



Waitakere City Council  
*Te Taiao o Waitakere*

## NOTICE OF HEARING BY COMMISSIONERS

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

**DATE:**      Friday,              9 May 2008                              **TIME:**              9.30 am

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

to consider an application for resource consent at 31 Fitzherbert Avenue, Massey and to take any necessary action connected therewith.

29 April 2008

Emma Joyce  
**COMMITTEE SECRETARY**

Telephone (09) 836 8000 extn 8950

### MEMBERSHIP:

Commissioners:	Cr	VS	Neeson, JP (Chairman)
	Cr	LA	Cooper, JP
	Cr	WW	Flaunty, QSM, JP

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

**AGENDA FOR A MEETING OF NOTICE OF HEARING BY COMMISSIONERS TO  
BE HELD AT WAITAKERE CENTRAL, 6 HENDERSON VALLEY ROAD,  
HENDERSON, WAITAKERE, ON FRIDAY, 9 MAY 2008  
COMMENCING AT 9.30 AM**

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**1 NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE  
RESOURCE MANAGEMENT ACT 1991 BY RAMESH NARANJI PATEL TO A  
ESTABLISH A DAIRY AND MINOR HOUSEHOLD UNIT ON A SITE IN ASSOCIATION  
WITH AN EXISTING DWELLING, AT 31 FITZHERBERT AVENUE MASSEY**

**LUC 2007-1358**

**Ward: Massey**

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

**APPLICATION DETAILS**

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Planner:	Nick Pollard
Site Address:	31 Fitzherbert Avenue, WEST HARBOUR
Applicant:	Ramesh Naranji Patel
Date Received:	06-Aug-2007
Resource Consent No:	LUC-2007-1358
Building Consent No:	Not applied for yet
Ward:	Massey
Legal Description:	LOT 113 DP 79320
Address for Service:	C/- Davis Ogilvie & Partners Ltd PO Box 21738 Henderson WAITAKERE 0650
Site Area:	789m <sup>2</sup>
District Plan:	
Human Environment:	Living
Natural Area:	General
Landscape Elements:	Nil
Hazards:	Nil
Roading Hierarchy:	Local
Proposed Plan Changes:	Plan Change 18
Further Information Required:	Yes, (1) a noise report; (2) acknowledgement and assessment of the proposal against City-Wide Rule 2: Site Analysis (Plan Change 18); and, (3) Further information regarding the pedestrian catchment, Building development

Date Requested: and Design, Litter  
21 August 2007  
29 February 2008

Date Received: (1) 29 October 2007  
(2) 27 September 2007  
(3) 23 April 2008

## 1.0 INTRODUCTION AND RECOMMENDATION

### 1.1 Nature of the Application

The applicant seeks resource consent to establish a dairy and minor household unit (MHU) within an established residential neighbourhood. At present the site contains a dwelling and double garage which will be incorporated into the proposed activity. The site and adjoining sites are identified as Living Environment by the District Plan with the predominant nearby and adjoining land use being residential thereby reflective of their zoning. The proposal requires consent for yards, vegetation alteration, and earthworks in addition to a non-residential activity involving retail sales, traffic generation, car parking and signage which would also require consent. The proposal would generate in excess of 50 traffic movements per day and includes the formation of five right angle car parking spaces within the existing road reserve to provide customer parking. Proposed signage includes a non-illuminated sign on the north-eastern elevation of the proposed building measuring 1.0m by 3.0m and four free standing advertisements (sandwich boards) that measure 0.7m by 1.0m. The proposed structure would be located within the 3.0m yard setback and earthworks would be required outside the building platform with a cut to export of 42m<sup>3</sup> in order to establish car parking, service and footpath areas. Works would be required within the dripline of 1 x Silky Oak (*Grevillea robusta*) to establish a new section of footpath.

### 1.2 Resource Management Issues Raised

The Resource Management Act 1991 requires that, when considering an application for a resource consent, a consent authority shall have regard to the environmental effects of the proposed activity, together with any relevant objectives, policies and rules of the District Plan.

The significant resource management issues associated with this proposal relates to residential amenities, noise generation, parking, traffic generation and the impact of introducing a non-residential activity of the scale proposed within the Living Environment.

### 1.3 Planner's Recommendation

The planner who has prepared this report recommends that, subject to any contrary or additional evidence submitted at the Hearing, **consent be granted** to the application for the application to establish a dairy and MHU in the Living Environment which requires consent for yards, vegetation alteration, and earthworks in addition to a non-residential activity involving retail sales, traffic generation, car parking and signage which would also require consent. It is considered that the environmental effects that may be generated by the activity would be minor or could be adequately avoided, remedied or mitigated by the imposition of conditions, and that the proposal will not be contrary to the relevant objectives and policies of the District Plan.

## 2.0 LOCATION PLAN



**Legal Description: Lot 113 DP 79320**  
**Human Environment: Living**  
**Natural Environment: General**  
**Hazards: No known hazards**  
**Roading Hierarchy: Local Road**

## 3.0 PROPOSAL

The applicant seeks consent to establish a non-residential activity (dairy) with residential accommodation above. This will require alterations and additions to the existing building to accommodate these activities with the dairy at ground floor level and a MHU at first floor with an associated deck opening to the north. The new building will be attached to the north eastern elevation of the existing dwelling.

The existing dwelling is single storey and currently an open "L" shape. A two car garage is located to the north and deck area to the south in an enclosed (fenced) area related to the continuing residential use.

The retail floor area of the dairy would measure 120m<sup>2</sup> and includes staff amenity room, store room and general retail area. The proposed hours of operation are between the hours of 07.00 to 20.00 (7:00am – 8:00pm) Monday to Sunday including most public holidays.

A service court would be located adjacent to the southern elevation of the new building and north-eastern elevation of the existing building, which would be accessed off Fitzherbert Avenue, and would serve the retail element of the site. This area would be screened and secured with a colour steel fence and a *Griselinia littoralis* “Whenuapai” hedge and “moduline” visually permeable fencing. The screening element is proposed to extend along the eastern boundary to adjoin #33 Fitzherbert Avenue.

A Traffic Impact Assessment carried out by Traffic Engineering and Management Limited (TEAM) have indicated that the retail activity would generate approximately 12 vehicle movements per hour, thereby resulting in a maximum 240 traffic movements over a 24 hour period. Five parking spaces are proposed to serve the dairy; these lie within the road reserve. The existing public footpath that runs along the eastern side of Fitzherbert Avenue would be realigned to wrap around the proposed parking bays.

Associated signage includes a non-illuminated sign located on the north eastern elevation of the proposed building, measuring 1.0m by 3.0m and four free-standing advertisements (sandwich boards) that measure 0.7m by 1.0m. Total signage measures 5.8m<sup>2</sup>.

Residential occupancy of the existing dwelling would remain with additional residential capacity provided above the proposed dairy in the MHU located on the proposed first floor. Residential parking would be provided for 2 vehicles within the existing 2 car garage and a third space provided as stacked on the existing driveway from St Margaret Place. The provision of a MHU on this site, in terms of residential density is a permitted activity in accordance with the District Plan.

Earthworks are required outside of the proposed building platform and would entail 42m<sup>3</sup> of cut that would be partially located within 1.0m of the eastern boundaries, this would also extend into the adjoining road reserve along Fitzherbert Avenue and within the dripline of a protected Silky Oak tree. No retaining structures are proposed.

No arcade games or other devices are proposed.

No written approvals were provided in support of the application.

#### **4.0 REASONS FOR THE APPLICATION**

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

##### **4.1 Operative District Plan**

###### **Living Environment**

Limited Discretionary Activity consent for a building within 3m of the front yard pursuant to **Rule 6.2 of the Living Environment**. The proposed building is located within 1.2m of the northern road boundary.

Discretionary Activity consent for a non-residential activity not meeting the standards in Rule 8.1(b) pursuant to **Rule 8.2 Building Location – Privacy/Amenity: Living Environment**. The non-residential activity would not be screened from adjoining sites or the road.

Limited Discretionary Activity consent for the outdoor living court associated with the main dwelling and minor household unit not having a bearing north of between 135° and 225° pursuant to **Rule 9.2 Outdoor Space: Living Environment**. The proposed outdoor living space would have a southerly aspect.

Non-Complying Activity pursuant to **Rule 10.4 Non-Residential Activities** as the proposal introduces a non-residential activity in a purpose built building that encompasses retail sales.

Discretionary Activity Consent pursuant to **Rule 11.3 Traffic Generation (Non-Residential Activities)** as the proposal would generate traffic that exceeds 50 traffic movements per day.

Limited Discretionary Activity consent pursuant **Rule 12.3: Carparking and Driveways – Living Environment** for the provision of 5 car parks associated with a non-residential activity that is not a home occupation.

Non-Complying Activity Consent pursuant to **Rule 15.3: Signs – Living Environment** as the proposal has a maximum signage area that exceeds 0.1m<sup>2</sup> / 1.5m<sup>2</sup>. Signage proposed includes 1 x 3m<sup>2</sup> sign to be affixed to the proposed building and 4 x free-standing sandwich style signs each 0.7m<sup>2</sup> in area.

### **General Natural Area**

Controlled Activity for vegetation alteration meeting the Performance Standards contained in **Rule 2.2(a) or Rule 2.2(b) or Rule 2.2(c) or Rule 2.2(d) of the General Natural Area Rules**. The proposal would involve works within the dripline of a Silky Oak (*Grevillea robusta*) which is greater than six metres in height.

Limited Discretionary Activity for earthworks meeting the Performance Standards contained in **Rule 3.3(a) or 3.3(b) of the General Natural Area Rules**. The proposal will involve earthworks over a plan area of 165m<sup>2</sup> with a volume 42m<sup>3</sup> and within 1.0m of the property boundaries for the formation of car parks and footpaths.

## **4.2 Proposed Plan**

### ***Plan Change 18 City-Wide Urban Design Rule 2.0***

General Performance Standards The following performance standards shall apply to Site Analysis.

#### **2.1 Standards for Site:**

- (a) All applications for medium density housing, apartments, mixed use and retail development involving the construction of new buildings and additions over 100m<sup>2</sup> gross floor area must be accompanied by the following:
  - i. A detailed site and neighbourhood analysis of the area within a 400m radius of the site which documents identified future desirable character of the site and surrounding neighbourhood.
  - ii. A design response which explains how the design of the proposed development has responded to the existing and proposed neighbourhood character and satisfies the site analysis and policies and objectives of the District Plan.

The applicant has submitted adequate comment with regard to proposed Rule 2.

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

4.4 No other consents are required in respect of this application.

#### 5.0 THE SITE AND NEIGHBOURHOOD DESCRIPTION

The subject site measures 789m<sup>2</sup> and lies on the western side of Fitzherbert Avenue at its intersection with St Margaret Place. The site is roughly level. The site contains an existing single level dwelling with access provided from St Margaret Place.

Vegetation on-site includes various grass species and a mix of exotic / native species varying in size from small shrubs to trees including feijoa, loquat and a Pittosporum hedge. Protected vegetation is located immediately adjoining the site within the road reserve and consists of a Silky Oak (*Grevillea robusta*), Sweet Gum (*Liquidamber styraciflua*) and Claret Ash (*Fraxinus oxycarpa* "Raywoodii").

The site has road frontage on two of its boundaries (northern and eastern), and residential properties including #33 Fitzherbert Avenue and #4 St Margaret Place bound the remainder of the subject site. The wider surroundings are residential in nature with a clear absence of any commercial activities within this residential neighbourhood. The nearest similar commercial activities (dairies) can be found along Luckens Road, Moire Road (Fruit and Vegetable Shop) and Royal Road approximately 800m, 800m and 1300m away respectively. The West Gate Shopping Centre is located approximately 500m to the west beyond the North-Western Motorway.

#### 6.0 ISSUES IDENTIFIED THROUGH THE SUBMISSION PROCESS

A211-A549

The application was publicly notified on 16 November 2007 and the period for submissions closed on 14 December 2007. A map of all notified parties is included in Appendix Seventeen, Volume II attached at pages A548 to A549 to this report. 118 submissions were received including a petition with 106 signees, the majority of which have also submitted on the application independently are included in Volume II, Appendix Fifteen at pages A211 to A545. No submissions supported the application with all submissions opposing the application. An additional submission was received after the closing period on the 3 March 2008 from Johan Sholtz, 4 Hueglow Rise is attached at Volume II, Appendix Sixteen, pages A546 to A547.

##### Section 37 Assessment

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

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

Section 37A(2)(b) also requires that the extension of time shall not have the effect of exceeding twice the maximum period specified in the Act unless the applicant agrees. It is noted that the late submission was received 19 working days outside of the extended 40 day period (on 3 March 2008).

The late submission in opposition raises issues that for the most part have already been covered by other submissions received during the submission period. However, it does introduce an issue which is potentially relevant. The Act, however, places discretion with the applicant.

A211-A547 Please refer to Volume II, Appendix Fifteen for copies of the submissions that were received and Volume II, Appendix Sixteen for a copy of the late submission.

A548-A549 A map showing the location of the submitters is attached at Volume II, Appendix Seventeen. This shows only the immediate locality and does not include submissions from:

- G and J Hall who reside in Oratia and own 40 and 40/1 Fitzherbert Avenue;
- K Haronga of Ranui; and
- L Smith of Te Atatu Peninsula.

## 6.1 Submissions

**The submissions in opposition to the application raised the following matters (in summary):**

### General

- Proposal does not meet s104D requirements
- Proposal is inconsistent with and contrary to the Objectives and Policies of the District Plan
  - Contradiction of Policy 11.13
- Air pollution from trip generation
- Impacts of deciduous vegetation on stormwater network

### Traffic Impacts

- Effects on traffic environment and traffic safety
  - Including heavy/delivery vehicles
  - Vehicle manoeuvring
- Increased risk of vehicle incidents involving children
- Parking
  - Loss of street parking

### Neighbourhood Character

- Changes to ambience of existing neighbourhood character
- Incongruous built form
- Loss of privacy and sunlight
- Increased human activity including pedestrians
- Incongruous construction materials
- Increased light at night
- Nearby residential dwellings will have outlook adversely affected

### Retail Activity

- Retail services already within the local area provide sufficient goods

### Noise

- Increased noise
- Noise from delivery vehicles and activity at night

### Signage

- Adverse visual effects

### Litter

- Increased litter

Other (non-resource management issues)

- Property value issues
- Dietary Impacts
- Anti-social behaviour
  - Tagging and graffiti
  - Burglary
  - Within nearby parks

Late Submission

- Similar matters to those raised above; and
- Potential for future alcohol sales

**6.1.1 Organisations**

Auckland Regional Council  
Historic Places Trust  
Department of Conservation

The above organisations were notified of this application and did not make a submission.

**6.1.2 Iwi**

Te Kawerau A Maki  
Ngati Whatua O Orakei Corporate Ltd

The above iwi groups were notified of this application and did not make a submission.

**6.2 Pre Hearing Meeting**

A pre-hearing meeting was held on the 11 March 2008 with the applicants, his agent and engineer, and with 29 submitters and interested parties attending. Council Officers included the processing planner, Team Leader Resource Consents, and the Traffic and Acoustic Engineers.

The meeting was chaired by Ms. Carolyn McAlley and Ms. Caroline Fabian-Lovett (Unit Coordinator) recorded proceedings.

The meeting commenced at 5:15 pm and concluded at 8:00 pm with the following matters being considered on an agenda:

- Traffic Impact; Neighbourhood Character; Retail Activity; Noise; Signage; Litter; Anti-social Behaviour; and Dietary Impacts.

Other matters were raised that cannot be considered under the Resource Management Act that included:

- Sugar, Obesity, Cigarette sales, healthy food in schools programme.

A177-A181

No agreements were reached and a copy of the agenda, attendance list and minutes from the meeting is attached at Appendix Eleven pages A177 to A181 to this report.

## **7.0 STATUTORY REQUIREMENTS**

### **7.1 Non-Complying Activities**

The relevant policies and criteria which apply under the District Plan and the Resource Management Act 1991 are set out in more detail in sections 8.2.1 and 8.2.2 of this report. This should be referred to as the legal framework within which the application should be addressed.

As noted, the proposal requires consideration as a Non-Complying Activity under the provisions of the Resource Management Act 1991. Section 104D of the Resource Management Act 1991 sets a threshold test which all resource consent applications for Non-Complying Activities must first pass before a consent authority has jurisdiction to grant consent, having regard to the matters specified in Section 104. In short, the proposal must be able to establish and operate without generating more than minor adverse effects on the environment, or must not be contrary to the relevant Objectives and Policies of the Operative District Plan.

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

However it should be noted that for council to grant consent to a non-complying activity application there should generally be some exceptional or unusual element to the proposal. If such unusual circumstances do not exist, then the proposal would effectively compromise the integrity of the District Plan and public confidence in the consistent administration of the plan may be undermined.

Council also has discretion to consider any precedent issues that may arise for a Non-Complying Activity. According to the Court of Appeal decision in *Dye v Rodney District Council*, an adverse precedent effect can arise where the grant of a non-complying consent would influence the approach taken by Council to similar consent applications.

The District Plan has been prepared with an “effects based” emphasis, in keeping with the Resource Management Act 1991. As such, consideration of the application in relation to each of the assessment criteria relating to the various infringements would ensure that all the relevant matters contained in Section 104 of the Resource Management Act 1991 would have been addressed. In addition, a brief summary is presented below of the main effects on the environment generated by the application.

## **8.0 EVALUATION IN ACCORDANCE WITH SECTION 104 OF THE RESOURCE MANAGEMENT ACT 1991**

In order to make a decision in terms of Section 104B of the Act it is necessary to undertake an analysis and assessment to determine whether the purpose and principles of the Act are being met (Part II) having regard to the matters set out in Sections 104, 104A - 104D as relevant, the Fourth Schedule and any other statutory considerations.

Section 104(1) of the Act requires that Council have regard to any actual or potential effects on the environment, any relevant objectives, policies, rules or other provisions of a plan or proposed plan and any relevant regional policy statement and regional plan or proposed plan, and any other matters the consent authority considers relevant and reasonably necessary to determine the application.

When considering an application Council must not have regard to any effect on a person who has given their written approval to the application (section 104 (3)(b)) and may disregard an adverse effect of an activity on the environment if the Operative Plan permits and activity with that effect (section 104(2)).

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

#### **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 establishment of non-residential activities other than home occupations will require a resource consent. The proposed activity is in excess of this. As such, there are no adverse effects that can be disregarded as permitted by the Plan.

#### **Receiving Environment**

The receiving environment for the purposes of s104(1)(a) includes existing permitted activities, activities that have existing use rights and existing activities expressly authorised by resource consent

The adverse effects of a proposed activity, at this point in the analysis, will be those effects that are not already impacting upon the receiving environment.

In terms of this application, the existing activity on the subject site is reflective of its underlying Living Environment zoning and is wholly residential in nature.

The proposal by its nature will introduce an activity where actual and potential effects will be those that impact upon the receiving environment over and above the current residential activity.

#### **8.1.2 Water Quality and Quantity**

The proposed development increases the amount of impermeable surfaces on site to 51%. The subject site is reticulated and remains below 60% being the permitted level for this site. The reticulated system is designed to cater for up to 60% impermeable surfaces, no stormwater mitigation is required. Any adverse effects will be no greater than that permitted by the Plan and will not place undue pressure on both reticulated systems and the wider receiving environment.

*A153-A156*

The proposal has been assessed for Council by Robert Dethridge, Drainage Engineer who has provided his conditional approval. The proposal will increase residential activities and introduce a commercial activity to the site. Subsequently, Mr Dethridge has proposed conditions which will ensure the proposal can connect to the existing three waters network without introducing an unnecessary burden on the existing system.

Subject to Mr Dethridge's proposed conditions it is considered that there would be no more than minor adverse effects in relation to water quality/ quantity arising from the proposed activity as it would be located within the urban area of the City and would not be near a water body or stream.

#### **8.1.3 Native Vegetation, Vegetation and Fauna Habitat**

There would be no more than minor 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. Works are proposed within the dripline of a protected tree (Silky Oak) which is located on the corner of Fitzherbert Avenue and St Margaret Place and would partially screen the proposed building.

A161-163

Council's Arborist Mr Andrew Richards has assessed the proposal, providing comments and conditions, attached at pages A161 to 163, and the following is noted:

*"The only protected vegetation... affected by the works appears to be the silky oak (Grevillea robusta) located within the road reserve area outside the site.*

*This tree shall be subject to works within the dripline as a result of the footpath leading to the proposed new facility being constructed. The works are of a minor nature as they only occupy a small percentage of the subject trees dripline area. Suggested conditions of consent follow that cater for this.*

*In order to prevent works associated with the development of the site unnecessarily adversely affecting this tree and any other protected vegetation also located outside or within the site temporary tree protection fences should be erected to prevent this from occurring."*

Mr Richards's approval is considered implicit and the proposed conditions are considered appropriate and will ensure that the effects on vegetation on the subject site are minimised and that the vegetation is adequately protected from the proposed works, and will ensure the continued health and well-being of the affected vegetation and its subsequent integration within the proposed development.

#### **8.1.4 Land / Soil**

There would be no more than minor adverse effects on soil/ existing landform as a result of the proposed activity as the site is within the urban area, is not known to Council to be affected by hazards, is already modified and it is not proposed to undertake significant earthworks.

Earthworks involving 42m<sup>3</sup> over an area of 165m<sup>2</sup> (maximum cut would be 250mm) would be required to form and create the parking bays, forecourt and service court areas to serve the proposed dairy.

The proposed earthworks would generate approximately 4 traffic movements (removal of soil). The activity is scheduled to occur over a one or two day period before the area is stabilised with basecourse. The applicant has indicated that the works would be undertaken in accordance with sediment and erosion control measures contained within the District Plan.

Earthworks are required to form the parking bays and involve only minor re-grading consistent with the scale of development being undertaken. The surrounding neighbourhood has been cleared and modified through residential development. The earthworks proposed are of a size and scale consistent within this residential environment, and would be finished with landscaping, lawn and other landscape treatment within the subject site and the adjoining road reserve.

Appropriate measures, through conditions of consent, would be required to protect the long term health and well-being of the Silky Oak tree as a result of the proposed works. This tree, as noted above, provides both visual and landscape amenities that in turn would help mitigate the visual impact of the proposed works.

The proposed earthworks would result in additional traffic generation (4 movements over a 1 – 2 day period). The adjoining road network is considered of sufficient capacity to accommodate the additional traffic without detriment to highway safety.

Appropriate conditions of consent, such as sediment / erosion control measures would ensure that the environmental effects as a result of the proposed earthworks are contained within the site and are no more than minor.

The earthworks allow for the construction of parking bays, service court and footpath to serve the proposed dairy located within a residential neighbourhood. The modifications to the landform of the site are consistent with the character of the surrounding residential area.

#### **8.1.5 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**

As the site is within the urban area and the existing environment is already modified there would be no adverse effects on the stability of ecosystems as a result of the proposal.

#### **8.1.7 Outstanding Natural Features; Landforms, Geological Sites**

The subject site is not identified in the District Plan as being within an area identified as containing "outstanding natural features" within the City (refer Maps 3.5D & E). The proposed activity 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 adverse effects in relation to the natural character of the coast and margins of lakes, rivers and wetlands arising from the proposed activity as it would be located within the urban area of the City and would not be near the coast, 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 proposed activity would not adversely affect any identified outstanding landscapes.

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

Amenity Values are defined in 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 District Plan also defines Amenity Values as follows:

*"These are those natural and physical characteristics of an area that contribute to people's enjoyment of it ..."*

The District Plan also provides a definition of Neighbourhood Character:

*"Neighbourhood is that small local area, usually the same number of streets around a dwelling or workplace, that a person identifies with and knows most"*

*thoroughly of all parts of the City. Usually people have strong sense of belonging and place associated with a neighbourhood. It is the most localised, personal and intense expression of the relationship or people with their environment.*

*Such neighbourhoods reflect the general amenity values of the surrounding landscape or local area but have distinctive versions of those general features that allow inhabitants to see them as unique and special. This is a neighbourhood character that defines a neighbourhood as unique. Often the particular streetscape contributes strongly to the local neighbourhood, although it is personal perceptions of residents that ultimately define the nature of that neighbourhood.”*

The proposal introduces a non-residential activity within a predominantly residential neighbourhood. As a consequence, actual and potential effects can be tangible or intangible. Tangible effects include:

- the potential for increased noise, odour, nuisance and traffic generation;
- visual presence of car parking;
- overshadowing and loss of privacy.

Intangible adverse effects may include:

- loss of residential coherence and isolation from residential neighbours; and
- a perception that the character of the neighbourhood is changing and in decline.

The submissions on this proposal identify the existing natural and physical qualities and characteristics of this neighbourhood and their importance to the community.

- **Visual Amenities of the Site and Locality**

The subject site and its surroundings are dominated by residential dwellings. Existing buildings and structures are of a size, scale and design compatible with the suburban residential character.

The existing environment is considered to be broadly defined as a residential neighbourhood, without any notable commercial activity within 500m of the subject site.

Other land use activities in the immediate vicinity include open space in the form of reserves and the transport network of roads and footpaths. The West Harbour Primary School is located approximately 200m to the south east of the subject site and can be accessed from Hueglow Rise. The built environment is dominated by dwellings and ancillary buildings such as garages.

Little infill development has occurred near the subject site except for the insertion of MHU's which are noted at #26, #40, and #52 Fitzherbert Avenue, #2 Ballial Place, #26 Hueglow Rise and #21 St Margaret Place. The majority of buildings are constructed from hardiplank style cladding, aluminium joinery and tile roofs and are typically single storied, it should be noted that there is a distinct level of variety within the neighbourhood varying roof design, house positioning and materials. Some 2 storey buildings are evident. The placement of MHU's and garages have been positioned within the front yards providing a varied set back. Numerous different boundary treatments are also present within the street and include a variety of fencing types painted and unpainted, picket and close boarded, and no fencing. The net effect is that the built environment of the immediate neighbourhood can be considered to be mixed in built form.

The proposal introduces a non-residential activity to the neighbourhood and increases the intensity of residential activities on the site.

The existing dwelling on the site is to be extended with the addition of the two storey building with the dairy located on the ground floor and a MHU located in the upper storey. The structure would bring the built form to within approximately 3m of the road boundary adjoining Fitzherbert Avenue. The extension would also increase the building coverage by approximately 120m<sup>2</sup> plus a further 10m<sup>2</sup> for the entry canopy. Hardstanding would be extended immediately to the front of the building to accommodate parking and pedestrian access. This would replace the open grassed frontage.

The extensions are of a size and scale in keeping with the original residential nature of the building and the wider residential setting notwithstanding its intended use.

The purpose of the development is to allow for the establishment of 120m<sup>2</sup> ground floor retail activity with retail frontage. The retail frontage introduces a non-illuminated sign located on the eastern elevation, hardstanding to accommodate parking and pedestrian access, four freestanding (sandwich) advertisements, and litter bins. These aspects will inevitably change the character and appearance of the building and the subject site which by its nature and purpose would be visible when viewed from Fitzherbert Avenue and St Margaret Place.

The residential dwellings opposite (#29, #34, #36, #38, #40 Fitzherbert Avenue and #3 St Margaret Place) are separated by 20 - 30m, located at the same level or slightly above the subject site with clear views of the proposed activity including entry/egress and parking areas. #17 Flaunty Place will have a clear view of the proposed activity from its elevated position between buildings. Other residential dwellings in the locality would have limited and distant views of the dairy's frontage in the context of this built-up residential environment. It should be noted that given the orientation of the proposed shop front that an 'oblique view' will be obtained from nearby residences thereby further reducing visual impacts of the proposed retail activity.

Plans provided with the application have demonstrated that the proposal can comply with District Plan bulk and location controls excluding the yard infringement. Conditions will be imposed to ensure that the proposal if built can comply with these aforementioned controls to ensure that the structures do not adversely affect any adjoining residential site or detract from the amenity of any adjoining site with regard to physical domination, shading and daylight access.

The orientation of the proposed dairy is towards the intersection of Fitzherbert Avenue and St Margaret Place. The siting of the retail frontage in combination with trees located within the road reserve, which are to be retained will limit views from residential properties located to the north.

Opportunities for screening to the east are limited and as such residential properties have a clear view of the proposed activity, including parking area and the service court. This will, however, be seen in the context of the existing roading network.

The retail frontage, set back approximately 3.0m from the boundary will be prominent in the streetscene, however it would not introduce an incongruous structure out of character, given its sympathetic design and it is considered that the built form will blend with its residential surroundings.

Additional hardstanding associated with the retail activity would be softened by the retention of existing vegetation that encloses the Fitzherbert Avenue and St Margaret Place elevations. This would further reduce the visual impact of development and helps integrate the development into this residential environment.

Construction materials include the application of brick veneer, fibre cement weatherboards and concrete tile roofing. Fencing materials include visually permeable pool style and coloursteel fencing. These elements are considered to be typical of other modern residential developments and do not introduce elements which could be considered incongruous within the context of the existing residential neighbourhood.

Submissions have raised the impact of additional lighting associated with the activity. No signage will be illuminated as part of the proposal, the enclosure provided by existing vegetation would reduce the visual prominence of the signage. It is considered that the signage is consistent with the scale and character of the proposed use of the site.

The design of the proposed building has also considered the potential of light generation from within the shop, subsequently the design features minimal windows to narrow the opportunity for light pollution in the street. Windows and doors are provided at the entrance to maintain security and opportunities for street surveillance. The proposal includes the provision of a sensor light to be located at the entrance of the proposed dairy beneath the entry canopy the effects of this light is considered to be no more than those generated by similar lights on residential properties and will not cause nuisance beyond the subject site.

A164-A167

Given the location of the proposed non-residential activity within a residential neighbourhood, the applicant has proposed landscaping as part of the development. Council's Landscape Architect, Mr Gordon Griffin has assessed this aspect of the proposal and provided comment and conditions and concludes:

*"In general, I consider the local neighbourhood dairy to be an appropriate item, of residential scale and character..."*

Mr Griffin's proposed conditions include further provision for planting to ensure that the built form can integrate into the landscape and include detailed instruction regarding the treatment of garden beds to ensure the long term sustainability of the proposed planting.

Mr Griffin has also included a condition requiring the provision of, and location for bicycle parking, this is considered appropriate and shall be imposed as a condition of consent. In addition the proposed Kowhai tree as recommended by Mr Griffin will further screen and improve the perceived relationship between the car parking and #33 Fitzherbert Avenue.

The activity would be served by five car parking bays that would be formed within road reserve (Fitzherbert Avenue) along the eastern boundary of the subject site. These spaces would be located away from any area currently used as carriageway. As a result of submissions and matters raised at the pre-hearing the applicant has moved the car parking forward leaving further separation between car parking spaces and the active carriageway. It is considered that the proposed parking area would be visually compatible within the existing neighbourhood and the adjoining road network. The hardstanding areas would be attractively finished to Council standard and nearby planting, existing and proposed would reduce the visual effects and containing them within the subject site.

The proposed activity by its nature, scale, size and location of the activity is considered to affect the visual and landscape amenities and the character and appearance of this residential neighbourhood by a minor extent. While introducing change, the proposal is in keeping with this modified residential neighbourhood and the proposal would not significantly detract from the visual amenities of the site and wider locality.

It is noted that while the proposal is not considered to have significant visual impact on the locality that it could potentially create other effects on amenity values and that these could individually and cumulatively have an adverse impact on the neighbourhood character of the area. These effects include noise, litter, glare, traffic generation (both pedestrian and vehicular) and other potential sources of nuisance.

- **Neighbourhood Character**

The surrounding neighbourhood is dominated by residential dwellings. This provides the predominant characteristic in the locality. Submissions received have identified strong sentiments regarding the neighbourhood character and provide insight into the perceptions residents have of the local environment and further how the proposal may undermine and erode the character of this established neighbourhood.

The introduction of a commercial activity would potentially change the nature of the surrounding residential area by providing a neighbourhood of more mixed character where retail development has the potential to conflict with the established residential character.

### Noise

Potential sources of noise, other than construction, includes vehicle noise, people at the facility, pedestrian traffic, opening / closing doors, engines starting and car stereos, etc.

The proposed non-residential activity seeks to operate between the hours of 07:00 to 20:00 and also excludes service vehicles making deliveries outside of these times.

Traffic generated by the retail element of the proposal (when taken from the proposed opening hours of 07:00 to 20:00) would measure approximately 156 traffic movements and equates to 12 traffic movements per hour, such activities will be concentrated along the Fitzherbert Avenue frontage in light of the proposed parking arrangements.

The expected increase in traffic between the hours of 07:00 and 20:00 associated with this small-scale retail operation in conjunction with the separation of the site from residential sites is considered to be of a scale compatible with the character of the surrounding neighbourhood

The subject site is bordered on its eastern and northern boundaries by road with residential properties beyond, #33 Fitzherbert Avenue and #4 St Margaret Place physically adjoin the subject site. The proposed non-residential activity would be located within a suburban residential neighbourhood, physically separated from the adjoining residential properties by the existing dwelling and its garden and lawn area. The road and gardens thereby provide a buffer between the retail and residential uses.

The applicant has provided a noise report which concludes, “...that the operation of the proposed dairy would be carried out in a way that maintains the characteristic noise levels of the surrounding Living Environment.” The proposal can meet the noise standards contained within the District Plan given the nature and setting of the activity. A condition of consent would be required, that requires the activity to be in accordance with the noise standards of the District Plan in order to protect nearby residential amenities.

A168-A170

It is noted that the Acoustic Report provided in support of the application recommends that the existing 1.8m high timber paling fence along the southern of the site shall be upgraded to a 1.8m high acoustic fence – timber board and batten or equivalent with no gaps between panels or ground – and extend to the south eastern corner of the site boundary to provide partial screening from the proposed parking spaces, this is considered appropriate and will be imposed as a condition of consent.

Given its mixed-use status, residential occupancy would be retained over a 24 hour period that would allow an on-site presence between 20:00 and 07:00. It is considered that the proposal can meet the required noise standards as would be required by condition.

The hours proposed lie outside those that are identified as the most sensitive in a residential environment, and acknowledged by a lower permitted noise level. The proposal therefore is not considered to detract from the ability of the residential occupants of neighbouring residential buildings to achieve uninterrupted and adequate levels of sleep. Any effects within daytime hours will be within levels permitted by the Plan thus avoiding the undermining of residential coherence.

### **On-Site Parking**

The proposed non-residential activity would be served by five car parking bays that would be formed within road reserve (Fitzherbert Avenue) along the eastern boundary of the subject site.

There are no parking standards contained within the District Plan with respect to the proposed activity. Council's Parking and Driveway Guidelines (October 1997) specifies a minimum 1 space per 30m<sup>2</sup> for dairies. A disabled space is required in accordance with the Building Code. On this basis, a minimum of 3 spaces would be required.

The 90° angled parking bays would not enable vehicles to leave the site in a forward gear, therefore, vehicles would be reversing onto Fitzherbert Avenue. Sight distances at the intersection exceed 100 metres in all directions. This exceeds the approach sight distance for urban conditions where the 85<sup>th</sup> percentile speed is 51km/h. The Traffic Impact Assessment<sup>1</sup> provided by the applicant considers that these sight distances would enable traffic to move in and out of the proposed parking on Fitzherbert Avenue without causing a traffic hazard.

The application has been reviewed by John Carroll, Council's Roading Engineer, who is satisfied with the contents of the Traffic Impact Assessment. The proposed parking arrangement is considered appropriate to accommodate expected peak demands for the on-site activities for both the retail and residential uses of the property without resulting in a proliferation of off-street parking, and sufficient sight distances are available to allow customer and service vehicles to reverse onto Fitzherbert Avenue without detriment to matters of road safety or the free flow of traffic.

The proposal will not adversely affect access /egress of nearby and adjoining residential properties given the width of the carriageway, the available visibility and proposed traffic controls. The proposal is not considered to adversely affect the functioning of Fitzherbert Avenue and adjoining roads.

The proposal involves the provision of an additional car parking space to be located on the existing driveway accessed from St Margaret Place, this stacked space will meet the needs associated with the MHU in accordance with the District Plan. Residential parking would be kept separate from parking associated with the retail activity.

### **Traffic Generation (Road Safety)**

The introduction of a retail activity, in combination with an existing residential use would result in increased traffic generation. The Traffic Impact Assessment notes the following:

*"To assess the potential traffic generation of the Dairy, the traffic generation rates for neighbourhood shops located in small suburban centres published in the Waitakere City Council Parking and Driveway Guidelines have been used..."*

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<sup>1</sup> "Proposed Dairy, 31 Fitzherbert Avenue, West Harbour, Traffic Impact Assessment" Prepared by P. Soo and A.M. Hopkinson of Traffic Engineering and Management Limited and dated June 2007

[The] rate is equivalent to one vehicle visiting the car park area every 5 minutes during the PM period.

*It is considered that a proportion (say 25% conservatively) of these trips will be pass-by trips. Being a local dairy it is expected that many of the people who stop will be residents within the vicinity who will pass the dairy at some stage of their present daily travel. On this basis, the actual additional trips generated by the dairy is likely to be in the order of 9 extra vehicles per hour using Fitzherbert Avenue during the day and in the PM peak period.*

*Based on a conservative trip estimate of 25% pass-by trips, the additional traffic generated by the proposed dairy is not expected [to] have any significant traffic impact on Fitzherbert Avenue, and a possibly higher percentage of pass-by trips would mean even fewer additional vehicles.”*

A157-A160

It is acknowledged that the proposal would generate additional traffic over and above that normally associated with a residential property. The application has been reviewed by Council's Roding Engineer Mr John Carroll. Mr Carroll is satisfied with the contents of the Traffic Impact Assessment and considers that the additional vehicular traffic generation can be easily accommodated by the existing road infrastructure without adversely affecting its function, capacity and safety.

An extension to Fitzherbert Road has been identified as a future connection that would cross Hobsonville Road onto Trig Road, such a connection is considered to be likely to increase future traffic flows on Fitzherbert Avenue and an additional linkage is proposed connecting Oriel Avenue to Westgate Drive over the North-Western motorway as a future connection. This connection will also offer an alternative route for vehicles to the Westgate shopping centre and some of that traffic may use Fitzherbert Avenue.

As referred to above, sight distances exceed 100m in all directions. The proposed siting of the dairy along the Fitzherbert Avenue frontage where traffic speeds are already slow would not compromise pedestrian safety.

The nature of the activity in the context of its residential surroundings would generate pedestrian traffic. To retain appropriate pedestrian and roading access along Fitzherbert Avenue, Council's Roding Engineer recommends conditions to ensure that the parking and pedestrian areas are constructed in accordance with the Waitakere City Council's Code of Practice for City Infrastructure and Land Development.

The proposal has been assessed by a traffic engineer with regard to trip generation and pedestrian count studies<sup>2</sup> and the applicant has offered information from a similar operation located at #96 Sunvue Road which demonstrates a significant proportion (41%) of customers walk to the local shop and highlights the inclusion of such activities enhance the development of walkable neighbourhoods. It should be noted that assessment was made with regard to the need for a pedestrian crossing, in light of the proposed activity and the proximity of West Harbour Primary School which can be accessed from Hueglov Rise. Transport Assets considered that given the existing traffic environment and the scale of the proposed use, the proposal does not meet the threshold set by the warrant for requiring an additional pedestrian crossing. It is considered that the proposal does not introduce an activity which adversely affects pedestrian or cycle safety.

The additional vehicular and pedestrian traffic generation can be easily accommodated by the existing road infrastructure without adversely affecting its function, capacity and safety.

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<sup>2</sup> "Proposed Dairy, 31 Fitzherbert Avenue, West Harbour, Supplementary Traffic Impact Assessment" prepared by A.M. Hopkinson of Traffic Engineering and Management (TEAM) and dated April 2008

## Surveillance

The proposal will generate increase levels of activity within the street around the junction of Fitzherbert Avenue and St Margaret Place with additional vehicle movements, pedestrians and passive surveillance from proposed dairy operators and future residents, the net effect of this increased activity will provide improved opportunities for surveillance and this is considered to be a positive effect on the neighbourhood.

A171-A173

The submitters have raised the issue of attracting anti-social behaviour around the proposed activity. The proposal has been reviewed by 'Safe Waitakere'. Safe Waitakere's principle focus is on implementation of the City's Safety Strategy which includes the prevention and reduction of crime. Therefore the proposal has been reviewed by Mr Michael Alofa – Crime Prevention Project Leader – who provided comment and recommendations (attached as *Appendix Nine*) which were provided to the applicant for their consideration to be incorporated where upon the following changes were made:

- Relocation of the counter to provide observational opportunities of the internal shop and the street.
- Glass panels either side of the door to provide suitable visual contact with the street.
- Repositioning of the proposed planting to avoid providing hiding places

Conditions considered appropriate are the treatment of surfaces with "Graffiti Guard" to allow for the easy removal of tagging and other graffiti and the ongoing management of vegetation to ensure adequate sightlines; these shall be imposed as conditions of consent. In addition, to ensure that the proposed windows either side of the entry/exit retain their potential for surveillance a condition shall be imposed which will control the use of opaque films, stock and signs and ensure that the potential for eye contact can be retained from people inside the shop and individuals on the street outside.

It should be noted that for the most part Massey is relatively safe and the Scoping Study for Waitakere City Council Massey Community Project noted that:

*"Local police data however does not reveal Massey to be an area where there is a high crime rate and rates of violence and drug incidents are comparable to other parts of Waitakere City... Some interviewees provided anecdotal evidence to support this, remarking that it was a good safe area – they could walk around the streets and feel safe and did not lock their car when they went to shops in Massey."*<sup>3</sup>

The dairy is considered on balance to improve neighbourhood safety with regard to anti social behaviour by providing a mixed use activity that will introduce a community focal point, encouraging activity in the street and improves opportunities for passive surveillance from the shop operator and its customers. The majority of customers would be from the local community and the shop may increase the informal community connections by increasing the opportunities for local residents to meet.

## Litter

The proposal has considered the generation of litter and proposed that a litter bin be located at the entrance to the proposed dairy, however submissions have raised that the proposal will generate additional litter within the residential neighbourhood. Subsequently the applicant has entered into consultation with Mr Dick Fong of Council's Solid Waste Department although no outcomes from this consultation are evident.

<sup>3</sup> "Scoping Study for Waitakere City Council Massey Community Project" prepared by Kim Conway, Karen Witten, Lanuola Asiasiga and Hector Kaiwai of The Centre for Social and Health Outcomes Research and Evaluation and Te Rōpu Whāriki dated May 2006

In order to ensure that litter generated from the proposal is adequately controlled, a condition will be imposed requiring a 'Waste Management Plan' to be provided to Council's satisfaction, should the proposal be approved. The waste management plan will include the frequency emptying of litter bins including regular washing and on- and off-site collections to collect litter generated by the proposed activity on the site and road reserve.

### **Town Centre Viability**

There is a desire for the town centres in the City to become or remain vibrant areas where people can go and carry out their shopping needs with associated land uses such as parking contained in one area. Retail activities outside of town centres can potentially result in a fragmentation of retail activities, duplication in parking (as people are required to drive rather than walk) and potentially cause adverse social and economic effects by causing a significant decline in amenity in town centres.

While there is an emphasis to encourage retail activities into town centres, there are situations where certain types of retail activities would be appropriate in alternative locations. This includes local shops serving the convenience needs of residential neighbourhoods.

The subject site lies within a residential neighbourhood with the nearest Community Environment – where retail activities are provided for, being Westgate Shopping centre located 500m from the subject site. Other Community Environment sites featuring established retail activities outside an existing town centre includes local convenience stores at Luckens Road (800m) and the Royal Road Shopping centre (1200m). It should be noted due to the nature of the road network established retail locations aforementioned are located in excess of 1000m from the subject site when approached over the road network.

The purpose of the use is to provide a convenience shop for local residents. As a dairy, it is unlikely to serve a wider purpose or generate vehicle trips outside of the immediate neighbourhood, or detract significantly from the viability or customer base of the nearby Westgate Shopping Centre and other nearby Community Environment sites.

The proposed development would introduce a retail floor area of 120m<sup>2</sup>. Given the nature, size and location of the proposed retail activity the integrity of nearby town centre(s) would not be adversely affected.

Discussion above has centred on traffic generated by the proposed activity, by their nature, dairies of the size proposed primarily serve the local community and given the absence of similar facilities in the locality, local residents are likely to walk to the premises rather than driving to the nearest facility. Therefore, while traffic may be generated by this activity, it would reduce vehicle trips that currently occur whilst also providing a community facility.

### **On-Site Amenity**

The proposed living court serving both the existing dwelling and the proposed MHU will be located with an orientation to the south. In addition the positioning of the new structure will result in the loss of windows for bedrooms 1 and 2 and skylights are proposed for ventilation.

It is considered that the site still maintains sufficient outdoor living areas which will provide adequate opportunities for outdoor activities and recreation; and adjoin the living areas of the dwelling allowing future occupants' access. Public space is provided within a short distance (within 200 metres) of the dwelling in the form of Flaunty Reserve and St Margarets Park, which is suitable for outdoor recreation and could meet the needs of present and future residential occupants.

With regard to Bedrooms 1 and 2, it is considered that the future inhabitants will have sufficient access to light and air and that the proposal will not compromise their access to these necessary components of a dwelling.

Overall, it is considered that the proposal with a living court that does not meet District Plan requirements would result in a negligible effect on the occupants' health and wellbeing, and the proposal would increase the pressure on local public outdoor space by no more than a minor amount.

### **Construction Effects**

As discussed earlier, sediment and erosion control measures would be required to ensure earthworks are contained within the site. Should any soil / spoil be spilled or deposited on the street, the applicant would be required to remove it at their expense.

Construction Noise, as indicated by the applicant would be in accordance with NZS 6803P:1984 'The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work'.

Effects would be temporary in nature only and localised only to the subject site. Such effects would be adequately avoided, remedied, or mitigated by the conditions of consent, and are therefore considered to be no more than minor.

The inclusion of a non-residential activity within a residential neighbourhood is noted as being potentially beneficial providing increased activity within the street and includes opportunities for passive surveillance; the majority of customers would be members of the community. The retention of residential activities, and their expansion over the proposed dairy would ensure that safety and the perception of safety would be retained after closing hours within the street environment.

Overall, the proposed development by its nature, scale, size and location is considered to introduce an activity whilst not envisaged within this Living Environment its actual and potential effects including but not limited to noise, traffic generation, and car parking are considered to be no more than minor in nature.

#### **8.1.11 Heritage**

There would be no adverse 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**

In accordance with Section 104D(1) of the Act, it is considered that overall and subject to the recommended conditions, and on balance in light the submissions on this proposal which identifies the existing natural and physical qualities and characteristics of this neighbourhood and their importance to the community, any adverse effects of the proposed activity on the environment would be no more than minor. Conditions will ensure that the effects on the environment with regard to water, vegetation alteration and earthworks are less than minor, minimised and/or confined to the site.

Further to neighbourhood amenity values and local character, it is noted that effects arising from the proposal including visual amenity, noise, privacy, litter, traffic generation and parking would be of a scale appropriate to ensure that the proposal did not compromise people's appreciation of the pleasantness, aesthetic, coherence and cultural and recreational attributes of this modified residential environment.

It is considered that the proposed dairy has been appropriately designed and located. The effect of the proposal on the transport environment is deemed to provide adequate safe access and will allow the continued use of the road network without detriment to vehicles or pedestrians. Noise has been assessed and independently reviewed and the proposal is considered to maintain the characteristics levels of noise noted within this residential environment, and will not create noise over and above that permitted by the Plan.

It should be noted that the assessment above considers the effects in isolation; however, the definition of *effect* within Section 3(d) of the Act also refers to;

*“Any cumulative effect which arises over time or in combination with other effects – regardless of scale, intensity, duration or frequency of the effect...”*

All of the effects above are intrinsically linked, and on reflection in this instance the effects of the proposal are cumulatively considered to have no more than a minor effect on amenity values and the activity introduces positive effects. Therefore, it can be considered that the proposal will not detract from residential coherence nor give rise to the perception that the neighbourhood is changing and in decline.

The built form maintains the characteristic components of the surrounding environment and does not introduce an activity which could be considered to be incongruous within the established neighbourhood fabric. The proposal would not adversely affect any adjoining site with regard to bulk and location, ensuring that adjoining sites maintain solar access and privacy.

In addition, the proposal would provide for local residents the opportunity to buy convenience goods in close proximity to their homes, and potentially reducing their reliance on private cars for this purpose.

The dairy may potentially become a community focal point providing opportunities for informal meeting of local residents and the opportunity for information exchange, it would also increase the opportunities for passive surveillance on the street and increase pedestrian traffic thereby contributing to providing a safer environment for all nearby residents.

It is noted that numerous submissions have been received which centre around the amenity of the locality and its associated neighbourhood character and the detrimental effect that will ensue. The proposal will undoubtedly change the character of the surrounding environment. The size and scale of the activity has regard to its predominantly residential context, and responds accordingly. The change in character will not undermine the amenities currently enjoyed by neighbouring and nearby residential properties. The proposal may also contribute in a positive way to the nature and functioning of this established residential neighbourhood.

As noted above the conditions of consent would further control aspects such as noise and signage, and ensure that other mitigation measures would be appropriately undertaken and maintained.

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

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

### 8.2.1 District Plan Objectives, Policies and Assessment Criteria

A201-A210

Part 6 of the District Plan contains an explanation of the Strategic Direction of the District Plan. Section 6.2.6 identifies that *“non-residential activities generate a much greater range and intensity of effects than residential activities.”* And goes on to note:

*“In addition, the very nature of non-residential activities can create impacts on an environment which is essentially residential in nature. In these areas, the presence of non-residential activities can have an impact on the amenity values and character, purely because of their inherent difference to residential activities. Cumulatively, non-residential activities can affect surrounding residential character and fragment a residential neighbourhood to the point that it becomes unsafe. In addition, non-residential activities often take place in buildings that are different in scale, form and style to surrounding dwellings. One effect can be the domination of surrounding properties. Non-residential activities can involve large areas for parking and storage that detract from an area.”*

This is intended not exclude non-residential activities, but to carefully managed them so that they are established in a way that is in keeping with the surrounding area. This includes taking account of traffic generation and noise that must be in keeping with the generally residential nature of the area.

Therefore in considering this application, which whilst providing for a greater mix of activities within the established environment, its effect on the associated threshold must be contemplated, that is related to the character and amenity of this predominantly residential area. This sets the framework for the subsequent objectives and policies of the District Plan.

Part 5 of the District Plan contains the objectives, policies and methods by which the effects of activities on natural and physical resources are to be managed. The majority of the objectives and policies are focused on managing the effects of activities on the natural environment, including water, native vegetation and air. The objectives and policies that relate to the built environment focus on the effects of activities on amenity values.

The District Plan assessment criteria have been developed to address the issues covered in the objectives and policies and are a useful guide in assessing the effect of an activity. Both the assessment criteria, objectives and policies are discussed below under the headings; Visual Amenity/Neighbourhood Character, Residential Amenity, Parking and traffic generation, Vegetation, Earthworks and Site Analysis. Reference numbers for the relevant assessment criteria, objectives and policies are set out at the beginning of each section and cited where relevant within the body of discussion. The full assessment criteria, and relevant objectives and policies are attached at *Appendix Seventeen*.

- **Visual Amenity/Neighbourhood Character**

Objective: 11

Policy: 11.3, 11.8, 11.10, 11.11, 11.17

Assessment 10(a) – 10(d) Non-residential activities; and,

Criteria: 15(a) – 15(c) Signs.

Human communities, and individuals that make up these 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.

The Ministry of the Environment considers amenity as a resource management issue compromising of two components – attributes; and, perceptions and expectations. Attribute factors are able to be measured and are tangible and the effects are able to be seen such as dust and noise whereas perceptions and expectations are based on the individual and what they consider to be residential amenity. Management of those two components is essential in order to protect the environment as well as allowing development to occur.

The separation of activities has occurred largely because of past planning controls and because the resulting amenity of these areas is the result of regulation. Allowing a greater mix of activities at local level would contribute to a reduction of vehicle trips and associated adverse affects on amenity. However, such a change must be carefully managed so that the mix of activities contributes to the enhancement of local neighbourhoods, and does not undermine their amenities.

Objectives and policies seek to protect those aspects that are particularly valued by the community, but that does not mean that change cannot occur in that there are opportunities for flexibility and change that allows an area to evolve and respond to changing circumstances.

Objective 11 and the associated policies listed above relate to the protection of amenity and neighbourhood character of various environments of the City which are particularly valued by the community and recognise the varying character of the City. It should be noted that Objective 11 is not concerned with maintaining the total landscape as it currently exists. That is, while those elements and characteristics might be protected, there is also considerable opportunity for change and flexibility that allows each area to evolve and respond to changing circumstance, albeit within a framework of what people value.

Policy 11.3 details configuration and positioning of buildings to ensure that they contribute to streetscape and neighbourhood character and it is noted that the proposed building will provide additional opportunities to overlook the street providing passive surveillance. The building will be positioned abutting the footpath and eastern boundaries which whilst unusual with regard to a dwelling in this location would be typical of other dairies located in residential areas within the City. The proposed building as previously stated complies with bulk and location rules (excluding the yard infringement) and would not introduce a structure which physically dominates adjoining sites reducing off-site amenity or detracting from the qualities associated with this established residential neighbourhood.

The proposal by its nature requires additional on-street parking to serve the retail development and as such cannot comply with Policy 11.10 given that parking areas cannot be screened from nearby residential sites. However given the separation, the orientation of the existing buildings and the proposed building, the retention of existing vegetation and proposed planting will collectively narrow the effects of the proposed development and minimise the impact on adjoining residential amenities.

Signs associated with the proposal would be located on the proposed building and would not project beyond the outline of the building. In addition, this sign would be in part screened to the north by the location of the protected Silky Oak tree located within the road reserve. Additional signage is proposed in the form of sandwich boards which will be positioned outside the shop whilst open. The net effect of the signage associated with the proposal is that it is of a minor nature, not obtrusive in the context of the existing street character.

Policy 11.17 notes that retail activities should be managed in a way that is balanced within the context of the surrounding neighbourhood. The proposal will have a positive effect on the walkability of the neighbourhood and provide alternatives for nearby residents to obtain convenience goods on foot or within a short drive of their homes. The proposal does not detract from any nearby town centre (existing or proposed) and ultimately this mixed use development can be considered to positively contribute to the neighbourhood. The proposal will not compete with other convenience stores given their physical separation.

Significant analysis has been undertaken of the Massey Ward relating to social infrastructure issues in recent times by Council and the following is accepted regarding the development of this part of the City:

*“Massey is the largest ward in Waitakere City. It has developed incrementally as a residential location since the construction of the North Western Motorway in 1952. Urban fringe developments transformed farmland and orchards into housing subdivisions and neighbourhoods for families. Massey was initially established during an era in which car dependence and cheap fuel were assumed and many of the characteristics of the area such as distances to services, amenities and workplaces, and low street connectivity are consistent with urban design trends of the time.”<sup>4</sup>*

A174-A176

Consultation was undertaken with Council’s Social Infrastructure Team, with comment received from Mr Andrew Wood (Social Infrastructure Planner) in a memorandum dated 9 April 2008 and the following comments are noted:

*“The Social Infrastructure Planning Framework for Waitakere City was updated and endorsed by Council in June 2007 – The Framework was developed to focus on actions to improve planning for social infrastructure in the City.*

- *Corner shops/Dairys are viewed as social infrastructure as they contribute to social interaction acting as a focal point at a Local/neighbourhood level shops are important for individuals with limited accessibility to other facilities.*
- *The Framework, based on existing levels of provision, suggests there should ideally be one Corner shop/Dairy to serve a population of c 2000 people and in terms of accessibility should be within walking distance of the local neighbourhood –between 400m – 800m ( between 5 – 10 minutes walk) as a guide.*
- *There is a lack of Corner shops/Dairies within walkable distance within West Harbour”*

With regard to these comments it is noted that the proposal is considered appropriate in the context of building stronger communities and social networks within the locality. In addition, a shop of this scale in this location can reduce the need for reliance on private automobiles. The proposed shop is ideally sited with a clear area of 400 m from any other convenience shop.

The net effect of the proposal on visual amenity /neighbourhood character would be to provide a convenience store to serve the wider community and whilst minor effects may be introduced on nearby residents the proposal would aid in the formation of a walkable neighbourhood. Any effects introduced can be mitigated by conditions of consent such as litter and noise. The building design is appropriate within the locality and does not

<sup>4</sup> “Scoping Study for Waitakere City Council Massey Community Project” prepared by Kim Conway, Karen Witten, Lanuola Asiasiga and Hector Kaiwai of The Centre for Social and Health Outcomes Research and Evaluation and Te Rōpu Whāriki dated May 2006

introduce a structure which could be considered incongruous within the context of the neighbourhood, with the presence of landscape treatment including planting and hard surfacing. It is considered that the proposal does not significantly detract from the qualities of this established residential neighbourhood. Where car parking areas cannot be screened from the adjoining sites there is adequate separation to minimise effects on adjoining sites and given the nature and limited location of proposed signage it is considered to be appropriate in relation to the proposed activity.

The proposed dairy may become a neighbourhood focal point and would not introduce an activity which significantly in itself increases anti-social behaviour but rather would increase activity on the street and forges the potential community connections thereby reducing the potential for anti-social behaviour.

- **Residential Amenity**

*Objective:* 10

*Policy:* 4.7, 10.2, 10.3, 10.6, 10.17, 11.12, 11.13, 11.18, 11.27

*Assessment* 6(a) – 6(d) Yards;

*Criteria:* 8(a) and 8(b) Building Location; and,  
9(a) – 9(d) Outdoor Space.

The proposal establishes a new building, storage and parking areas within this established residential neighbourhood. The proposed building largely resembles a residential building, which complies with bulk and location rules except the yard set-back control which positions built form closer to the northern-most boundary (nearer St Margaret Place than permitted). For the most part the structure would have negligible off site effects on adjoining and nearby residential properties in terms of privacy, solar access, and physical domination.

The new parking area used for the retail activity would however increase the number of vehicles which could park on Fitzherbert Avenue increasing the intensity of vehicle movements proximate to properties located immediately adjoining and across the street (includes #33, #36 and #38 Fitzherbert Avenue) the proposed *Griselinia* hedge, Kowhai tree and acoustic fence would provide some screening for #33 Fitzherbert Avenue reducing the effects from vehicle movements. The parking area is separated from dwellings on #36 and #38 Fitzherbert Avenue by approximately 25m which includes the road, and footpath with planting and some fencing separating these dwellings from the proposed parking area. It is considered that given the buffer associated and the use of the affected front yards that adverse impacts would be negligible. The majority of users would park with their headlights facing into the subject site and the effects on the sites located directly opposite with regard to privacy/on-site amenity would be negligible. The outdoor storage area is proposed to be screened by fencing and planting.

The proposal establishes a neighbourhood convenience shop within an established residential neighbourhood. The shop would serve pass-by traffic and local residents rather than attract customers as a 'destination centre'. As previously noted in pedestrian count studies<sup>5</sup> where the applicant has offered information from a similar operation located at #96 Sunvue Road which demonstrates a significant proportion (41%) of customers walk to the local shop and highlights the inclusion of such activities enhance the development of walkable neighbourhoods.

The proposal promotes neighbourhood walkability as nearby residents may choose to use the neighbourhood shop rather than drive to a more distantly located retail store. It is

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<sup>5</sup> "Proposed Dairy, 31 Fitzherbert Avenue, West Harbour, Supplementary Traffic Impact Assessment" prepared by A.M. Hopkinson of Traffic Engineering and Management (TEAM) and dated April 2008

therefore considered that the proposal may reduce vehicle travel and therefore reduce the adverse impacts associated with motor vehicles.

- **Noise**

*Objective:* 10

*Policy:* 10.2

*Assessment* 13(a) – 13(c)

*Criteria:*

A168-A170

Changes in the ambient levels of noise was raised by numerous submitters noting that they enjoyed considerable levels of quiet. In support of the application an acoustic report was submitted which has been independently peer reviewed and demonstrates, subject to noise control measures that the proposed activities can comply with the standards of the District Plan and states “that the operation of the proposed dairy would be carried out in a way that maintains the characteristic noise levels of the surrounding neighbourhood”. Councils Consultant Acoustic Engineer, Mr Hegley in his peer review report generally concurs with the findings of the Acoustic report recommending additional controls on construction noise and on external chillers (if proposed). It is therefore considered that noise generated by the proposal would meet the intent of this policy.

The proposal will not detract from the ability of the residential occupants of neighbouring residential buildings to achieve uninterrupted and adequate levels of sleep.

- **Parking, Traffic Generation, Road Safety**

*Objective:* 4, 10

*Policy:* 4.3, 10.11, 10.14

*Assessment* 11(a) and 11(b) Traffic Generation; and,

*Criteria:* 12(a) – 12(c) Carparking and Driveways

There is a need to manage the use and development of the City’s transportation resources in a way that enables people in communities to provide for their social and economic well-being, while providing for the sustainable management of the City’s environment. The roading system has been designed around the efficient flow of vehicle traffic and relief of congestion. These aims are important, but just as important are the health of surrounding residents, amenity levels and the need to provide adequately for public transport, pedestrian and cycle access. The transportation system must provide for an adequate balance of these concerns.

Street parking has the potential to cause hazards for pedestrians and cars through the reduction of room for manoeuvring, and the impeding of sight lines. Safe access on and off-site can also be compromised. Sufficient on-site parking and manoeuvring would be required to relieve pressures on the surrounding roads and to ensure safe access on / off-site.

On-site parking for both residential and retail purposes have been separated with vehicle access to the residential property provided by a vehicle crossing on St Margaret to serve three motor vehicles (one stacked and uncovered). Customer and service vehicles associated with the retail activity would be accessed off Fitzherbert Avenue with five parking spaces located away from the active carriageway. Parking would be created within road reserve.

The 90° parking bays would not enable vehicles to leave the site in a forward gear, therefore, vehicles would be reversing onto Fitzherbert Avenue. Sight distances at this point exceed 100 metres along Fitzherbert Avenue and good views can be obtained from and of the intersection with St Margaret Place. This exceeds the 60m approach sight distance for urban conditions where the 85<sup>th</sup> percentile speed is 51km/h as recorded at the site for the week 27 April 2007 – 4 May 2007. The Traffic Impact Assessment produced by Traffic Engineering and Management Limited (TEAM) considers that these sight distances would enable traffic to move in and out of the angled parking on Fitzherbert Avenue without causing a traffic hazard and their report notes that; *“Overall, the visibility for these spaces reversing onto Fitzherbert Avenue is considered to be appropriate given the low traffic volume and speed environment”*.

The application has been reviewed by Council’s Rooding and Traffic Engineer, Mr John Carroll who is satisfied with the contents of the Traffic Impact Assessment produced by TEAM and the following is noted:

*“The traffic engineering report discusses the existing situation, the effect of the proposal, and [with a] conclusion that includes ‘it is believed the impact of the proposal will be no more than minor from a traffic engineering perspective.’ Transport Assets generally agree with this report.”*

The proposed parking arrangement for both the retail and residential uses of the property are considered to meet the needs of both without resulting in a proliferation of off-street parking, and sufficient sight distances are available to allow customer and service vehicles to reverse onto Fitzherbert Avenue without detriment to matters of road safety or the free flow of traffic.

Mr Carroll has recommended conditions to ensure that the effects of the proposal are adequately managed, that proposed parking infrastructure and associated roading network elements are constructed to Council standard and that the functioning of the roading network is not compromised by the proposal. This includes the establishment of ‘Give Way’ controls and no stopping lines in relation to St Margaret Place and Fitzherbert Avenue intersection.

Numerous submissions raised concerns over the effects of the proposal on the safety and functioning of Fitzherbert Avenue and the immediate traffic environment with regard to increased traffic, parking and the effect that this may have on the nearby school which can be accessed from Hueglow Rise.

With the proposed hours of operation (07:00 – 20:00), additional traffic generation over and above a residential activity would be approximately 240 traffic movements. It should be noted that the TEAM report notes this to equate to one vehicle every 5 minutes during the PM peak period and estimates that a proportion, estimates that 25% of these trips would be pass-by as noted in Section 8.1.10 Traffic Generation (Road Safety) above.

The existing traffic environment has been assessed and traffic flows are considered by TEAM to be very low from a traffic perspective. Traffic flows were measured by TEAM, the report noting that the weekday daily average northbound is 393 vehicles and southbound being 384 during the 27 April 2007 – 4 May 2007 measurement period and peak hour two way flows were 91 vehicles in the morning and 81 vehicles in the afternoon. It is considered that the proposed activity can be accommodated on the existing road network without compromising its function, capacity and safety. The proposed parking provision exceeds Waitakere City Council’s requirements for neighbourhood shops and appropriate levels of visibility are available to ensure reverse manoeuvring can occur. Both the TEAM report and Council’s assessment with regard to traffic engineering concur that the existing traffic environment has sufficient capacity to accommodate the proposed activity.

Numerous submissions raised concerns over the effects of the proposal on the safety and functioning of Fitzherbert Avenue and the immediate traffic environment with regard to increased traffic, parking and the effect that this may have on the nearby school which can be accessed Hueglow Rise

It is acknowledged that the proposal would generate additional traffic over and above that normally associated with a residential property. As noted above the application has been reviewed by Council's Roading Engineer who is satisfied with the contents of the Traffic Impact Assessment produced by TEAM and considers that the additional vehicular traffic generation can be accommodated by the existing road infrastructure without adversely affecting its function, capacity and safety.

The proposed signage is not considered to detract from matters of road safety given its size, scale and location. With the parking /pedestrian area to be utilised by the public including private and publicly owned land, regard needs to be given to the placement of free-standing advertisements (within a public place) the applicant has proposed to locate these free-standing advertisements near the shop entrance and within the subject site, and only during opening hours. Council's Bylaws (Public Places) and the placement of signs within the Transport Environment under the Operative District Plan refers to the consideration of the placement of signs avoiding creating a situation hazardous to traffic. Given that the realigned footpath to accommodate the parking and this being the only pedestrian egress on the western side of Fitzherbert Avenue, a condition will be imposed to ensure that, the pedestrian accessways are clear of any obstruction including the proposed free-standing signage.

For the aforementioned reasons, it is considered that the proposal is consistent with Policies and Objectives.

- **Vegetation Alteration**

<i>Objective:</i>	2, 11
<i>Policy:</i>	11.2, 11.4
<i>Assessment</i>	2(a) – 2(k)
<i>Criteria:</i>	

The City's vegetation and fauna habitat is highly valuable and vulnerable to adverse effects arising from a range of activities.

The subject site and the adjoining road reserve contains a mixture of planting, including various grass species, and a range of both exotic and native species. This includes within the road reserve a Silky Oak, 2 x Claret Ash, *Liquidamber* and a *Banksia* shrub. The north-eastern elevation of the dwelling includes a range of trees and shrubs include *Schefflera arboricola* and *actinophylla*, *Crassula* and *Cereus*, *Leucadendron* and *Michelia figo* all of which are proposed to be removed and are not protected by the District Plan. Within the fenced yard of the dwelling, there also lies a range of fruit trees and other shrubs. Two trees located within the road reserve are protected by the Plan as they are greater 6.0m in height (Silky Oak and Liquidamber).

The Silky Oak tree, located on the corner of Fitzherbert Avenue and St Margaret Place, is visually prominent in the streetscape due to its size and location. As discussed, earthworks will be undertaken with the dripline to establish a section of the realigned footpath.

Notable vegetation is both protected through conditions of consent and suitable replacement planting to mitigate the loss of unprotected vegetation that would prove more resilient in the context of the site's frontage.

The retention of existing landscaping, and the introduction of further landscaping is appropriate in this cleared and modified residential environment and softens the visual impact of development and mitigates additional hardstanding that will diminish opportunities for vegetation along the western boundary..

For the aforementioned reasons, it is considered the proposal is consistent with the above Objectives and Policies.

- **Earthworks**

*Objective:* 1, 11  
*Policy:* 3.2, 11.3, 11.8  
*Assessment* 3(a) – 3(q)  
*Criteria:*

Earthworks involving 42m<sup>3</sup> over an area of 165m<sup>2</sup> within 1.0m of the external boundaries and would be required to form the new footpath and create car parking bays, forecourt and service court areas to serve the proposed dairy.

As previously noted, no retaining structures are required as the maximum cut would be 250mm and the site is generally flat.

The earthworks are of a size, scale and location that would not adversely affect the visual amenities of the site that is set well within this modified residential environment. Landscaping would help to integrate the development, including the introduction of additional hardstanding, (i.e. service courts established by the earthworks within its residential context) and will protect the visual amenities of the locality.

Earthworks are required partially within the dripline of an established Silky Oak and this tree is considered prominent in the streetscape and would help to integrate the 'retail' development into this residential environment, softening and partially screening the proposed development on site. Conditions will be imposed to ensure the tree is adequately protected during the construction phase of the project.

The earthworks primarily allow for the construction of parking bays and a service court to serve the proposed dairy and it is considered that the modifications to the landform of the site are consistent with the character of the surrounding modified residential area.

Appropriate conditions of consent, including sediment and erosion control measures would be required to ensure earthworks are contained within the site thereby ensuring that there would be no sediment runoff to the waterways.

For these reasons, it is considered this aspect of the proposal is consistent with the aforementioned Objectives and Policies.

- **Site Analysis**

*Objective:* 11  
*Policy:* 11.33 (Proposed)  
*Assessment* 2(a) – 2(j) (Proposed)  
*Criteria:*

The proposal introduces a mixed use element into this established residential neighbourhood. The applicant has provided a site context analysis regarding the development and this included comment regarding the subject site and adjoining neighbourhood including vegetation, built form, roading and existing commercial activities and other services. The following salient points are noted from the "Site Context Analysis" provided with the application:

*"The site context analysis has identified that the neighbourhood is not well served by local convenience shops. As such, the proposed dairy is considered to be appropriate to meet the needs of the local residents by providing a local service which provides everyday goods and services and reduces travel costs. Children in particular may experience the convenience and enhanced safety of being able to go on foot or by bicycle to the dairy.*

*The scale and character is cognisant of the character of the residential environment within which it is to be located.*

*The dairy will introduce a non-residential element to the character of the neighbourhood and surrounding properties will have oblique views of the dairy frontage and associated signage.*

*The proposed style and cladding of the proposed dairy and minor household unit is consistent with the nature of residential dwellings in the vicinity... Visual connection with the street will be maintained."*

And concludes:

*"Overall, it is considered that whilst the proposed dairy would introduce a non-residential element to the neighbourhood, it is of a form and style consistent with the predominant residential character of the area, and would not be incongruous with the character and amenity of the neighbourhood."*

This assessment is generally concurred with and it is considered that the new development, including alterations to the existing building are in keeping with the optimum capacity of the site and the proposal integrates with the wider neighbourhood.

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

The Auckland Regional Policy Statement sets out the "Strategic Direction" for the Auckland Region. It seeks to ensure the Region has the capacity to accommodate growth and development, and at the same time to protect the quality and efficient use of the natural and physical resources. The Strategic Direction seeks to protect the Region's natural resources from significant adverse effects of urban development. The Strategic Direction is intended to improve the efficiency of urban Auckland by encouraging development at locations that will promote cost-effective servicing by transportation systems, utility network systems and other works and services of regional significance.

The proposal introduces a retail activity outside of a town centre and transport nodes. However, given the nature and size of the proposed retail activity that would primarily serve the local community, it would not undermine the integrity of any town centres or result in increased traffic generation.

The subject site is located within the MUL, is considered to be of local significance, and would not create any regionally significant issues. No submission was received by the Auckland Regional Council.

#### **8.4 National Policy Statement (104(1)(b)(i))**

The only National Policy Statement in place at the time of writing (notwithstanding the NZCPS) is the National Policy Statement on Electricity Transmission. This policy statement is not considered relevant with respect to this application.

#### **8.5 Any Other Matters the Consent Authority considers relevant and reasonably necessary to determine the Application (104(1)(c)).**

##### **8.5.1 Other Issues Raised by Submitters Not Covered Elsewhere in Report**

- **Property Values**

Through the submission process, the potential issue of detriment to property values as a result of the proposal were raised. The Resource Management Act and the associated resource consent process deals with the environmental effects of the development and therefore does not directly consider property values. Case law on the effects that such a development would have on property values, has been clear that the economic value of property cannot be considered as an environmental adverse effect.

- **Dietary Impacts**

Submitters have noted the proposal could have adverse impact on the diet of children within the local neighbourhood including on their way to and from the local primary school. Under the Resource Management Act and the District Plan there is little opportunity to consider the products sold by the proposed activity and it is considered that this consideration is beyond the scope of this consent.

- **Sale of Liquor**

The late submission from Mr Johan Sholtz in opposition to, the proposed dairy raised the possibility that the Dairy may be used to sell alcohol in the future. The applicant has not applied for a liquor licence and this has not been considered as part of this resource consent. Such an application would require further resource consent in any case, dealt with under the Sale of Liquor Act. Should at any time in the future an owner of the dairy seek a liquor licence, then this would be in contravention of this resource consent and further resource consent (incorporating the liquor licence aspect) would be required. This has been included as an advice note on this resource consent, to further highlight the issue.

- **Section 104D**

Submissions have asserted that granting consent to the application would undermine public confidence in the consistent administration of the plan. It is well established in a significant body of case law that confidence will be affected if a council ignores its policies and objectives and allows under s104D of the Act, an activity with major effect which is clearly contrary to those policies and objectives<sup>6</sup>. As has been established in the analysis at Sections 8.1 and 8.6 of this report, the proposal would not have major adverse effects and nor would it be contrary to the objectives and policies of the Operative District Plan.

##### **8.5.2 Long Term Community Concept Plan ('LTCCP')**

The LTCCP contains Council's identified strategic priorities and platforms. Included in these is the platform of 'strong communities', which seeks to achieve the following:

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<sup>6</sup> *Monad Leisuretime Ltd v Queenstown Lakes DC* W116/95 (PT), noted [1995] BRM Gazette 143

*“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”.*

This platform addresses how we support the health and wellbeing of the city’s residents, and advocates strong communities that “connect” with (mix and understand) each other. In this regard and as noted previously, it is considered that a dairy would be beneficial to the community in terms of providing a daytime, access to convenience goods and the retail activity may evolve to a community focal point.

### **8.5.3 Development Contributions**

Under the Local Government Act 2002, Councils were permitted to take development contributions towards the costs that capital growth imposes on the community. The financial contribution policy of the Waitakere City Council’s Long Term Council Community Plan incorporates a development contribution based on the City’s capital expenditure for infrastructure and community facilities for that ten year period. The development contribution estimated for this proposal is \$14,728.31(incl. GST).

### **8.5.4 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 hours of operation, proliferation of signs and compliance with noise controls.

### **8.5.5 Any Other Relevant Non-Statutory Documents**

There are no other non-statutory documents relevant in the processing of this document.

### **8.6 Lapsing of Consent**

Under section 125 of the Resource Management Act 1991, unless it is given effect to, a consent lapses either on the date that is specified in the consent or if no date is specified, 5 years after the date of commencement of the consent.

In this instance a standard five year period in which to give effect to this consent is considered appropriate.

## **9.0 PART II OF THE RESOURCE MANAGEMENT ACT 1991**

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

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

In this case it is considered that the proposed development is consistent with sustainable resource management principles. The dairy would provide a service to the community providing convenience goods for their daily needs, within a walkable distance of numerous residences thereby reducing the need for car dependence and ensuring the social and economic wellbeing of local residents. In addition the proposal will provide a community focal point and meeting place, with improved opportunities for street surveillance associated with the proposed activity and use.

With the imposition of the recommended conditions it is considered that any adverse effects of the proposal on the environment can be avoided, remedied and mitigated. This is particularly with reference to conditions regarding hours of operation, signage and noise with regard to amenity and character of this established residential neighbourhood.

Sections 7(c) and (f) require that particular regard be had to the maintenance and enhancement of amenity values and the quality of the environment. As discussed extensively in this report, it is considered that the proposal would not adversely affect amenity values associated with the neighbourhood.

The proposed development does not raise any section 8 (Treaty of Waitangi) issues, given that it would be undertaken on a settled area of City long since modified by residential development. Waitakere City Council's Treaty partners have been provided with the opportunity to comment on the proposal, no comment has been received and their approval is therefore considered implicit.

Overall, it is considered that the granting of this application would not be contrary to the purpose of the Act. The proposal will enable people and communities to provide for their economic, social and cultural well-being and their health and safety without significantly compromising the needs of future generations or the life supporting capacity of natural resources such as air, water and soils. Through the imposition of appropriate conditions of consent, it is considered that the proposed activity can sufficiently avoid, remedy or mitigate any adverse effects on the environment.

## 10.0 CONCLUSION

The applicant seeks consent to operate and establish a non-residential activity (dairy). The subject site is located at 31 Fitzherbert Avenue and is zoned Living Human Environment and General Natural Area under the Operative District Plan.

It is considered that the proposal whilst finely balanced **meets** the criteria for granting consent as the potential adverse environmental effects are **no more than minor** and **can** adequately be mitigated through the imposition of appropriate conditions of consent. It is considered that the establishment and operation of a non-residential activity (dairy) measuring 120m<sup>2</sup> will not lead to a decline in the amenity values of the area in which it seeks to locate.

The proposal is considered not to be contrary with the objectives and policies of the District Plan which seek to:

- Maintain and enhance those natural and physical characteristics (amenity values) that contribute to the well-being of residents and workers;
- Achieve a quality of settlement and associated activities within each of the City's Human Environments which is sympathetic to, and protects and enhances, the dominant natural and physical (including building) features which contribute to the amenity value and the neighbourhood character of an area;
- Manage the effects of land use on the environment and, in particular, avoid, remedy or mitigate effects on the quantity and quality of the City's water resource;
- Protects and Mitigates the City's vegetation and fauna habitat;
- Protect and enhance the amenity of the urban area through the provision of a range of activities but also maintaining the residential coherence of the neighbourhood;
- Protect the functioning of roads within the Roding Hierarchy, without detriment to road safety or the free flow of traffic.

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

Subject to any additional and/or contrary evidence being presented at the hearing, it is concluded that the application **merits consent** in accordance with Sections 104 and 108 of the Resource Management Act 1991.

## 11.0 RECOMMENDATION

11.1 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 Ramesh and Pooja Patel to establish a non-residential activity and minor household unit at 31 Fitzherbert Avenue, being Lot 113 DP79320 for the following reasons:

- (i) The proposed development is considered to be of an appropriate design and layout that provides appropriate residential character and detailing consistent with the surrounding residential neighbourhood. Whilst introducing a non-residential activity, the development would not detract from the visual and residential amenities of the locality or the character and appearance of the surrounding residential area. The proposal would be integrated into the residential neighbourhood.
- (ii) The proposed development would not detract from the viability of any nearby town centre(s). The proposal is intended to provide convenience goods to local people.
- (iii) The established neighbourhood character of the locality would not be adversely affected by the proposed dairy as the design is modest, of appropriate building materials and positioned on the site to avoid domination and shadowing of any adjoining site.
- (iv) The development aids in the formation of a more walkable neighbourhood and potentially reduces the reliance of nearby residents on private automobiles. In addition, the proposed activity provides increased residential capacity, increased street surveillance and increased the potential for community connections as a neighbourhood focal point.
- (v) The Long Term Council Community Plan identifies the formation of *Strong Communities* as one of the nine platforms; this development is considered to contribute to the formation of a strong community by providing opportunities for a walkable neighbourhood, a community focal point, increases street surveillance and introduces a mix of uses within a residential neighbourhood.
- (vi) Adequate on-site parking and manoeuvring is provided and access to the site would not detract from matters of road safety. The existing road network would be of sufficient capacity to accommodate the additional traffic (including pedestrian, cyclist and vehicular) movements without detriment to the function of Fitzherbert Avenue and other nearby road or matters of road safety.
- (vii) The proposed development would not detract from the visual or landscape amenities of the site or cause detriment to nearby residential amenity in terms of loss of privacy, daylight access, traffic noise, or increased visual intrusion.

- (viii) The earthworks result in the re-contouring of the land and would not significantly alter the existing landform. The topography of the site would remain consistent with the surrounding area. The earthworks are considered to be of a scale consistent with the development being undertaken.
- (ix) 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.
- (x) The proposal would not be contrary to the relevant objectives, policies, rules and other provisions of the Waitakere City District Plan and the Regional Policy Statement
- (xi) The proposal would not be contrary to Part II of the Act

Consent shall be subject to the following conditions:

1. The development shall proceed in accordance with the plans titled:
  - Site Plan/Landscape Plan of 31 Fitzherbert Avenue, West Harbour being Lot 113 DP 79320 for Mr Ramesh Patel dated 8 April 2008 Ref.C Prepared by CO of Davis Ogilvie Limited
  - “New Shop/ Addition at 31 Fitzherbert Avenue, West Harbour for Mr and Mrs Patel”*
  - Shop Floor Plan, Res Living Floor Plan, Drawing no. 04
  - Elevations, Drawing no. 05
  - Existing Dwelling and New Shop Floor Plan, Drawing no. 06
  - Prepared by Eli Brown of Pacific Plan Services Limited

And all referenced by Council as LUC-2007-1358 and the information, including further information, submitted with the application.

2. Pursuant to section 125 of the Resource Management Act 1991, this consent shall lapse after a period of five (5) years after the commencement of the consent.
3. A consent compliance monitoring fee of \$1363.00 (inclusive of GST) has been paid to the Council. This fee is to recover the actual and reasonable costs incurred ensuring compliance with the conditions of this consent. If, on inspection all conditions have not been satisfactorily met, a re-inspection shall be required at the relevant hourly rate applicable at the time the re-inspection is carried out. The resource consent holder shall be advised of any further monitoring fees if they are required.
4. A Licensed Cadastral Surveyor shall set out the foundations of the proposed structure and certify to Council prior to work progressing beyond the foundation stage that the building will comply with the height in relation to boundary rules of the District Plan if constructed in accordance with the approved consent in terms of levels and position and will not exceed the extent of infringement applied for with regard to yard setback. No work shall proceed beyond this stage until receipt of such certification, to the satisfaction of the Manager: Resource Consents.

And:

A Licensed Cadastral Surveyor shall certify in writing prior to work progressing beyond the pre-lining stage that the building will comply with height in relation to boundary rules of the District Plan if constructed in accordance with the approved consent in terms of levels and position. No work shall proceed beyond this stage until receipt of such certification, to the satisfaction of the Manager: Resource Consents.

5. Before commencement of any works and until completion of exposed site works, adequate sediment and erosion control measures shall be constructed and maintained by the consent holder. **The consent holder shall notify Council's Monitoring Officer when controls are in place. Work shall not commence until approval has been gained in writing from the Manager Resource Consents.** The control measures must be maintained until the site has been adequately stabilised against erosion and sediment-laden run off. The construction and maintenance shall be in accordance with the Erosion/Sediment Control Measures Appendix to the Natural Area rules of the Waitakere City Council District Plan.
6. In the interests of pedestrian access and safety all free-standing signage shall be placed in such a position to allow the safe access and egress of pedestrians along the footpath located on the subject site, to the satisfaction of the Manager(s), Resource Consents & Transport Assets
7. Upon completion of construction activities, the applicant shall have all surfaces located within the public/semi-public realm treated with graffiti guard or similar anti graffiti treatment

And

Thereafter, remove all graffiti visible from public spaces within 10 days of its application

8. The retail activity shall not open for customers or receive delivery/service vehicles before 07.00 am or after 20:00 pm on any day.
9. No opaque films, or window treatments shall be applied to glazing nor stock positioned against windows to ensure that visual surveillance is provided to the shop front, footpath, and the immediate public realm
10. Landscape development shall be as per the Site Plan/Landscape Plan of 31 Fitzherbert Avenue, West Harbour drawing no 2 Issue Ref C by Davis Ogilvie dated 05/07, and as per information listed following, shall be set in place in the first planting season (May till 7<sup>th</sup> September) following commencement of use of the dairy, and shall be to the satisfaction of Council's Environmental Monitoring Officer Resource Consents. The proposed new fences shall be set in place prior to planting of the proposed seven *Griselinias*. The proposed *Griselinia littoralis* 'Whenuapai' shall be Pb18 grade minimum at planting time and shall be planted into 600mm diameter weed free garden areas each with a wood chip mulch to 60mm depth.

The 3m x 1m garden area at the east side of the dairy, south end, shall be weed free and have good quality garden mix (compost, good quality topsoil 50:50) to 250mm minimum depth and with a bark chip mulch to 60mm depth. Planting in this garden shall be selected from the following species mixes, planted at Pb5 or Pb8 grade and at 400mm -500mm spacing between plants (stagger planted):

Mix 1: (native) *Phormium cookianum* 'Dwarf green', dwarf green NZ flax, with *Coprosma acerosa* (sand coprosma), and *Coprosma* 'Taiko'

Mix 2: (exotic) *Clivia miniata*, (Kaffir lily), with edging of mondo grass at 200mm spacings: *Ophiopogon planiscapus* or *Liriope muscarioides*.

One *Sophora microphylla* var. *Microphylla*, (Northland Kowhai) tree, Pb28 grade minimum, shall be planted in the area south of the new footpath in the first planting season following construction of this footpath. If this tree is planted within a grass area it shall be in a 600mm diameter garden area with a bark or woodchip mulch to 60mm depth. If the area is formed as a planted area, it shall be weed and debris free and with a wood chip mulch throughout to 60mm depth, and with under storey planting of *Phormium cookianum* 'Green Dwarf' at Pb5 minimum grade and 500mm – 750mm spacing between plants, all to the satisfaction of Council's Environmental Monitoring Officer, Resource Consents.

The planting shall be maintained for two years following the initial planting with the plants watered as necessary in the first summer to assist establishment and with the garden areas kept weed free. Any plant that dies, is removed or otherwise fails to establish shall be replaced the following planting season and maintained for a further two years, all to the satisfaction of Council's Environmental Monitoring Officer Resource Consents.

Provision shall be made for parking of two bicycles, either on the hard stand area north of the proposed rubbish bin or adjacent to and immediately north of the footpath north of car park 5, the disabled car parking space. If the latter option is followed, details of proposed bike parking shall be submitted for approval by Council's Transport assets prior to its construction. The bike parking shall not obstruct the footpath or obstruct vehicle sight lines and shall be to the satisfaction of Transport Assets.

11. Within three months within date of this consent or prior to occupation of the retail activity, whichever is sooner, a Litter Management Plan shall be submitted and approved by the Manager, Resource Consents. The plan shall include such details as the frequency for litter bin emptying and washing; and the frequency of collection on-site and on the nearby and adjoining road reserve.

#### **PUBLIC DRAINAGE INFRASTRUCTURE – ECOWATER CONDITIONS**

12. Provide separate private wastewater drainage systems to each Unit, with connection to the public system as specified below:
  - a. Construct new private drainage to serve the new buildings. Utilise the existing manhole connection serving the site.
  - b. If required locate and relay the existing private drainage serving the existing dwelling to a position clear of the building platform for the new buildings. Either grout fill, or remove, the abandoned private drainage under Council's supervision.
  - c. Construction of private drainage requires a building consent. Provide a copy of the private drainage As-Built plan for the property, prepared by a Registered Drainlayer, showing the separate private drains to the existing manhole connection to the public drain.
13. Provide a private stormwater drainage system with connection to the public system as specified below:
  - a. Construct new private drainage to serve the new buildings. Utilise the existing manhole connection serving the site.

- b. If required locate and relay the existing private drainage serving the existing dwelling to a position clear of the building platform for the new building. Either grout fill, or remove, the abandoned private drainage under Council's supervision.
  - c. Construction of private drainage requires a building consent. Provide a private drainage As-Built plan for the property, prepared by a Registered Drainlayer, showing the separate private drains to the existing manhole connection to the public drain.
14. Provide a private water supply reticulation system to serve the existing house, the proposed dairy and the proposed minor dwelling unit, in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer section 6). Specific requirements:
- a. The existing dwelling, the proposed dairy and the proposed minor dwelling unit are to be individually metered at the road reserve boundary. Note that meters will be installed when a building consent is applied for.

**ADVICE NOTE:** At building consent stage, subject to EcoWater's approval the dairy may be permitted to be linked to the existing dwelling or minor dwelling unit for water supply and metering purposes.

- b. Any existing water meter serving an existing house must remain the meter serving that house. Pay Council to relocate the water meter to within the new boundary.
- c. Provide an As-Built plan of the water supply service lines.

#### **PARKING AND DRIVEWAYS – TRANSPORT ASSETS CONDITIONS**

- 15. **Before commencement of work**, obtain the approval of Council to engineering plans and specifications prepared in accordance with Council's "Code of Practice for City Infrastructure and Land Development" detailing the nature and extent of any proposed work; and pay the Engineering Approval Fee.
- 16. **Before commencement of work**, pay the Works Supervision Fee for the Transport Assets component. Additional work supervision fees may be required over and above the deposit paid by the applicant, and will be based on a per hour rate.
- 17. **Before commencement of work**, apply to Council's Field Services unit for approval a Road Opening Notice (RON) and a Traffic Management Plan (TMP).
- 18. **Before commencement of work**, pay to Council a street damage bond of \$2500. This bond shall be refunded in full after inspection by Council's Construction Supervisor confirms no damage to Council's roading assets has occurred. The inspection is to take place once all work is completed.
- 19. Pay 2.5% maintenance deposit on the value of the works being taken over by Council which is refundable upon final acceptance of the works at the end of the maintenance period.
- 20. Design, form and completely construct the proposed new indented, 90-degree, 5-space car parking bay, on Fitzherbert Avenue sand over parts of Lots 133 DP 79320 and construct thereon a carriageway and storm water control in accordance to Council's Code of Practice for City Infrastructure and Land Development and to the satisfaction of the Council. Notes:

- i. The construction will include a new concrete footpath and a pram crossing using standard detail SD 3.09 Pram Crossing.
  - ii. Inspection of the boxing prior to concrete pouring for the footpath and pram crossing etc. and the subgrade prior to pavement construction for the indented car park is required. Contact Council's Construction Supervisor on mobile phone 021-244-3651, at least 48-hours prior to the inspection being required.
  - iii. All to the satisfaction of Council.
21. On completion of the hard-surfacing of the Dairy's indented, 90-degree, 5-space car parking bay and prior to the occupancy of the dairy, the parking spaces are to be pavement marked, with signs erected where necessary, to clearly define customer and disability parks. In consultation with Transport Assets' Planning & design team install a Give Way control with appropriate No Stopping lines for the St Margaret Place leg of the intersection and access lines at the vehicle crossings for numbers 36 & 38 Fitzherbert Avenue All to comply with The Manual of Traffic Signs and Markings, (MOTSAM) published by Transit NZ. Also refer to NZS 4121 (2001), All costs including any Transport Assets fees for reporting to the Massey Community Board for regulatory signs and pavement markings resolution.
22. Provide to Council on completion of all work, all RAMM as-built data and as-built plans of the new indented parking bay works (electronic and compatible with WCC GIS system). This will be inclusive of kerb lines, footpaths, pavement markings and any signs, street furniture, landscaping, pram crossing, and property boundaries.

**NOISE – ACOUSTIC CONTROL CONDITIONS**

23. Prior to occupancy of the dairy, the existing 1.8m high timber paling fence along the southern boundary of the site shall be upgraded to a 1.8m high acoustic fence – timber board and batten or equivalent with no gaps between panels or ground – and shall be extended to the south eastern corner of the site boundary.
24. Noise emanating from construction work shall be measured and assessed in accordance with the requirements of NZS 6803P:1984: The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work.
25. The noise from the site shall not exceed the following limits within any adjacent Living Environment site:

7:00am – 7:00pm Monday to Saturday		7:00pm – 10:00pm Monday to Saturday 7:00am – 10:00pm Sundays and Public Holidays		10:00pm – 7:00 am	
L <sub>10</sub> 50dBA	L <sub>MAX</sub> N/A	L <sub>10</sub> 40dBA	L <sub>MAX</sub> 70dBA	L <sub>10</sub> 45dBA	L <sub>MAX</sub> N/A

26. The noise shall be measured in accordance with the requirements of NZS6801:19912 Measurement of Sound and assessed with the requirements of NZS6802:1991 – Assessment of Environmental Sound.

## TREE PROTECTION – ARBORICULTURAL CONDITIONS

27. **At the commencement of works**, the Consent Holder shall erect a temporary tree protection fence surrounding the Silky Oak tree and any other protected vegetation located within the site or within the road reserve area outside the site (such as the liquidambar tree located the front yard and near the sites south eastern corner).

The fences shall be placed at the edge of the driplines of the protected vegetation, or as far from the trunk face as is practical to allow for the proposed works to be undertaken. The temporary tree protection fence can be constructed using orange plastic mesh, but this must be supported by waratahs (or equivalent) placed firmly into the ground at 3 meter centres. The waratahs will have two stands of wire attached to them (top and bottom) and the orange plastic mesh must be fastened to the wires every 1 meter (top and bottom).

Any sediment control measures can be fixed to the lower portions (bottom) of the plastic mesh (temporary tree protection fence) but must be otherwise installed to manufactures standards.

28. No works, storage of materials, cement/concrete washings and leaching of chemicals, tracking of any machinery, stockpiling of spoil, trenching, or other contamination shall occur within those areas demarcated by a temporary protective fence. The temporary protective fence shall remain in place throughout the duration of the construction works. The position of the protective fence shall not be altered without the prior consent of Councils Environmental Monitoring Officer (Ph. 839 0400).
29. Any excavation work required within the dripline of any retained protected vegetation shall be undertaken in the best interest of the physiological and structural welfare of the protected vegetation.

All roots exposed in the course of excavating shall be clean cut back to the edge of excavations with a sharp implement such as a handsaw or a pair of secateurs. All cut or exposed roots of the Silky Oak shall be protected from drying out by a covering of hessian or similar material that is to be kept damp until the excavated area can be backfilled.

30. The removal of dead wood from the silky oak tree and/or any pruning undertaken as a permitted activity shall be carried out in accordance with the principles of natural target pruning by a suitably qualified and experienced Arborist.

### Advice Notes:

1. Where indicated in the conditions it is the consent holders responsibility to inform the Environmental Monitoring Officer when inspection is required. Inspections can be requested through the Call Centre on 839 0400.
2. A Development Contribution is payable for this landuse. This Development Contribution must be paid prior to the grant of the building consent. The Development Contribution will be assessed at the time of payment. The estimate of the amount payable at the date of this consent is \$ 14,728.31 (incl. GST).
3. Given the inextricable relationship between the dwelling and MHU, future occupants of the MHU shall have access through the main dwelling to the living court, and the MHU shall be occupied by a family member(s) or other relative.

4. Given the location of the proposed dairy within a residential Living Environment no additional signage (other than the single sign (3.0m x 1.0m) located on the north-eastern elevation and four sandwich board signs (0.7m x 1.0m)) shall erected in association with the activity. This includes signs attached to the exterior of the building without obtaining additional consents.
5. Should at any time in the future an owner/operator of the dairy seek a liquor licence, then this would be in contravention of this resource consent and further resource consent (incorporating the liquor licence aspect) may be required under the provisions of the District Plan at that time.
6. It is recommended that a separate linear clothesline be provided for the Minor House Hold Unit.
7. At building consent stage, subject to EcoWater's approval the dairy may be permitted to be linked to the existing dwelling or minor dwelling unit for water supply and metering purposes.
8. Any existing water meter serving an existing house must remain the meter serving that house. Pay Council to relocate the water meter to within the new boundary.
9. Provide an As-Built plan of the water supply service lines.
10. No signs shall be illuminated in association with this activity.

Report prepared by: Nick Pollard, Resource Planner.

