



Waitakere City Council
Te Taiao o Waitakere

NOTICE OF MEETING

HEARING BY COMMISSIONER

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

DATE: Tuesday, 18 September 2007 **TIME:** 9.30 am

VENUE: Waitakere Central, 6 Henderson Valley Road, Henderson, Waitakere

to consider an application for resource consent 247 Edmonton Road, Te Atatu South and to take any necessary action connected therewith.

Sharon Simiona .

6 September 2007

Sharon Simiona
COMMITTEE SECRETARY

Telephone (09) 836 8000 extn 8820

MEMBERSHIP:

Commissioner: John Childs

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

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

**AGENDA FOR A HEARING BY COMMISSIONER TO BE HELD AT WAITAKERE
CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON, WAITAKERE,
ON TUESDAY, 18 SEPTEMBER 2007
COMMENCING AT 9.30 AM**

TABLE OF CONTENTS

<u>ITEM</u>		<u>PAGE NO.</u>
1	NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991 BY WAITAKERE ABUSE AND TRAUMA COUNSELLING SERVICE TO RELOCATE A SINGLE STOREY BUILDING ON THE OPEN SPACE ENVIRONMENT AS A NEW PARKS BUILDING ASSOCIATED WITH AN EXISTING ABUSE AND TRAUMA COUNSELLING SERVICE ON SITE AT 247 EDMONTON ROAD.	1

**AGENDA FOR A HEARING BY COMMISSIONER TO BE HELD AT WAITAKERE
CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON, WAITAKERE,
ON TUESDAY, 18 SEPTEMBER 2007
COMMENCING AT 9.30 AM**

1 NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991 BY WAITAKERE ABUSE AND TRAUMA COUNSELLING SERVICE TO RELOCATE A SINGLE STOREY BUILDING ON THE OPEN SPACE ENVIRONMENT AS A NEW PARKS BUILDING ASSOCIATED WITH AN EXISTING ABUSE AND TRAUMA COUNSELLING SERVICE ON SITE AT 247 EDMONTON ROAD.

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	Fiona Sprott
Site Address	247 Edmonton Road
Applicant	Waitakere Abuse and Trauma Counselling Service Limited
Date Received:	30 th May 2007
Address for Service	Waitakere Abuse and Trauma Counselling Service Limited PO Box 83142 Edmonton Road Waitakere 0652
Operative District Plan: Human Environment:	Open Space Environment (LLOYD MORGAN LIONS CLUBS PARK)
Natural Area:	General
Landscape	Nil
Elements: Hazards:	Nil
Roading	Regional Arterial Road
Hierarchy:	
Site Area	11938m ²

1.0 INTRODUCTION AND RECOMMENDATION

1.1 Nature of the Application

The applicant seeks consent to relocate a single storey building onto Lloyd Morgan Lions Club Park that will lead to an expansion of an existing abuse and trauma counselling service.

The development requires resource consent for the establishment of a Parks Building having regard to relevant bulk and location requirements (height, height in relation to boundary, yards, and building coverage). The proposed building will expand upon an existing activity and as a consequence will result in additional traffic being generated. The site is known to Council to be subject to inundation.

1.2 Resource Management Issues Raised

The Resource Management Act 1991 requires that, when considering an application for 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.

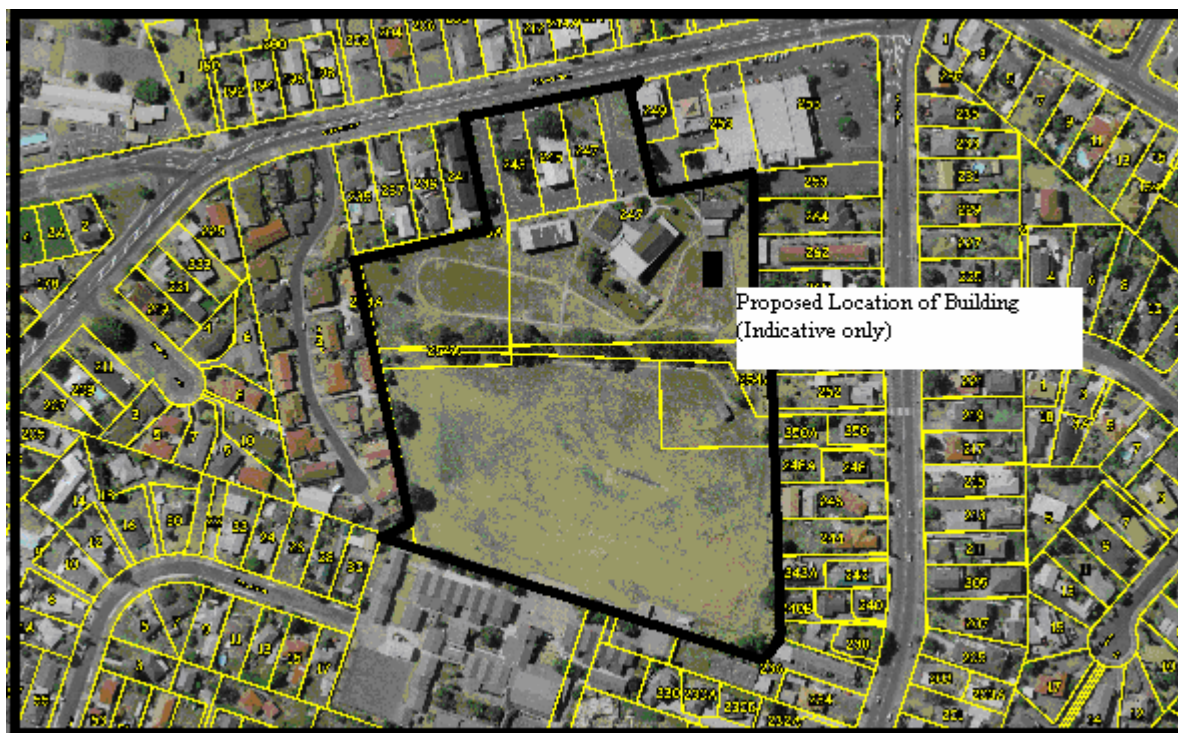
The environmental effects of this proposal are primarily related to the location of a building within the open space environment and the effect on the character of the park and the area generally.

1.3 Planner's Recommendation

The planner who has prepared this report recommends that, subject to any contrary or additional evidence submitted at the Hearing, consent be granted to the application for relocation of a single storey building on the onto Lloyd Morgan Lions Club Park that will lead to an expansion of an existing abuse and trauma counselling service.

It is considered that the environmental effects that will be generated by the activity would be no more than minor. The proposal is consistent with the relevant objectives and policies of the Operative District Plan.

2.0 LOCATION PLAN



3.0 PROPOSAL

The proposal involves the installation on site of building to be used as part of the Waitakere Abuse and Trauma Counselling Service. A similar facility already exists on-site. The use of the building will therefore be for community purposes and in this instance the building falls under the definition of a Parks Building.

The proposed building is being relocated from No. 63 Savoy Road, Glen Eden. The building is proposed to be extended once in place on site by the addition of two offices/interview rooms, giving a total of 4 office/interview rooms, a meeting room, staff area, kitchen, client lounge and toilet spaces. The resulting building will be single storey, constructed of weatherboard and be approximately 4.5m in height with a length of 16.2m and a width of 8.3m.

The proposed building is to be joined, for pedestrian access, to the existing facility by way of a timber ramp leading from the end of the existing path to the main sliding doors of the client lounge. A new landing area is also to be created leading to the staff area and kitchen.

The proposed building platform is clear of all vegetation and is located on the flat area next to the existing two storey abuse and trauma centre, the ground level slopes up next to the building platform.

The proposal does not require earthworks outside the building platform other than the creation of a small path of cobblestones leading from the rubbish bin store at the rear of the building to the existing public concrete path on site. The proposal will not include any additional provision for car parking.

The existing service provides access for clients during normal business hours ((8am to 6pm Monday to Friday, with some Saturday morning counselling sessions) and will not operate late night or public holiday sessions.

Parking for the abuse and trauma service is informally provided by existing car parks located off Edmonton Road in the sealed car park to the north west of the site and the unsealed car park located immediately north of the site to the west of the existing shopping parade within 253 Edmonton Road.

Access from the car parks is via formed pathways through the reserve bypassing the toilet and community centre.

The service provided in the existing building is to be improved by way of allowing more room so individual clients can be seen separately in the interview consulting offices. Two additional staff and a previously relocated team will be housed in the new extension building.

The Waitakere Abuse and Trauma Counselling Service provides a venue in Waitakere City for counselling and therapy for victims and survivors of sexual abuse, trauma and family violence. It is a safe, confidential service which caters primarily for women and children in need and makes contributions to the community through education, counselling and therapy. The centre seeks to raise awareness of family violence and provides affordable, professional and accountable solutions to members of the community experiencing abuse.

WATCS is accredited by ACC, Child Youth & Family and the Department for Courts to provide services and are regularly audited by these government agencies. In 2006 WATCS had a major combined audit by Child Youth & Family and the Department for Courts to ensure that they are meeting all service standards. A combined report confirmed that they are meeting all of the standards set.

WATCS has been under pressure to expand its services in order to reduce waiting times for clients and this has prompted the application for relocation of the second hand building onto site. WATCS previously operated on site as The West Auckland Sexual Abuse Centre and comprised of three teams under one management committee. The teams were Maori, Pacific Island and Pakeha. The services subsequently split up when the Maori service became The Tu Wahine Trust. In 1992 rapid growth meant that the original building had become too small and the Pakeha service, in consultation with the others, agreed to attend to their own accommodation needs. The service later changed its name to Waitakere Abuse and Trauma Counselling Service. This change incorporated the changing focus of the centre away from primarily sexual abuse work to a broader interpretation of trauma including family violence. Three teams now operate from the site, these are the Adult Team, The Child and Family Team and the Family Violence Team. The service provides counselling, individual play therapy, Keeping Safe programmes, individual psychotherapy, group work for sexual abuse survivors, Moving On group programmes, family therapy and couples therapy.

A62-A78 A full copy of the application details and plans are attached at pages A62 to A78.

4.0 REASONS FOR THE APPLICATION

4.1 Consent is required under the following provisions of the Operative District Plan:

City-Wide Rules

Limited Discretionary Activity for the establishment of a Parks Building on land known by the Council to be or likely to be subject to inundation (Natural Hazards Rule 1.1). The park site contains land subject to overland flowpaths.

Open Space Environment

Discretionary Activity for the establishment of a Parks Building not exceeding 8m in height pursuant to Rule 2.3 of the Open Space Environment Rules. The building measures 4.5m in height.

Discretionary Activity for the establishment of a Parks Building which does not project beyond the recession planes pursuant to Rule 3.3 of the Open Space Environment Rules. The proposal lies well clear of the respective height in relation to boundary recession planes.

Discretionary Activity for the establishment of a Parks Building on site which is set back more than 3m from any site boundary pursuant to Rule 4.3 of the Open Space Environment Rules. The building will be setback a minimum of 9m from the closest (eastern) boundary.

Discretionary Activity for the establishment of a Parks Building more than 10m² where building coverage will not exceed 35% of the net site area including all existing building coverage on the park pursuant to Rule 5.3 of the Open Space Environment Rules. Building Coverage on site will be increased to 13.5%.

Discretionary Activity for the establishment of a Parks Building where the gross floor area exceeds 150m² of the overall activity pursuant to Rule 7.3 of the Open Space Environment Rules with respect to parking, access and traffic generation.

All parks and reserves in Waitakere City are included in the Open Space Environment of the District Plan. The Waitakere City Parks Strategy 1999 sets out the Council's vision for how parks should look in the future and the key steps to achieve this vision. In accordance with the Reserves Act 1977 Council is required to prepare Reserve Management Plans for its reserves. At this time the Lloyd Morgan Lions Club Park does not have a Reserve Management Plan.

District Plan part 6.2.7 of the 'Explanation of the Strategic Direction: policies and methods' outlines how the management of open spaces will be achieved. In the absence of a Reserve Management Plan the Open Space Environment Rules of the District Plan control the effects of development on the park such as bulk and location of structures, noise, lighting and traffic movement. The rules make provision for a range of activities usually associated with the use and development of land in the Open Space Environment. However any new Parks Building, as defined in the District Plan is set to a minimum Discretionary Activity category in order that its actual and potential effects can be assessed in their entirety.

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

5.0 THE SITE AND NEIGHBOURHOOD DESCRIPTION

The site comprises part of Lloyd Morgan Lions Club Park and is in the ownership of Waitakere City Council. The site measures 11,938m².

The subject site currently contains a cluster of community based social infrastructure including the Te Atatu South Community Centre, Plunkett, St Johns Ambulance Education Centre, Tu Wahine Trust, Edmonton Community Kindergarten, and the existing abuse and trauma centre.

The abuse and trauma centre on site has been extended previously from the original two storey building, to include a single storey component which now forms the bulk of the space for the Waitakere Abuse and Trauma Counselling Service while part of the original building now houses the Tu Wahine Trust, an organisation which does similar work to the abuse and trauma service. The previously approved extension measures approximately 105m² and was granted resource consent on the 24th March 1998. (RMA 980488).

Various other consents have been granted by Council to improve and extend existing community based buildings within the subject site in recent times.

The site is accessed off Edmonton Road. A large car park is located adjacent to the cluster of buildings in the park and a path joins the car park with the proposed building site.

With respect to the surrounding neighbourhood, the subject site lies at the heart of a heavily modified urban environment with an eclectic mix of residential, retail and community facilities that in essence reflects the underlying urban landscape.

Of particular note is the following:

- To the south, the subject site adjoins playing fields associated with Rangeview Intermediate School (Designated Site ME40).
- To the east and west lies residential sites, most notably No.258B to 264 (evens) Te Atatu Road.
- To the north a small enclave of retail activities on Community Environment dominated by Foodtown, but which also includes banking services, take-aways and a bakery.
- Parking also lies adjacent to the eastern boundary

The proposed building platform is clear of all vegetation and is located on the flat area next to the existing abuse and trauma centre, the ground level slopes up next to the building platform to a ridge sheltering the neighbouring houses at 258-264 Te Atatu Road from the activity. Further shelter for these houses is provided by existing hedging and fencing.



Photograph showing the existing abuse and trauma counselling service buildings on site and the public toilet.



Photograph showing existing storey element of the abuse and trauma counselling service.



Photograph showing the existing single storey element of the existing abuse and trauma counselling service.



Photograph showing location of the proposed building.



Photograph showing view across the park into the neighbouring Rangeview Intermediate School playing fields.



Photograph indicating proposed site showing rise in landscape and shelter vegetation between the site and the neighbouring houses at 260-264 Te Atatu Road.

6.0 ISSUES IDENTIFIED THROUGH THE SUBMISSION PROCESS

The application was publicly notified on the 29th June 2007 and the period for submissions closed on 27th July 2007. One submission was received.

A2-A7

A map showing the location of person(s) notified within the immediate surroundings is attached at page A2 along with photographs showing the site notice accordingly erected on-site. A copy of the submission received is attached at pages A3 to A5, and their location in relation to the subject site is identified at page A7.

6.1 Submissions

The one submission received was in opposition to the proposed activity. The basis of the submission is summarised below:

- The expansion of the existing activity has grown too large for the public space and should be handed over to central government to run.
- The proposed building will be too close to their property, encourages vandalism such as graffiti and is a major operation on a public park.

7.0 STATUTORY REQUIREMENTS

The Waitakere District Plan became operative on the 27th March 2003 and is the primary planning document given consideration in this case.

7.1 Discretionary Activities

A9-A55

The relevant policies and criteria which apply under the Operative District Plan and the Resource Management Act 1991 are set out in more detail, attached at pages A9 to A55. This should be referred to as the legal framework within which the application should be addressed.

Section 104 of the Resource Management Act 1991 sets out those matters to be considered when assessing an application for resource consent. 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 of the provisions to Part II of the Resource Management Act 1991, which sets out the purpose and principles that guide this legislation.

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 104 of the Act it is necessary to undertake an analysis and assessment to determine whether the purpose and principles of the Act (Part II) are being met, 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.

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

8.1.1 Effects permitted by the plan

Pursuant to Section 104(2) Council may disregard an adverse effect on the environment if the plan permits an activity with that effect.

The plan lays out the threshold for impermeable surfacing in the General Natural Area in Rule 4.1 which states that up to 60% of a site area may be impermeable where there is a connection available to a reticulated stormwater system. Lloyd Morgan Lions Club Park has existing waste and storm water connections and the proposed building will be fully reticulated. The increase in impermeable surfacing lies well below the 60% threshold. Therefore effects of the impermeable surfacing proposed are permitted by the plan and may be disregarded. However, due to the potential for flooding on site Council's Drainage Engineer has assessed the proposal in section 8.1.2 of this report.

The proposed built development is considered to fall under the definition of Parks Building in the District Plan, only alterations and extensions to Parks Buildings are permitted by the Plan and any new Parks Building automatically falls within a minimum Discretionary Activity category. Therefore there are no permitted levels for new Parks Buildings within the Open Space Environment.

8.1.2 Water Quality and Quantity

The proposed development will increase impermeable surfacing on the site, and therefore will increase stormwater runoff. The subject site is served by stormwater reticulation. The increase in impermeable surfacing will continue to lie within permitted levels as identified in the District Plan. Effects are anticipated by the Plan and will be adequately accommodated by existing public systems without placing undue pressure on the receiving environment.

It is noted on Council records at the subject site is prone to flooding. This notation relates to the vehicle access which has been previously impeded by flooding. The subject area lies outside of any known flooding hazard. This aspect has been confirmed by Ms Elena Zimbatu, Council's Drainage Engineer.

The proposal will neither exacerbate nor generate flooding potential to the detriment of the subject site, neighbouring sites and the wider receiving environment. Any effects on the environment are therefore considered to be less than minor.

8.1.3 Native Vegetation, Vegetation and Fauna Habitat

There would be no adverse effects in relation to vegetation and fauna habitat as a result of the proposed activity as the site is within the urban area, is already modified and it is not proposed to remove any vegetation or work within the dripline of any vegetation.

The proposed building is sufficiently separated from the existing building on site to allow the maintenance of the existing planting which will separate the two buildings. The existing planting between the proposed building and the boundary with the neighbouring occupiers is not being affected by this application. The proposal is a sufficient distance from Edmonton Road to ensure that opportunities for planting are maintained.

8.1.4 Land / Soil

There would be no adverse effects on soil or existing landform as a result of the proposal as the proposed building platform is flat and there are not proposed to be any earthworks outside the building platform. The proposed building will not affect the natural landscape of the site. Conditions of consent will ensure that adequate sediment and erosion control measures are undertaken to limit adverse effects of soil movement on the surrounding environment.

8.15 Air

As the site is within the urban area and the proposed activity does not include air emissions of any kind, there would be no adverse effects on air quality.

8.1.6 Ecosystem Stability

The proposal involves the loss of open space, however as the existing park is already modified, and the siting of the proposed building is such that a clustering effect results, it is therefore felt that there would be no more than minor effects on the stability of ecosystems as a result of the proposal due to the siting of the new building within the modified area of the open space environment.

8.1.7 Outstanding Natural Features; Landforms, Geological Sites

The site is not identified in the District Plan as being within an area containing "outstanding natural features" within the City (refer Maps 3.5D & E). The proposal would not therefore 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 effects in relation to the natural character of the coast and margins of lakes, rivers or wetlands arising from the proposal as it would be located within the urban area of the City and would not be near the coast, any water body or wetland.

8.1.9 Outstanding Landscapes

The subject site is not identified in the District Plan as being within an area of "outstanding landscape" within the City (refer Map 3.6B). The site is within the urban area of the city and the environment is already extensively modified. Therefore the proposal would not adversely effect any identified outstanding landscapes.

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

8.1.10.1 Effect of the proposal on the site

Amenity is defined in the District Plan and the Resource Management Act as:

"Those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes."

The Lloyd Morgan Lions Club Park can be characterised as being currently comprised of a mix of natural and physical qualities. Primarily these qualities include open grassed spaces mainly used for passive recreation by members of the public and three separate but clustered areas of built development located within the northern edge of the property surrounded by grassed areas and the communal car parking fronting on to Edmonton Road.

The main undeveloped grassed areas are located to the west and east of the site and are partially separated by the fenced play area of the kindergarten on site.

The built up areas are characterised by single to two storey buildings which are used for community purposes, while the grassed areas are characteristically free from built development and provide flat open space for use by the general public for passive recreation, and for pedestrian access to Rangeview Intermediate School.

The proposal aims to reduce the grassed area to the east by 113.25m² by the addition of built form to this grassed area.

The proposal will therefore alter the character of the grassed area on which the building is proposed to sit. This area will subsequently become closer in character to the built up areas of the park which contain built form and are clustered together.

The introduction of built form to the grassed area will restrict the public access to this part of the open space and create a physical barrier to movement through the part of the park to be developed, though pedestrian access through the park as a whole will be maintained. The extent to which the design, scale, massing, bulk and height of the building proposed will have an effect on the open character of the site is examined below.

Open Space Character of the Reserve

Design

The building to be relocated is a 1960's dwellinghouse with three bedrooms, a toilet/bathroom, kitchen, lounge and sun-porch. The external walls are timber weatherboards with a galvanised corrugated iron roof and timber joinery. A second hand building report by Graeme Garrett (Building Surveyor) of Waitakere City Council dated 16th May 2007 has been submitted with the application and states that the condition of the building is good with interior and exterior surfaces well sealed and painted. It is proposed to convert and extend the building to contain four interview rooms, a GP meeting room, client lounge, staff area, kitchen and toilets. The proposed building has timber weatherboard cladding and a corrugated iron roof.

The appearance of the proposed building will not be incongruous with the other buildings on site, which have an eclectic mix of designs and materials. The proposed building would compliment the existing trauma and abuse centre on site which is partly weatherboard clad with a corrugated iron roof.

Scale

The proposed building is single storey and sits adjacent to the existing part single, part two storey building. It would therefore seem subservient to the existing building and would not overly dominate the other buildings on site.

Bulk and Massing

The proposed building is to be located approximately 3m to the south of the existing abuse and trauma centre on site. It is to be sited on flat ground adjacent to a sloping landscaped area. The building will contribute to an increase of mass on site in an area where there was previously no built development and therefore the bulk and massing will contribute to a loss of open space character in the grassed area resulting in a space more in keeping with the developed portion of the park.

The increase in building coverage from 12.3% to 13.3% which would result from the proposal is well below the 35% stated in the District Plan as a discretionary activity.

The increased building coverage would be confined to the north-eastern part of the site and would be clustered with the existing buildings thereby reducing the effect of bulk and massing from the proposed development and concentrating the built form on site. This would have the effect of reducing the impact of the proposed building on the character of the reserve.

Height

The proposed building is 4.5m (maximum) in height, which is keeping with the single storey extension to the abuse and trauma centre immediately to the north of the proposed building location. The height would also fit well with the existing buildings on site which are mostly single storey (Plunket, St Johns Ambulance), one and a half storeys (the community centre/kindergarten) and two storey building (the original abuse and trauma centre which is located on a sloping piece of landscape).

Conclusion

It is concluded that the proposed building would fundamentally change the character of the grassed area on which it is to be sited from being open to being closed as the proposed building would create a barrier within the currently open space and remove opportunities for passive recreation on that part of the park. The extent to which this change in character would affect the overall character of the park is lessened by the fact that built up areas currently exist on site and this proposal would be in keeping with those areas. On balance it is concluded that the effect of the proposal on the overall open space character of the park as a whole would be no more than minor, given that the proposal will result in a change of the natural and physical qualities of the particular site within the park, to one of the existing character types evident on the site currently.

8.1.10.2 Effect of the proposal on neighbouring residential amenity and the area generally.

Design, Height, Scale, Bulk and Massing

The design of the building is in keeping with the surrounding residential type and style. The single storey building will not be over imposing on the landscape or the neighbouring built form and will not detract from views across the park from the south in a way which is greater than the current situation. An eastern view shaft distance of approximately 100m separates the proposed building from 250A Te Atatū Road, while the distance between the proposed building and properties to the southern side of the park is approximately 216m. It is considered that these distances are sufficient to ensure that, given the single storey design and the materials which are in keeping with site and surrounding neighbourhood, the application will not have more than minor adverse visual impact on the surrounding area.

The proposed building would not be as high as surrounding buildings and would not cause any loss of amenity to neighbouring occupiers in terms of loss of sunlight or daylight, increased sense of enclosure or loss of privacy due to its location in a dip in the landscape and its distance from neighbouring boundaries.

Siting, Overlooking and Privacy

The proposed building will be sheltered from ground floor views from the neighbouring occupiers of 260-264 Te Atatu Road by the existing vegetation and the sloping nature of the land form. Though the dwellings at 258 Te Atatu Road do not have the protection of vegetation along their boundary with the park, the proposed building has been sited as close as possible to the existing abuse and trauma centre on site and therefore as far as possible and at an angle to 258 Te Atatu Road in such a way as to result in minimal views from the habitable rooms of the rear dwelling at 258 Te Atatu Road on to the proposed building platform. The presence of existing vegetation along the boundary of the park with 260-264 Te Atatu Road also provides sheltering of views into the existing abuse and trauma centre from 258 Te Atatu Road. Overall it is considered that there will be no loss of privacy or increased sense of enclosure or overlooking resulting from the proposal.

The proposed building will be located a sufficient distance from the nearest living environment (minimum 9m) to ensure that privacy of residential occupiers is not compromised. In addition a vegetation shelter exists on the nearest park boundary adjoining residential properties to ensure that no overlooking can occur into the residential sites. The proposed building will be located in a dip in the landscape resulting in the building being lower than the surrounding residential sites and thereby restricting further any potential overlooking caused by the proposed building into neighbouring properties. The height of the proposed building being single storey results in less of an impact on park surveillance by higher properties as the proposed building will therefore not block any views into the park.

Height

The proposed building is sited to increase the clustering of buildings on site and would not therefore interrupt views through the park. Though the proposed building will be seen from properties to the south east and west of the park boundary, the existing building on site will provide a backdrop to the proposal which minimises its visual impacts. A sufficient distance separates all neighbouring houses with views of the proposed building site to ensure that visual dominance is reduced to a less than minor effect.

Overall the proposed building height is considered to be in keeping with the design and character of the surrounding neighbouring buildings, will not reduce neighbouring amenity values and will not visually dominate the landscape.

Daylight and Sunlight

The proposed building will not reduce daylight or sunlight into neighbouring properties due to its location approximately 9m (minimum) from the boundary with any neighbouring occupiers. In addition the proposed buildings position in a dip in the landscape results in it being much lower than the surrounding residential buildings to the east thereby preventing it from causing any light amenity loss to neighbours.

The proposed building is located in an open space environment approximately 3m (minimum) from the nearest existing building on site. There is sufficient space around the proposed building to ensure that adequate daylight and sunlight penetrates all the useable spaces within the proposed building providing a good working environment for future occupiers.

Conclusion

The proposed building will be located approximately 3m from the existing abuse and trauma centre which is located in the north eastern corner area of the Lloyd Morgan Lions Club Park. The other buildings on site are also located to the north leaving the south and western parts of the park free for public recreational activities. A substantial piece of open space will remain immediately to the south of the proposed building platform and approximately one third of the park to the west retains its open character. In addition the playing fields located to the south of the park which form part of the grounds of Rangeview Intermediate School add to the open feeling of the area generally and provide a visual link from the eastern to the western parts of the park.

The proposed building will detract from the open space character of the park, however, the siting of the proposed building will ensure that built form on site is clustered in the northern portion of the park leaving adequate open space for passive and active recreation in the southern and western portions of the park and allowing for useable open space in the eastern area of the park immediately adjacent to the proposed building platform. Pedestrian access through the park will be maintained.

The proposed building will be a sufficient distance from the boundary with residential properties to ensure that it is separated from the residential element of the neighbourhood. Its proposed design, originally utilised as a dwelling, however will link the building with the residential nature of the surrounding area.

The building coverage proposed will not physically dominate the adjoining sites due to the buffer spacing between the proposed building platform and the adjoining residential sites, in addition a shelter of vegetation provides a screen between the park and the residential neighbourhood giving a clear separation of built form and containing the natural character of the park within its boundaries.

Thus the proposed building will fit well within the existing character of the area without compromising the separate visual identity of the open space which provides a break in the general suburban built environment.

8.1.10.3 Parking and noise

The Council's Senior Traffic Engineer Mr John Carroll has peer reviewed the application and supports the proposal. He states that the Council's 'Parking and Driveway Guideline Table 2.1: Car Parking Ratios for Specific Activities' requires four additional car parks for the proposal. He further states that using the Council's 'Parking and Driveway Guideline, Table 5.6: Traffic Generation for Office Establishments, Professional' results in approximately 24 traffic movements per day. These car parks and traffic generated are relatively small in relation to the existing car park area provided and traffic generated by the existing specific uses authorised by Council for this public reserve.

The proposal does not include any additional parking facilities and the advice of Council's Traffic Engineer is that none are required. Therefore the proposal will have no provision of parking that could detract from the natural landscape or neighbourhood character.

Noise and disturbance caused by the proposed extension of Waitakere Abuse and Trauma Counselling Service will be contained on site and the siting of the proposed building in a dip in the landscape will restrict the amount of noise and disturbance felt by neighbouring occupiers. In addition vegetation screening to the park boundary where it adjoins 260-264 Te Atatu Road will reduce noise pollution. The centre will be open during normal business hours ((8am to 6pm Monday to Friday, with some Saturday morning counselling sessions) and will not operate late night or public holiday sessions. It is considered that the noise and disturbance caused by the increased activity on site is no more than minor and will not cause significant amenity loss to neighbouring occupiers.

A condition of consent will ensure that noise levels do not raise beyond that permitted by the District Plan.

8.1.10.4 Lighting

Lights proposed to be installed on the parks building will point downwards towards the building and adjacent pathway, and will provide a level of security and safety for passing pedestrians. The lights will be sensor operated to ensure a lit path for passers by. This may increase the impression of safety for park users and add to the neighbouring occupiers ability to provide park surveillance without providing a light nuisance. Lighting aims to increase security for the site, reducing the ability of criminals to commit vandalism such as graffiti.

A condition of consent will ensure that any artificial or outdoor lighting shall not have more than a 10 lux spill of light and must be shielded so that light rays are emitted below a horizontal plane set at the centre line of the light source.

8.1.11 Heritage

There would be no effects in respect of heritage items as the proposed activity would not be located near, or impact on any identified heritage item.

8.1.12 Summary

Though the proposal will change the character of the grassed area on which the building is to be sited, the effect on the overall open space character of the park as a whole will be no more than minor. The effect of the proposal on the neighbouring area generally and the residential amenity specifically is no more than minor due to the siting of the proposed building within a cluster of built form within the park away from the residential boundaries, and the height, bulk, massing and design of the proposed building which is in keeping with the area generally and will not overly dominate the surrounding neighbourhood or harm views through the park.

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

8.2.1 District Plan Policies and Objectives

The District Plan sets out in Part 5 the objectives and policies which govern the development of land in the City. Part 5 also records the methods by which the effects of activities on the natural and physical resources are to be managed. The majority of the objectives and policies are concerned with managing the effects of activities on the natural environment, including water, land form, native vegetation and air. The objectives which relate to the built environment primarily relate to amenity values and growth management.

Human communities (and the individuals that make up those communities) are defined under the Resource Management Act as being an integral part of the environment. As such the effects of activities on those elements and characteristics of the environment that contribute to human enjoyment of it are a concern under the Act.

Effects on ecosystem stability

Objective 5

To protect processes of natural regeneration within the City, and promote and maintain links between areas of significant and outstanding native vegetation and fauna habitat, so that their resilience is protected and enhanced.

The aim of this objective is to ensure that development maintains and enhances the Green Network.

The relevant policy which specifically relates to open space is:

Policy 5.3

Activities on any public land should be carried out in a way that promotes and enhances regeneration and the re-establishment of linkages between areas of native vegetation and fauna habitat within the Green Network, and the effectiveness of any adjacent Ecological Linkage Opportunities and Restoration Natural Areas in protecting the stability of native ecosystems.

Discussion

The City's parks and reserves provide oases of green, within the urban area, which contribute to the linking of native vegetation. They also contribute to the establishment of areas which native fauna, particularly birds can use to roam more freely in search of food. The design of these parks and reserves and the way in which they are planted and the nature of the activities which take place within them, can re-establish and protect linkages between native resources.

The Lloyd Morgan Lions Club Park is laid out in such a way that the built form within the park and the majority of impermeable surfacing, is located in the northern portion of the park. The proposed building will be located in the northern portion also and is sited to cluster with the existing buildings on site. The siting will minimise the effect of the proposed building on the open space character of the park as a whole and reduce the buildings impact on the parks ability to provide an oases of green. The majority of the park will retain its open character and appearance and continue to provide ecological linkages from native fauna habitats throughout the City. The proposal will not reduce or remove any areas of Restoration Natural Area or Ecological Link Opportunity sites, the application does not aim to remove any vegetation or work within the dripline of protected trees on site. The siting of the proposed building will allow the existing trees on site to remain and a sufficient distance separates the proposed building from the existing vegetation on site to ensure ease of maintenance.

Overall it is considered that the proposal, by way of its siting and design will promote linkages between the areas of significant and outstanding native vegetation and fauna habitat within the City due to the clustering of built form on site which allows the majority of the Park to retain its open space character and maintain the existing vegetation on site. The effects of the proposal on ecosystem stability will not be contrary to Objective 5 of the District Plan.

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.*

Objective 10 is intended to achieve, at the very least, a minimum level of physical health and wellbeing for residents, workers and visitors. The Resource Management Act requires the District Plan to manage the effects of activities on the environment and humans. It also requires the Plan to have particular regard for the maintenance and enhancement of those natural and physical characteristics that contribute to people's appreciation of, amongst other things, its pleasantness. Any enjoyment or sense of pleasantness derived from the environment is fundamentally dependent on whether residents, workers and visitors find it a healthy place to be.

The relevant policies which specifically relate to the proposal are:

Policy 10.6

Buildings, storage and parking areas should be designed and placed on-site, or screened in a way that maintains the privacy and on-site amenity of adjacent residential properties, including the privacy of outdoor space.

Policy 10.8

Land use development and subdivision must recognise the need for a transportation strategy which provides for the safe and efficient movement of people through private and public transport in a way that avoids, remedies or mitigates potential adverse effects on the environment and which does not compromise the needs of future generations, through ensuring the:

- Safe movement of pedestrians, cyclists and vehicles around the City;
- Recognising and providing for the interdependence between transportation and other activities;
- Supporting the creation of an efficient public transport network which provides an integrated system with appropriate levels of convenience and services;
- Protection of the transport corridor for public transport purposes, conveyance of goods and communications;
- Ensuring that the impact of activities on the capacity and safety of the road system is adequately catered for;
- Maintaining amenity values that contribute to the well-being of residents and workers;
- Integrating roads with safe and efficient pedestrian cycle routes;
- Minimising impacts of noise and traffic movement on the amenity of surrounding sites;
- Contributing where required to an upgrading of the transport system, proportionate to the pressures on that system created by the development proposed.

Policy 10.9

Any settlement should be provided with adequate appropriate and safe infrastructure sufficient to ensure the health (including safety from fire) of residents and the wider community. Reticulated networks for the disposal of sewage and stormwater, for water supply, electricity supply and for telephones are available through much of the city. These networks may provide the most environmentally appropriate means of servicing developments, and developments should be provided with connections to these networks where that is possible and appropriate. Where a network is not available, adequate provision should be made through other means. Any such provision should be consistent with other objectives relating to the protection of natural and physical resources, compatible with existing disposal and supply systems, and appropriately designed to ensure a safe service and minimisation of maintenance costs.

Policy 10.11

Activities should provide for:

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

Policy 10.13

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

Policy 10.14

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

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

Policy 10.17

Settlement in all parts of the City should be at a density that is within the capacity of water supply, stormwater, wastewater and solid waste infrastructure to safely absorb the effects of that settlement, and to provide for the health of all residents, visitors and workers.

Policy 10.28

Public open space should provide for the recreation needs of the city's residents by:

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

Discussion

Objective 10 aims to control the effects of development on the health and safety of residents and their ability to enjoy their environment. This is achieved by managing activities that can cause nuisance such as noise, vibration, light pollution and dust. In addition the policies seek to maintain the capacity of the roading network and infrastructure.

The proposed development would be serviced by appropriate waste and storm water connections and has been assessed by Ms Elena Zimbatu of Ecowater who supports the proposal with no conditions. The proposal will not over stretch the capacity of the existing infrastructure to manage storm and waste water. Flooding on site will not be increased or exacerbated by the proposal.

The proposal has been assessed by the Council Senior Transport Engineer Mr John Carroll who supports the application with no conditions. There is more than sufficient car parking on site and the anticipated traffic generation caused by the proposal is adequately accommodated by the existing road network. The site sits on a Regional Arterial road and is served by public transport.



Photo showing bus stop near to the application site

In accordance with a focus on sustainability, policies and objectives in the District Plan aim to concentrate growth around town centres, railway stations and main transport routes. It is considered appropriate that the proposed activity is situated on a main transport route with public transport opportunities and adequate private vehicle access.

The proposal aims to mitigate against any amenity loss caused by noise and disturbance by the siting and design of the proposed building which is located a sufficient distance from the neighbouring residential occupiers and is sufficiently screened from immediately adjoining neighbouring properties by existing vegetation to ensure that the effects felt by the proposed use are less than minor. In addition the use will only operate during normal business hours and will therefore be consistent with the mainly residential level of amenity during weekends and evening times.

The proposal has been designed to avoid causing light spillage from the external lighting. A condition of consent will ensure that any artificial or outdoor lighting shall not have more than a 10 lux spill of light and must be shielded so that light rays are emitted below a horizontal plane set at the centre line of the light source. In this way effects of light spill are to be managed so that there will be no adverse effects on the environment.

The proposal will not affect the daylight and sunlight enjoyed by existing neighbouring residential properties. The proposed building is located a sufficient distance from any neighbouring sites and well below any boundary recession planes to ensure that there will be no adverse light effects.

Overall it is considered that the effect of the proposal on the health and safety amenity of the neighbouring sites and the area generally is no more than minor and will be sufficiently mitigated by the conditions of conditions. The proposal is in accordance with Objective 10 of the District Plan.

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.

Objective 11 is concerned with protecting those aspects of the environment that are particularly valued by the community and recognising the varying character of each part of the City. Unlike the management of activities within the City's outstanding landscapes, this Objective is not concerned with maintaining the total landscape as it presently exists. That is, while those elements and characteristics might be protected, there is also considerable opportunity for change and flexibility that allows an area to evolve and respond to changing circumstances, albeit within a framework of what people value. This Objective is concerned about the quality and nature of change, within a framework of commonly accepted values about what contributes to the amenity of an area. This Objective recognises the importance of maintaining and enhancing the particular elements and characteristics that define the various landscapes, local areas and neighbourhoods of the City. The management of activities as they affect amenity values is a significant resource management issue for the City.

Policy 11.1

Settlement should be of a type and a density that protects amenity values, including neighbourhood character of different parts of the City, by:

- maintaining the low density of sites with high levels of private planting, large areas of open space around dwellings and detached housing characteristic in the Glen Eden, Green Bay and New Lynn local character areas and the Coastal and Rural Villages;
- allowing for development within the Kelston, Te Atatu South and Te Atatu Peninsula local character areas, provided that it maintains the existing low-density character high levels of planting, and openness of the area;
- providing for more intensive settlement in other parts of the Living Environment in a way that protects the wellbeing of residents and enhances the amenity of these areas;
- ensuring that settlement densities are consistent with the dispersed pattern of settlement within the Countryside Environment;
- providing for a permanent pattern of settlement in the Foothills Environment that is in keeping with complex, varied and overall natural character of the area;
- maintaining the characteristic patterns of settlement within the Rural Villages Environment and Coastal Villages Environment.

Policy 11.2

Activities should be managed in a way that avoids the clearance of or damage to trees and vegetation, to extent that the following characteristics are adversely affected:

- the visual dominance of trees on private property within the neighbourhoods of the Living Environment;
- the remnant native vegetation within the urban Human Environments;
- the remaining native vegetation along riparian margins and coastal edges in the urban area and Foothills Environment;
- the shelter trees along fence lines and clumps of vegetation within the pastoral landscape of the Countryside Environment;
- the mixture of native and exotic vegetation and the scattering of native vegetation along ridgelines and stream edges in the Foothills Environment;
- the lines of trees along road edges within the Transport Environment;
- the amenity value associated with native vegetation and its relative significance in all parts of the City;
- the historic and cultural value of trees associated with the above characteristics; provided that nothing in this policy should prevent the removal of species identified in the Environmentally Damaging Plants List.

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 11.9

Structures and accessways should be placed in such a way that they do not encroach visually on those natural landscape elements that have been identified as contributing to the amenity of an area. Particular regard should be had for the placement of structures so that intrusion above any sensitive ridgeline when viewed from a public place is avoided, or where unavoidable, remedied or mitigated.

Policy 11.10

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

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

Policy 11.18

Non-residential activities (other than retail activities) may be located within residential areas of the City, provided that the individual and cumulative impacts of such a provision do not adversely affect amenity values and neighbourhood character or fragment residential activities to the point that essential residential character is lost, and the safety of residents is harmed.

Policy 11.30

Non-residential activities in the non-urban areas of the city should be of a type, scale and intensity that will not, on an individual or cumulative basis, lead to adverse effect on the maintenance and enhancement of rural landscape and amenity values. In particular non-residential activities that may be more appropriately located in the urban area and which generate a significant number of trips from the urban area and/or cause other non-residential activities to group around them thereby leading to incremental urban growth, should avoid locating in non-urban areas.

Policy 11.32

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

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

Discussion

Objective 11 seeks to maintain the neighbourhood character of an area without restricting its ability to grow and evolve. Of the seven broad landscape areas identified in Part 3 of the District Plan the application site falls into "the urban landscape of houses, work areas, urban parks and bush remnants". The site contains no outstanding natural features or landscapes and is a relatively flat and un-vegetated area surrounded by residential and community environments.

The proposal involves the relocation of a house to site and the renovation of the house to become an abuse and trauma centre. The design of the relocated dwelling and the proposed extensions are compatible with the residential character and appearance of the urban landscape area generally. The height, bulk, massing and scale of the proposal is in keeping with the design and style of the surrounding buildings and will not be overly dominant nor cause an adverse visual impact when viewed from outside the site.

The urban landscape environment is characterised by many features such as residential housing, community environment, open space environment and working environment. (see Part 3 'The City's Environment' of the District Plan). The addition of this abuse and trauma centre would not be inconsistent with the broad characteristics of the urban landscape generally, as identified in the District Plan.

The proposed building has been designed to be in keeping with the design of the existing abuse and trauma building on site and similar materials will be used in the construction. The proposed building will not visually dominate the park nor will it block views into or through the park. The proposed development cannot be seen from Edmonton Road or any surrounding streets. Though the building would be able to be viewed from sites adjoining the park to the south, west and east, it will be set against the backdrop of existing buildings and therefore the visual impact of the proposed building will be reduced.

The size of the development results in less than 13.5% building coverage and therefore is considered to be of a size which is appropriate to the size of the park.

The application contributes to a range of facilities being made available in the park. The siting of the proposed building in a cluster with the other development on site allows retention of the majority of the park for activities which are currently enjoyed such as running, walking and other passive forms of recreation.

The character of the Park will not be effected in a more than minor way as stated in section 104(1)(a) of this report and the proposal will not have a more than minor effect on the health and safety amenity of the site or neighbouring properties.

Overall the design and siting of the proposed development will ensure that the neighbourhood character, landscape character and local area character are maintained and the proposal will not have a more than minor effect on the character of the area generally or the rights of neighbouring occupiers to enjoy their properties.

Conclusion.

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

8.3 National and Regional Guidance

The proposal is not considered to adversely affect any matters of national or regional importance. It is considered that the adverse effects arising from the proposal and the proposed mitigation are limited in significance to city wide issues.

8.3.1 National Policy Statements (s104(b)(i))

None in place at time of writing (notwithstanding the NZCPS).

8.3.2 New Zealand Coastal Policy Statement (s104 (b)(ii))

This is not considered relevant in this instance.

8.3.3 A Regional Policy Statement, or Proposed Regional Policy Statement (s104 (b)(iii))

The Auckland Regional Policy Statement became operative in 1999 (and subject to plan changes at various stages in the statutory process) sets out the broad resource management issues, objectives and policies for the Auckland Region to achieve the integrated management of its natural and physical resources. The Policy Statement functions as an umbrella policy document for environmental planning and policy development within the Region, under which the Waitakere City Operative District Plan has been prepared.

The proposed development by reason of its size and scale and matters discussed elsewhere in this report is not considered to be contrary to the Regional Policy Statement, or any Proposed Plan Change associated with this document.

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

8.4.1 Parks Assets approval.

A57

The application site is in the ownership of Waitakere City Council and as such the applicant must obtain permission from Council for the use of the site. The Waitakere Abuse and Trauma Counselling Service applied to the Henderson Community Board for permission. Community Boards are responsible for local decision making at the ward level, assessing and responding to local needs, providing input to the Council's strategic plans and annual budgets, and enhancing communication with community associations and special interest groups. The Council's Leisure Services on behalf of the applicant made submissions to the Henderson Community Board on 8th February 2007 where it was resolved that the application be subject to a Public Notification process to be undertaken in respect of the proposal to locate another building onto Lloyd Morgan Reserve, in the manner outlined in the Reserves Act 1977. The proposal was duly notified with letters sent to householders around the application site (see map attached at page A57) and a notice advertised in the Western Leader on Friday, 16th February 2007. Two submissions in opposition were received. The submission in response to the public notification process in respect of the proposal to locate an approved building onto Lloyd Morgan Reserve for the Waitakere Abuse and Trauma Counselling Service Incorporated was received by the Henderson Community Board on Thursday, 5th April 2007 where it was resolved that the Chief Executive Officer be authorised to execute a lease, to the Waitakere Abuse and Trauma Counselling Service Incorporated in respect of the part of Lot 38 of Deposited plan 37137 in accordance with the proposal approved in minute no. 164/2007, pursuant to Section 61 (2A) of the Reserves Act 1977.

8.4.2 Any other issues raised by submitters not covered elsewhere in the report

The submitter raised the issue of handing over the running of the Abuse and Trauma Counselling Service to the Government. It is beyond the scope of this report to address the issue of government resources for the running of these types of programmes. The Waitakere Abuse and Trauma Counselling Service has been running without Government intervention for 16 years and have recently been audited by Child, Youth and Family (Ministry of Social Development), and Department for the Courts who confirmed that they are meeting all of the standards set.

8.5 Any Other Relevant Non-Statutory Documents

8.5.1 Long Term Council Community Plan (LTCCP) 2006-2016

Waitakere's Long Term Council Community Plan (LTCCP) 2006-2016 sets out the nine strategic platforms and five overarching priorities which guide decision making by Council.

Of the five priorities, two relate directly to this application:

FIRST CALL FOR CHILDREN

The Vision - A city where children and youth; participate in the development of the city; play and hang out safely; have good health care, education and housing; are free from violence; develop their own cultural identity and enjoy the city's diversity; access integrated transport systems; enjoy clean air water and green spaces; are free from poverty.

Summary - This priority requires that consideration is given to the needs and rights of children in all council activities and planning, and that the Council advocates for and supports the prioritisation of the wellbeing of children.

SAFE CITY

The Vision - Waitakere City - a safe place to be.

Summary - This priority requires that in addition to formal occupational health and safety considerations, the general safety of the community is integral to all of the Council's activities and planning and that the Council advocates for and supports safety initiatives with its planning partners.

The expansion of the Waitakere Abuse and Trauma Counselling Service will provide an opportunity for both children and adults who have experienced violence to get help and support and stop cycles of abuse in families. In this way the proposal contributes to Council's commitments to provide for the health and safety of children and the creation of a safe city.

The nine strategic platforms provide the vision for what Council would ideally like to achieve for the city. These include:

STRONG COMMUNITIES

He iwi kaha

The vision - People are active, informed, healthy and content. They feel safe and there is a strong sense of community. Our city is a great place for children. We enjoy our diversity of lifestyles and people.

Summary - This platform addresses how we support the health and wellbeing of the city's residents.

- Strong communities that "connect" with (mix and understand) each other;
- A safe and supportive environment for children;
- Community safety and accessible health and support services;
- Leisure facilities and services that people enjoy;
- Library, education and information services that meet residents' needs;
- Access to appropriate housing.

GREEN NETWORK *He tuituitanga kakariki*

The vision - The Waitakere Ranges will be permanently protected. There will be a network of bush and trees, (the Green Network) from the Ranges, through town centres and suburbs, to the coasts, bringing the natural world into people's everyday lives and filling the streams and forests with life.

Summary - This platform is about caring for natural areas. The city's parks, bush and streams form a "Green Network" that provides homes and "highways" for wildlife and recreational areas for people. It also assists with managing and filtering stormwater. Protection and enhancement is sought on both public and private land, community involvement is encouraged, as is the protection of landscapes, native plants, wildlife and ecosystems, while providing appropriate recreational public access to waterways and friendly green areas throughout the city.

The proposed development will be located within the Green Network which is identified in the platform as providing a habitat and linkages for natural flora and fauna and for the recreation of people. The siting of the proposed building ensures that the character of the green network will not be significantly effected. In this way the proposal is not contrary with the Green Network Platform in the LTCCP.

The proposal aims to enhance Council's commitment to the Strong Communities Platform by contributing to a safe and supportive environment for children through the counselling service. The Waitakere Abuse and Trauma Counselling Service provides counselling and therapy for victims and survivors of sexual abuse, trauma and family violence. The service caters primarily for women and children in need and makes contributions to the community through education, counselling and therapy. The centre seeks to raise awareness of family violence and provides affordable, professional and accountable solutions to members of the community experiencing abuse. WATCS uses techniques such as counselling, individual play therapy, Keeping Safe programmes, individual psychotherapy, group work for sexual abuse survivors, Moving On group programmes and family therapy. Overall the use of the proposed building will promote Council's strategic direction under the platforms and priorities outlined in the LTCCP.

8.5.2 The Waitakere City Parks Strategy 1999 and Draft Parks and Open Spaces Strategy 2005

The 1999 Parks Strategy is the operative document for the strategic direction for parks in Waitakere City. A Draft Parks and Open Spaces Strategy 2005 has been written which has not completed the required consultation process.

The 1999 Strategy is based on the Waitakere City Council Greenprint and the Long Term Financial Strategy, which set out the broad aims for the Parks Strategy.

The Greenprint, which described the Council's strategic direction, contained a vision for weaving together social, economic and environmental goals in a holistic way, according to the principles of Agenda 21, has now been superseded by the LTCCP.

The 2005 Parks and Open Spaces Strategy provides an update of the 1999 Parks Strategy and helps to reflect the wider roles and range of open spaces in Waitakere. It clarifies issues missing from the 1999 Strategy and provides a robust structure to lead into the development of Activity Plans, development contributions and the LTCCP.

The proposal has obtained the permission of the Council's Parks Assets Department who supported the proposal through application to the Henderson Community Board and therefore it is concluded that the proposal was duly considered in respect of Parks Assets operative and draft Strategies.

9.0 PART II 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. Sections 5, 6 and 7 require that all natural and physical resources must be sustainably managed.

Sustainable management is defined as:

“Managing the use, development, and protection of natural and physical resources in a way, or at a rate which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while –

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to reasonably meet the needs of future generations; and*
- (b) Safeguarding the life-supporting capacity or air, water, soil and ecosystems; and*
- (c) Avoiding remedying or mitigating any adverse effects of activities on the environment.”*

Overall it is concluded that the proposed development is in general conformity with the Policies and Objectives of the District Plan, the LTCCP and the Parks Strategy.

The proposal will reduce the availability of a small amount of open space within the City. Parks play an important role in contributing to the image of the city and the quality of life for its residents. They enhance the well-being of the city through the provision of a variety of quality open spaces. Parks and open spaces have multiple layers providing recreation, amenity values, protecting our natural environment and sites of cultural and historical significance. Therefore the removal of any piece of this green network is an important factor in the overall coherence of the City.

However, in consideration of Part II of the Act, this application will also provide for people and communities to provide for their social, economic and cultural well being as well as their health and safety through the use of the proposed building on site as an Abuse and Trauma Counselling Service.

In a consideration of whether the proposal meets with the requirements of Part II of the Act the loss of the open space must be balanced with the gain to the community of the abuse and trauma counselling service.

This report concludes that there will not be any more than minor effects on the environment caused by the proposal and therefore the potential for natural and physical resources to sustain the reasonably foreseeable needs of future generations is assured. The proposal will not affect the life supporting capacity of air, water, soil or ecosystems and conditions of consent ensure that adverse effects are mitigated or remedied.

Overall it is considered that the use of the proposed building will allow individuals and communities to provide sustainably for their well being without reducing the reasonably foreseeable ways for future generations to meet their own needs.

It is therefore considered that the proposal would be consistent with the purposes and principles of the Resource Management Act 1991.

The proposal is not considered to adversely affect any matters of national importance nor affect Council's obligations under the Treaty of Waitangi in accordance with section 8 of the RMA.

10.0 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 repairing any damage to the building during relation and connection of guttering and down-pipes to the stormwater system.

11.0 LAPSING OF CONSENT

Under section 125 of the Resource Management Act 1991, a consent lapses either on the date that is specified in the consent or if not date is specified, 5 years after the date of commencement of the consent. It is appropriate to give a five year lapse date for this consent.

12.0 CONCLUSION

It is considered that the proposal meets the criteria for granting consent as the potential adverse environmental effects are no more than minor, there are benefits to the community from the proposed use, the proposal is in general conformity with the objectives and policies of the District Plan and is consistent with Part II of the RMA. It is considered that the planning issues raised by the submitter have been adequately addressed by the siting and design of the proposed building.

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.

13.0 RECOMMENDATION

That pursuant to Sections 104,104B, 104D, 108 and 113 of the Resource Management Act 1991, and subject to additional or contrary information being presented at the hearing, consent be **granted** to the application by Waitakere Abuse and Trauma Counselling Service to relocate a single storey building on the Open Space Environment as a new Parks Building associated with an existing abuse and trauma counselling service at 247 Edmonton Road being LOT 28 DP 37137 and LOT 38 DP 37137 pursuant to section 113 of the RMA for the following reasons:

- (i) The design, scale, height, bulk and massing of the proposed building is considered to be sufficiently in keeping with the characteristics of the existing buildings on site and the area generally so as to maintain the existing neighbourhood character.
- (ii) The siting of the proposed building in a cluster with other buildings within the park maintains the maximum amount of open space and contains the built form on site into the northern portion of the park reducing the impact of the built development on the open space character of the park to acceptable levels.
- (iii) The design and siting of the proposed building would not adversely affect nearby visual and residential amenities and the proposed use will not cause detriment to road safety.
- (iv) The use of the site as an Abuse and Trauma Counselling Service would benefit the community and would promote Council's strategic direction under the platforms and priorities outlined in the LTCCP.
- (v) Any actual or potential effects on the environment by the proposal are considered to be no more than minor and would be adequately avoided, remedied or mitigated by the conditions of consent

- (vi) The proposal satisfies the relevant objectives, policies, rules and other provisions of the Waitakere City Operative District Plan and The Regional Policy Statement.
- (vii) The proposal is not contrary to Part II of the Resource Management Act.

Consent shall be subject to the following conditions:

1. The development shall proceed in accordance with the plans titled Site Plan Sheet No. 2736 A01, Floor & Foundation Plan Sheet No. 2736 A02, Elevations Sheet No. 2736 A03, and Elevations Sheet No. 2736 A04, prepared by Graham and Keys Architects and dated March 2007 and all referenced by Council as LUC 2007 0570 and the information, including further information, submitted with the application.
2. All infrastructure relating to stormwater treatment and disposal, wastewater disposal, and water supply shall be designed and completed to the satisfaction of Council's Drainage Assets Engineer. (Compliance with the Waitakere City Council Code of Practice for City Infrastructure and Land Development is deemed to be in accordance with the above condition).
3. Pursuant to section 125 of the Resource Management Act 1991, this consent shall lapse after a period of 5 years after the commencement of the consent.
4. A consent compliance monitoring fee of \$702.00 (inclusive of GST.) shall be paid to the Council. This fee is to recover the actual and reasonable costs incurred ensuring compliance with the conditions of this consent. If, on inspection all conditions have not been satisfactorily met, a re-inspection shall be required at the relevant hourly rate applicable at the time the re-inspection is carried out.

The \$702.00 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.
5. Before commencement of any works and until completion of exposed site works, adequate sediment and erosion control measures shall be constructed and maintained by the consent holder. The consent holder shall notify Council Environmental Monitoring Officer when controls are in place. Work shall not commence until approval has been granted in writing from the Manager, Resource Consents. The control measures must be maintained until the site has been adequately stabilised against erosion and sediment-laden run off. The construction and maintenance shall be in accordance with the Erosion/Sediment Control Measures Appendix to the Natural Area Rules of the Waitakere City Council District Plan.
6. The hours of operation shall be restricted to :
Monday to Friday 8.00am - 6.00pm
Saturday 9.00 - 1.00pm
And not at all on Sundays and public holidays.
7. Any artificial outdoor lighting shall not have more than 10 lux spill (horizontal and vertical) of light as measured at the site boundary of any adjoining site and must be shielded so that light rays are emitted below a horizontal plane set at the centre line of the light source as per Rule 10 of the Open Space Rules of the District Plan.
8. Activity on site shall not exceed permitted noise levels as set in Rule 8 of the Open Space Environment Rules of the District Plan.

9. Prior to the commencement of any works on site protective fences are to be erected around trees/vegetation on site which are to be retained. This shall include the existing planting around the outside of the existing Abuse and Trauma Centre which is to be retained and not removed by this proposal. The position and type of protective fencing shall be established at a pre-commencement meeting and approved by Council's Environmental Monitoring Officer prior to commencement of any works on site. The protective fencing shall be a solid barrier which cannot be picked up and moved/plastic construction mesh/or other approved fence. The protective fence shall be at least 1.8m high and shall be retained on site until the completion of all construction works on site. Prior to commencement of works contact the Environmental Monitoring Officer fro a pre-start meeting to verify the position and method of vegetation protection.
10. All reticulated services, including power and telephone shall be provided underground.
11. Within 6 months of re-siting the relocated building, any damage to the relocated building during re-siting shall be repaired to the satisfaction of the Manager: Resource Consents.
12. Within 6 months of re-siting the relocated building, the guttering and down-pipes shall be connected to the stormwater system to the satisfaction of Ecowater and the Manager: Resource Consents.
13. A refundable cash bond of \$3,000.00 shall be deposited with Waitakere City Council to cover the possibility of damage to the building during transportation and relocation onto the site and to ensure compliance with conditions 11 and 12 of this Resource Consent. The bond shall be registered against the title pursuant to Sections 108 and 109 of the Resource Management Act 1991.

The bond shall be paid at the time of issue of the Resource consent and to the satisfaction of the Council solicitor. The consent holder shall meet any costs associated with the preparation of the bond document. The full amount of the bond shall be held until, in the opinion of the Manager: Resource Consent that all conditions relating to the relocation of the dwelling are satisfied.

The bond document shall be prepared by the consent holder at their expense and submitted to the Manager: Resource Consents for approval. The consent holder shall meet any costs incurred by the Council in preparing, checking, assessing and releasing the bond prior to repayment of the bond.

Advice Notes:

Where indicated in the conditions of consent it is the consent holders responsibility to inform the Environmental Monitoring Officer when the inspection is required. Inspections can be requested through the Call Centre on 839 0400.

