall be designed and completed to the satisfaction of Council's Drainage Assets Engineer.

CARRIED

10.14 am

The Chairman thanked Members for their attendance and attention to business and declared the meeting closed.

CONFIRMED AT A MEETING OF THE HEARINGS
COMMITTEE HELD ON

DATE:.....

CHAIRMAN:.....