

**AGENDA FOR A HEARING BY COMMISSIONER TO BE HELD AT WAITAKERE
CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON, WAITAKERE,
ON THURSDAY, 12 JUNE 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 THE WAITAKERE CITY STADIUM TRUST
TO ERECT FOUR 28 METRE HIGH FLOODLIGHTS AT THE DOUGLAS TRACK AND
FIELD, 59 - 65 CENTRAL PARK DRIVE, HENDERSON**

RMA: LUC-2007-2258

Ward: Henderson 3

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.

1.0 INTRODUCTION AND RECOMMENDATION

1.1 Nature of the Application

The applicant seeks resource consent to erect four (4) x 28m high floodlights at the Douglas Track and Field. The proposal requires consent for development on a site known by Council to contain unengineered fill, potential soil contamination and contains archaeological site with the proposed activity resulting in height, height in relation to boundary, yards, building coverage and traffic generation infringements.

The site will continue to operate within the parameters set out under the previous resource consents for the establishment of The Trusts Stadium (LUC 2002-1523) and the Grandstand (LUC 2006-1797) and the other relevant provisions of the District Plan.

1.2 Resource Management Issues Raised

The Resource Management Act 1991 ('the Act') requires that when considering an application for resource consent, a consent authority must have regard to the environmental effects of the proposed activity, together with relevant policy direction from national, regional and local levels, and the purposes and principles of the Act.

The current proposal is a Non-Complying Activity and amongst other factors, requires assessment of the potential amenity effects arising from the visual appearance and use of the floodlights.

1.3 Planner's Recommendation

The Resource Planner who has prepared this report recommends that, subject to any contrary or additional evidence submitted at the Hearing, **resource consent be granted** to the resource consent application to erect four (4) x 28m high floodlights at the Douglas Track and Field; on a site known by Council to contain unengineered fill, potential soil contamination and contains archaeological site with the proposed activity resulting in height, height in relation to boundary, yards, building coverage and traffic generation infringements at 59 – 65 Central Park Drive, Henderson ("the property").

It is considered that the environmental effects that would be generated by the activity would be adequately avoided, remedied or mitigated by the imposition of conditions to the extent that any such effects would be no more than minor, and that the proposal would not be contrary with Part II of the RMA and the policy direction provided by the Regional Policy Statement, the objectives and policies of the Waitakere City Council Operative District Plan, and other non-regulatory documents considered relevant.

1.4 Additional information

Further to the public notification of the proposal on 19 January 2008, the applicant submitted additional information on 10 March 2008, comprising a covering letter from David Wren (applicant's planner), and on 25 March 2008, comprising a covering letter from David Wren, and amendment to the landscape report from Boffa Miskell Limited, dated March 2008.

As well as providing an additional visual assessment from Coletta Lane (as raised in submissions and recommended by Council's consultant Landscape Architect), this also included general information clarifying the maximum height of the proposed floodlights and earthworks calculations.

All information received subsequent to public notification is attached at Appendix Four.

2.0 LOCATION PLAN



Figure 1: Location (Ortho Urban 2005 imagery)

Legal description:	Lot 1 DP 103931 (CT NA57C/55)
Human Environment:	Open Space
Natural Area:	General
Designations/Special Features:	District Arterial Road Horticultural Site Archaeological Sites R11/1977 and R11/2187 Unengineered fill

3.0 THE SITE AND NEIGHBOURHOOD DESCRIPTION

The Waitakere City Stadium site (Lot 1 DP 120491, Lot 2 DP 119782, Lot 1 DP 103931, Lot 2 DP 103931 and Allotment 693 Parish of Waipareira SO 56994), comprises The Trusts Stadium, Douglas Track and Field, Grandstand and associated car parking and sports fields at 59 - 79 Central Park Drive.

The Douglas Track and Field (Lot 1 DP 103931) contains an artificial surfaced running track, sports field, grandstand to the west (granted resource consent on the 22 December 2008 (LUC-2006-1797)), and changing rooms and scoreboard to the south. Vehicle access is provided approximately 70m north of the Henderson Creek off Central Park Drive, leading to some 25 existing car parks. The Trusts Stadium was established by way of resource consent LUC 2002-1523 that was granted on the 27 September 2002. These elements now form an established and integral part of the existing environment.

Landscape planting of a variety of native and exotic species is present along the Central Park Road frontage of the property, both within the subject site and the adjacent road reserve. This was recently established through resource consent LUC-2006-1797 with the establishment of the Grandstand.

The property contains two identified archaeological sites to the east, adjacent to the Henderson Stream. R11/1977 (CHI 12232) is a midden located over 150m from the area of proposed works. R11/2187 (CHI 14191) is the site of the former Duncan's Brickworks, and is located over approximately 90m from the area of proposed works. It is noted that the general area was historically used for horticultural purposes, and therefore there is some risk of soil contamination. On 27 July 2007, Council identified un-engineered fill to the east of the existing field as a potential hazard.

The general neighbourhood contains a diverse range of activities. There is predominantly industrial land uses (characterised by large bulky buildings) interspersed with some horticultural and vacant land, on the opposite side of Central Park Drive. Such uses are generally reflective of the area's underlying zoning (Working (Lincoln) Environment).

The Henderson Creek is located to the south and east, and is fringed by mature vegetation along its margins. Across Henderson Creek to the east is located a residential area established around Sylvan Crescent and Sherwood Avenue, over 200m from the Douglas Track and Field at its closest point. Across Henderson Creek to the south also lies a residential area, established around Coletta Lane and Bethlyn Place, some 150m from the Douglas Track and Field. Established residential neighbourhoods are separated from the subject area by Henderson Creek and its margins with the latter held as reserves. Sherwood Reserve adjacent to the eastern edge of Henderson Creek contains an established public walkway.

Both LUC 2002-1523 and LUC 2006-1797 are attached as Appendix Ten.

4.0 PROPOSAL

The applicant proposes to erect four x 28m high floodlights, one in each corner of the field at a distance of approximately 105m apart in a west/east direction across the field and approximately 140m apart in a north/south direction down the length of the field.

The floodlights will have a maximum height of 28m above the ground level of the field. Where the floodlights are mounted on raised land, the actual height of the columns will be reduced to ensure all four floodlights have the same height above ground level.

Head frames will be mounted on top of each column distributing the floodlights. Each of the four head frames is 5.8m wide housing 25 lights arranged in four rows of seven lights for the three top rows, with the fourth row housing four lights. The head-frame is tilted on the column 15° from vertical. The lights will include a total of 118 Phillips MVP507 NB/60 floodlights. The proposed floodlight is an asymmetric luminaire with a flat glass face. They are proposed to be installed with no more than 7° upward tilt.

The floodlights are purposed to be controlled in banks to enable 3 levels of switching as follows:

- Training - 100 Lux;
- Local competition - 200 Lux;
- National competition - 500 Lux.

The application was supported by a lighting report by LDP Limited. The report concluded that the maximum lux spill at the boundary of the site is 6 lux, within the 10 lux permitted level of the Open Space Environment. The lights are proposed to not operate after 11.00pm until 7.00am the next morning, as recommended by the lighting report.

Activities likely to be facilitated by the proposed lighting include, but are not limited to:

- Track based athletics club training;
- Special events provided for under the resource consents 2002-1523 and LUC 2006-1797.

Note that the field on the site is currently not used for night time rugby training, which will not change as a result of the installation of the proposed floodlights.

The proposal requires excavations for the foundations required for the lighting columns and small excavations for thrusting ducts approximately 4m long by 400mm wide by 700mm deep. Cables connecting the four columns will be installed by underground thrusting. The proposal requires 4.48m³ of earthworks outside an approved building platform over an area of 6.4m².

The application has been supported by a Visual and Landscape Assessment undertaken by Boffa Miskell Ltd. The application originally relied upon planting within the riparian margin of Henderson Creek, a separate project undertaken by Project Twin Streams.

Through the submission and pre hearing process, mitigation planting has been agreed to be provided along the adjacent reserve (Lot 2 DP 103931) to maintain the skyline of vegetation and provide further screening, particularly along the south-western bank of the Henderson Creek.

5.0 REASONS FOR THE APPLICATION

The proposed floodlights are explicitly stated within the definition of 'Parks Buildings' under the operative District Plan, and has been assessed accordingly.

Land use resource consent is required for the proposal under the District Plan for the following reasons:

City Wide Rules

Limited Discretionary Activity consent for building on land known by Council to be subject to slope instability (Rule 1.1, Natural Hazards). The proposal involves development on a site with the following notation as a "proposed" hazard register entry below. It is noted that the proposed works will not be located in proximity to this area of un-engineered fill.

Un-engineered fill is located to the east of the running track at the Douglas Track and Field. Any future development in this area will require further specific, geotechnical investigation.

Discretionary Activity consent for development on a site known as potentially contaminated (Rule 2.2, Hazardous Facilities & Contaminated Sites). The proposal involves development on the site with the following hazard register entry:

HSF 15680

In 2001 the Auckland Regional Council and the Auckland District Health Board commissioned a report to identify properties previously used for horticultural purposes, as a starting point to establish the extent or otherwise of residual pesticide contamination of soils arising from those former horticultural uses. A copy of that report (Pesticide Residues & Horticultural Soils in the Auckland Region Working Report No.96) can be obtained from the Auckland Regional Council. This property has been identified by this Council as a site which may previously have been used for horticultural purposes. The Council stresses that there is no evidence that this property is or is not, contaminated as a result of any former horticultural use. However, this Council MAY require soil testing if it is proposed to subdivide the property, establish new activities, or to extend existing activities on the site, depending on the nature and scale of those activities. This information is provided pursuant to s.44A(3) of the Local Government Official Information & Meetings Act 1987.

Limited Discretionary Activity consent for any activity which involves the alteration of any recorded archaeological site (Rule 4.2, Heritage). The subject site contains two archaeological sites, R11/1977 (CHI 12232) a midden and R11/2187 (CHI 14191) the site of the former Duncan's Brickworks. These sites are not identified in the District Planning Maps or the Heritage Appendix of the District Plan.

Open Space Environment

Non-Complying Activity consent for Parks Buildings exceeding the 8m maximum building height (Rule 2.4, Open Space Environment). The proposal involves the erection of four x 28m high floodlights.

Discretionary Activity consent for Parks Buildings that do not project above a recession plane measured along a site boundary adjoining land zoned Living, Bush Living, Waitakere Ranges, Rural Villages, Coastal Villages, Countryside or Foothills Environment (Rule 3.3(a), Open Space Environment). The subject site adjoins land zoned Transport Environment (Central Park Drive) and Open Space Environment (Allot 693 SO 56994 and Lot 2 DP 103931) and does not adjoin any land outlined in Rule 3.3(a). Therefore, there are no relevant recession planes for the subject site, and the proposed four x 28m high floodlights will comply with the provisions of Rule 3.3, being a Discretionary Activity.

Discretionary Activity consent for Parks Buildings that do not encroach a 3m yard setback from any site boundary which adjoins land within the Living, Bush Living, Waitakere Ranges, Rural Villages, Coastal Villages, Countryside or Foothills Environments (Rule 4.3(a), Open Space Environment). As previously noted, the subject site does not adjoin any land identified in Rule 4.3(a). Therefore, there are no relevant set backs for the subject site, and the proposed four x 28m high floodlights will comply with the provisions of Rule 4.3(a), being a Discretionary Activity.

Discretionary Activity consent for Parks Buildings where there will be an increase of more than 10m² and the total building coverage shall not exceed 35% of the site area, including all existing building coverage on the park or reserve (Rule 5.3(a), Open Space Environment). The subject site contains the existing grandstand building on the western embankment, where the erection of four floodlights will not result in a building coverage that exceeds 35% of the site area.

Limited Discretionary Activity applications for Parks Buildings that do not increase gross floor area (Rule 7.2(c), Open Space Environment). The proposal is of a nature that will not have a gross floor area and is anticipated to not increase traffic generation on the site above the parameters set out under the existing resource consent relating to the Stadium site.

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

6.0 ISSUES IDENTIFIED THROUGH THE SUBMISSION PROCESS

6.1 Submissions

The application was publicly notified on 19 January 2008 and notice was served on neighbouring properties. The closing period for submissions was 19 February 2008.

A129-A172

A total of 17 submissions to the proposal were received. Of these submissions, 2 were in support of the application, 14 were in opposition and 1 was neutral. A full copy of the submissions are attached as Appendix Three at pages A129 to A172.

6.1.1 Support

Name	Reasons	Recommendations
G B Douglas, no address provided	<ul style="list-style-type: none"> Reach potential of Track and Field 	None provided
John MacKenzie 48 Vodanovich Road	<ul style="list-style-type: none"> Enhance opportunities for events missing from City Disruptions to locals minimised and within realms of reasonableness 	Grant

Table 1

6.1.2 Neutral

Name	Reasons	Recommendations
Hugh and Jo Anne Fendall 25 Bethlyn Place	<ul style="list-style-type: none"> Extent of light spill beyond property boundary Hours of operation 	<ul style="list-style-type: none"> Confirm lighting levels by independent review Ensure replacement planting is undertaken Limit light to no later than 10pm on Sunday to Thursday inclusive and 11pm on Friday and Saturday nights

Table 2

6.1.3 Opposition

Name	Reasons	Recommendations
Helen and Wharetini McLean 15 Coletta Lane	<ul style="list-style-type: none"> • Building height/visual impact • Shadow impact • Lack of information regarding impact on residents of Coletta Lane • Reduction in property values 	<ul style="list-style-type: none"> • Preparation of report on effects on Coletta Lane
R Donaldson 21 Bethlyn Place	<ul style="list-style-type: none"> • Opposition to level of lighting for public events • Increase in noise • Power consumption • Energy usage/ global warming 	Decline
Des and Evelyn Smith 23 Bethlyn Place	<ul style="list-style-type: none"> • Floodlights will be visible • More use, more noise • Lights will affect ability to sleep • Removal of pines • Reduction in property values 	<ul style="list-style-type: none"> • That height be reduced • Restriction on noise level of loudspeakers • Planting commence immediately
Louise Dove and Daniel Lloyd 9 Quiet Street	<ul style="list-style-type: none"> • Glare will not be “unnoticeable” • Pines will not provide sufficient screening as they are likely to be removed • Appropriateness of species for mitigation • Frequency of use of lights not provided 	<ul style="list-style-type: none"> • Further description of effects of spill light on Quiet Street • Details of planting program to replace existing pines
R S Parry 37 Sylvan Crescent	<ul style="list-style-type: none"> • Lights above skyline 	Decline
Mark Barber 48 Sylvan Crescent	<ul style="list-style-type: none"> • Noise • Light • Traffic • Glare • Enjoyment • Pollution • Privacy • Pedestrian traffic at boundary of own property • Affect hobby of astronomy 	Decline
Geoff and Elizabeth Nevill 50 Sylvan Crescent	<ul style="list-style-type: none"> • Affect on outdoor amenity • Dispute floodlights are expected in sports area • Loss of amenity • Decrease in property value • No compensation proposed 	<p>Decline or if approved,</p> <ul style="list-style-type: none"> • Six free tickets to every affected property for each event floodlights used • Existing floodlights at stadium replaced with poles along eastern edge to face away from residential properties • For sports practices, only two eastern lights used

		<ul style="list-style-type: none"> • Floodlights fitted with shield • Additional planting of pines or faster growing natives
James Simon Bell 52 Sylvan Crescent	<ul style="list-style-type: none"> • Reduction in property values • Excessive light • Hours of operation • Time and number of events • Planting plan not adequate to address issues 	Decline or if approved, <ul style="list-style-type: none"> • limit on time and days of operation • Complete planting plan to limit light/noise/visual effects
Rosaline Chapman 54 Sylvan Crescent	<ul style="list-style-type: none"> • Cost • Why sports at night? • Visual effects • Lighting • Noise • Reduction in property values • Removal of pines 	Decline
William D Chapman 54 Sylvan Crescent	<ul style="list-style-type: none"> • Height of floodlights and use at night • Exceeding maximum noise levels at events • Glare level of lights • Existing lights have excessive glare • Noise 	Decline
Roy Peebles 58 Sylvan Crescent	<ul style="list-style-type: none"> • Affect on skyline • Noise levels • Privacy 	Decline
Ngaire J Ball 18B Vodanovich Road	<ul style="list-style-type: none"> • Reduction in property values • Noise impacts high • Light effects 	Decline or if approved, conditions to lessen impacts on neighbourhood
Lisa Bradbury 55 Vodanovich Road	<ul style="list-style-type: none"> • Eyesore on horizon • Views 	Decline
Dean Bradbury 55 Vodanovich Road	<ul style="list-style-type: none"> • Eyesore on horizon 	None provided

Table 3

6.1.4 Organisations

- Auckland Regional Council;
- New Zealand Historic Places Trust;
- Henderson Community Board.

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

6.1.5 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 19 May 2008 with the applicant, their planner and lighting specialist, and with 6 submitters attending. Council Officers in attendance was limited to the processing planner.

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

The meeting commenced at 6.30pm and concluded at 8.50pm with the following matters being considered relevant under the RMA in decision making:

- Lighting spill; Hours of operation; Noise (incl loud speakers); Traffic (incl pedestrian); Visual Effects (incl shadowing); Privacy; Appropriateness of mitigation planting; Effects of climate change (energy usage)

Other matters were raised outside the RMA jurisdiction that included:

- Property Values; Cost; Concept of sports at night

Agreement was reached at the pre hearing that traffic was not an issue for those submitters present. No other agreements were reached and a copy of the agenda, attendance list and minutes from the meeting are attached in Appendix Nine 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.

It is considered that the proposal would be unusual because the Douglas Track and Field and land immediately adjoining has undergone significant transformation over the past five (5) years with the establishment of the Trusts Stadium and the Grandstand that has resulting in the facility both being an integral part of the City's 'primary' recreational hub and its visual presence in the urban landscape. Intertwined within this, are the environmental effects associated with the above activities that have been set within defined parameters as laid in LUC 2002-1523 and LUC 2006-1797. This now forms an integral component of both the existing and receiving environments.

The site is afforded a substantial buffer to nearby and contrasting activities and buildings and namely residential activities. This buffer is significant both in terms of distance but perhaps more noticeably by the physical separation afforded by Henderson Creek and its margins. Residential dwellings are located some 150m away. This significant separation allows for the potential for contrasting scale and activities without resulting in the decline and / or eroding of the prevailing neighbourhood character (most noticeably residential) that lies adjacent. The floodlights by virtue of their height will be a noticeable feature in the landscape, however, the distance separations afforded and both the retention of existing and proposed landscaping means that the proposal either dominates or visually intrudes upon adjoining or nearby sites or to the wider locality. The proposal will not impinge upon the established neighbourhood character of adjoining areas whilst remaining consistent with activities held on the "subject site".

Council also has discretion to consider any precedent issues that may arise for a Non-Complying Activity. According to the Court of Appeal decision in *Dye v Rodney District Council*, an adverse precedent effect can arise where the grant of a non-complying consent would influence the approach taken by Council to similar consent applications. Such a precedent effect does not arise because a resource consent application would need to be assessed on its own merits. Since each application would be assessed on a case by case basis, and is dependant on a professional evaluation by the consent authority, the granting of consent can only influence how another similar application is dealt with. In this case, the Non-Complying infringement relates to the height of the proposed floodlights. It has been concluded that the adverse effects on the environment arising from the proposed activity would be no more than minor.

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

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

In order to make a decision in terms of section 104 of the Act it is necessary to undertake an analysis and assessment of effects to determine whether the purpose and principles of the Act are being met (Part II). This must be undertaken 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. The Council must consider any other matters the consent authority considers relevant and reasonably necessary to determine the application.

When considering an application the 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 Plan permits an activity with that effect (section 104(2)).

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

8.1.1 Effects Permitted by the Plan

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

The proposed development is considered to fall under the definition of Parks Building. As such, unless they relate to alterations and additions to existing Parks Building, all new Parks Buildings, regardless of their size, scale and height will automatically fall into a minimum Discretionary Activity category. A number of bulk and location requirements are therefore applicable and highlighted by Section 4.0 of this report. This would also include Parking and Traffic Generation, and associated effects.

In light of the above, there are no comparable or non-fanciful activities that can be considered.

As such, there are no adverse effects that can be disregarded as permitted by the Plan

8.1.2 Receiving Environment

The receiving environment for the purposes of s104(1)(a) includes the environment at present (includes those activities that have existing use rights or expressly authorised by resource consent) and how it might be modified by the utilisation to carry out permitted activities and unimplemented resource consents where implementation is likely.

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

In terms of this application, the existing activity on the subject site is reflective of its underlying Open Space Environment zoning and its sporting/ recreational use in combination with The Trusts Stadium which is also expressed in the Reserve Management Plan (see Section 8.6.2).

The existing environment is an eclectic mix of urban elements and characteristics that includes industrial and recreational uses (with associated large expanses of open space) on the western edge of Henderson Creek. Henderson Creek provides a distinct separation of the activities from established residential neighbourhoods that adjoin the Creek (and its associated margins) along the eastern edge and beyond Sherwood Reserve. The Trusts Stadium, Grandstand and associated activities now part an established part of the existing environment, with a substantial buffer (in an urban context) to nearby residential dwellings. Whilst the subject site, including The Trusts Stadium and nearby commercial buildings are of a notable size and scale and combined with other street furniture (lighting columns), the height of structures is not comparable to that sought by this activity.

As noted above, The Trusts Stadium and Grandstand form an integral part of the existing environment and were established by way of resource consent. Both of these consents set out clear parameters for the threshold of events in terms of effects on the site that in particular relate to the number of persons allowed on The Stadium site and the noise levels emitted from activities.

Conditions 61, 65, 66 and 67 of LUC 2002-1523 and condition 16 of LUC 2006-1797 set out the operational requirements for The Trust Stadium site (Lot 1 DP 120491, Lot 2 DP 119782, Lot 1 DP 103931, Lot 2 DP 103931 and Allotment 693 Parish of Waipareira SO 56994), which are summarised as follows:

- No combination of events between 10.00 pm to 7.00 am that would attract over 1200 people and require the use of the sports field for parking and a Traffic Management Plan;
- No special event events between 10.00 pm to 7.00 am that would attract up to 1200 people, where the 10pm curfew can be extended if the noise standards set out in condition 60 of the consent can be met;
- No more than 5000 people within the indoor sports complex at any one time;
- Maximum 4 times per year for combination of events and activities that would attract over 3000 people, as long as it is not held at the same time as large events on the field;
- No limit on persons for events on public holidays as long as it is not held at the same time as large events on the field;
- No limit on persons for events during first three weeks of January, as long as it is not held at the same time as large events on the field;
- No simultaneous event can occur in the function room at the Grandstand where there is an event on The Trusts Stadium site, attracting more than 800 persons in total.

It is noted that conditions 65 and 66 of LUC 2002-1523 (regarding limits of people on-site) and condition 70 (regarding parking) and condition 16 of LUC 2006-1797 do not apply to the Douglas Track and Field (Lot 1 DP 103931). Rather, these conditions relate to the Trusts Stadium site and other associated fields (Lot 1 DP 120491, Lot 2 DP 119782, and Allotment 693 Parish of Waipareira SO 56994) and use of the grandstand on the subject site (Lot 1 DP 103931).

Conditions 31 to 36 of LUC 2006-1797 set out the noise limits for the subject site, which are summarised as:

- Maximum 3 events per calendar year with maximum noise limits of 75dBA L_{10} and 80dBA L_{max} , between 9.00 am -10.30pm Monday to Saturday, not exceeding four hours duration;
- Maximum of 6 events per calendar year with maximum noise limits of 65 dBA L_{10} and 70dBA L_{max} , between 9.00 am -10.30pm Monday to Saturday, not exceeding four hours duration;
- Maximum of 2 events per calendar year that include fireworks, where the fireworks will be not exceed 2 hours duration and must be completed by 10pm;
- All of the above is subject to review pursuant to Section 128 of the RMA;
- All other activities must comply with the permitted noise level of the Open Space Environment rule.

Such events, although provided for in resource consents would in essence be restricted by the current absence of lighting, although they are not excluded in light of the parameters above. The proposed activity will facilitate and likely to increase the level of activities at night but will be required to be in accordance with those parameters above.

The effects of hours of operation, traffic generation and noise are within the scope of the operational requirements of the existing resource consents. The introduction of floodlights will not be 'at odds' with those requirements. It is also noted that conditions primarily centre on events and does preclude the use of the sports field. It is noted that apart from the use of floodlights for the special events provided for under the previous resource consents, other activities will be limited due to the costs involved in operations. More frequent activities are likely to involve athletics club training on the track.

The proposal will introduce a visual element into the landscape and with its associated lighting introduces effects over and above which presently exist. .

There are no unimplemented resource consents (likely to be implemented) that are considered to materially affect the nature of the receiving environment.

It has been highlighted in a number of submissions but also within the Visual and Landscape Architect to the value of the pines that straddle the western edge of Henderson Creek. At present, a resource consent has been granted (LUC 2006-0693) for the removal of environmentally damaging plants. This does not extend to the large pines, although crown-lifting can be undertaken to allow for the establishment of native plantings. Further upstream, the removal of three young pines has been consented to. At present, there is no intention to remove the pines but allow them to carryout their lifespan on site and manage any new seedlings or saplings that come up. Their lifespan is in the order of 15-20 years. Notwithstanding this, any consent to remove the pines will be at a minimum a Controlled Activity Consent.

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 activity.

8.1.3 Water Quality and Quantity

The proposal is of a nature that will not result in increased stormwater generation from the site through the establishment of impermeable surfaces.

Sediment and erosion control measures, as noted in Section 8.1.5 of this report will ensure that the effects of earthworks activity on the water quality of Henderson Creek will be minimised.

8.1.4 Native Vegetation, Vegetation and Fauna Habitat

The proposal does not involve clearance or work within the dripline of any vegetation. The landscape and visual assessment has noted that the age of pines within the riparian margin of Henderson Creek is such that the existing skyline of vegetation as viewed from residential properties to the east and south will need to be maintained and enhanced.

Contrary to submissions, the proposal does not propose to remove any pines within the margin of Henderson Creek. The application noted only that existing pines may be nearing the end of their lifespan. As stated in Section 8.1.2, there is no intention to remove the pines but allow them to carryout their lifespan on site and manage any new seedlings or saplings that come up.

As discussed in Section 8.1.11 of this report, mitigation planting involving the planting of natives and fast growing exotics within the adjacent reserve (Lot 2 DP 103931) will mitigate the visual effects associated with the proposed floodlights, but in turn strengthen and enhance the biodiversity and resilience of the Green Network. Proposed planting in the long-term using native species (and in this case exotic species) will improve its integrity and further restore the margins of the Henderson Creek from works already /or anticipated to be carried out.

8.1.5 Land / Soil

The proposal requires excavations for the foundations of the four floodlights and for the thrusting ducts to connect the cables from the columns, with a volume of approximately 4.48m³ over an area of 6.4m².

The site has an identified area of un-engineered fill to the east of the athletics club track. The proposed activity will not require development in this area of un-engineered fill.

The remainder of the site is not known to be subject to slope instability and therefore there will be less than minor effects on the stability of the site arising from the proposed activity.

The site has been identified as being previously used for horticultural purposes and therefore potentially contaminated. The application was supported by a contamination report prepared by Environmental & Earth Sciences. It is noted that this report does not directly relate to the proposed activity. The report concluded that contaminants on the site would be below the relevant guidelines for human health, but with traces of DDT above environmental protection criteria. The report recommended that the soil is suitable to remain on-site or disposed at a controlled cleanfill, which has been agreed by the applicant. Given the minor nature of earthworks activity, it is considered appropriate to ensure that all spoil remains on site or disposed to a controlled landfill by means of conditions of consent.

The earthworks required for the proposal may result in the acceleration of the erosion process and sediment loss from the site, which would increase the risk of sediment entering the City's waterways. The implementation of sediment control measures prior to construction works and maintained until completion of works would ensure that no sediment discharge containing contaminated soils would affect the water quality of the Henderson Creek.

Therefore, subject to conditions of consent, the proposal will have less than minor adverse effects arising from the earthworks activity, which will be temporary in nature with localised effects.

8.1.6 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.

8.1.7 Ecosystem Stability

As the site is within the urban area, the existing environment is already modified, there is no proposed clearance of vegetation and the implementation of sediment and erosion control measures will ensure that sediment discharging into the Henderson Creek is prevented, there would be no adverse effects on the stability of ecosystems as a result of the proposal.

8.1.8 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.

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

There would be less than minor adverse effects in relation to the natural character of the Henderson Creek due to the modified nature of the area as it presently exists.

The Henderson Creek is located adjacent to the site and the proposed development. The creek has a 20m coastal edge natural area zoning under the District Plan and the property boundary is located roughly 20m from this. No development is proposed within the 20m coastal edge and no further alteration to the natural features in this area is proposed.

The proposed structures, and namely the two most eastern floodlights, will not detract from the character of Henderson Creek.

Proposed planting in the long-term using native species (and in this case exotic species will improve its integrity and further restore the margins of the Henderson Creek from works already /or anticipated to be carried out.

Conditions relating to sediment and erosion controls, as discussed in Section 8.1.5, will ensure that sediment is prevented from entering the stream.

8.1.10 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.

8.1.11 Amenity Values

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."

Accordingly a number of aspects contribute to forming the amenity and neighbourhood character of an area; including (but not limited to) visual appearance, light, sense of quiet and landscaping. These factors are assessed below, culminating in a discussion regarding the overall effects of the proposal on the amenity and local character of the subject site and the surrounding area.

8.1.11.1 Visual Amenity

The District Plan 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. The proposed floodlights, by their very nature, especially in terms of its height will impact upon the landscape and the wider urban environment. There are no similar or comparable structures within the subject area although structural vertical elements are evident in the immediate and industrial locality west of Henderson Creek, including radio transmission mast, power pylons, signage, and flags

The proposal involves the erection of four x28m high floodlights at the corners of the Douglas Track and Field. The majority of submissions have raised the issue of the visual effects of the proposed floodlights and the need for mitigation planting if consent is granted.

The application was supported by a landscape and visual assessment by Boffa Miskell. At the close of submissions, it was noted that further investigation into the visual effects on Coletta Lane was required, with an amendment to the report provided by Boffa Miskell. The report made the following comments:

- Views are limited due to the topography and location of the field below the road level;
- Structural vertical elements are evident in the immediate and industrial locality west of Henderson Creek, including radio transmission mast, power pylons, signage, flags;
- Vertical elements within the streamside of Henderson Creek and the residential area to the east consists of mainly vegetation, particularly the existing pines along the Creek;
- The proposal will result in a change to visual amenity values for some residents who live on streets backing onto Henderson Creek, those using the public walkway along Henderson Creek and users travelling along Central Park Drive;
- Existing pine trees on western side of Henderson Creek will in their current condition provide considerable screening of the field and minimise visual effects of the floodlights;
- Maintaining a tree lined bank on the western edge of the reserve is essential to minimise adverse visual impacts;
- A replacement planting plan be prepared taking into account the lifespan of the existing pines and appropriate species;
- Columns and head frames be painted medium grey (Resene Deep Space 11MA20)
- Potential visual effects of the proposal as viewed from Coletta Lane will be no more than minor;
- Subject to recommendations within the report, the adverse effects would be no more than minor.

It is noted that this report was prepared on the basis that the replacement planting would be undertaken as part of Project Twin Streams, a separate project by a third party with timeframes that may not correspond with the installation of the floodlights.

Following submissions, the application was amended to ensure mitigation planting be provided on the adjacent reserve (Lot 2 DP 103931), so that certainty over timing / control can be provided. It is considered that mitigation within the adjacent reserve will ensure that the open character of the site is maintained for recreational opportunities.

A184-A194

The application was reviewed by Rob Pryor of LA4, Consultant Landscape Architect attached as Appendix Six at pages A184 to A194. His report concludes as follows:

- Existing planting within Henderson Creek does screen views from residential properties to the east;
- There are relatively unobstructed views towards the fields from properties to the south, particularly off Coletta Lane;
- The viewpoints identified are a fair representation of the range of public and private views toward the proposed development;
- Agree that floodlights are commonly associated with large scale recreational facilities;
- A planting plan is to be implemented as soon as practicable and that tree species include fast growing exotics as well as indigenous trees;
- Columns and head frames be painted medium grey (Resene Deep Space 11MA20);
- Overall visual and landscape effects will be no more than minor, provided mitigation measures.

I concur with the conclusions made in the Boffa Miskell report and by Mr Pryor with regards to the adverse visual effects of the proposed floodlights being no more than minor subject to appropriate measures that includes the incorporation that is required to take place with immediate effect in order to allow for their establishment and supplement the existing vegetation that lies beyond the subject site. As earlier discussed, the pine trees have a limited lifespan but at present there is no intention to remove them nor are they causing damage to property or person.

The column of the proposed floodlights will have a linear structure, tapering in width from the foundation to the head frames. The 5.8m wide head frames are considered to have a greater bulk than the columns. I concur with the assessment made within the Boffa Miskell report that the 5.8m frames of the proposed floodlights will be less visually dense in contrast to the existing grandstand on the site and The Trusts Stadium building to the north. It is considered that the proposed floodlights are of a design and location that will allow for reasonable sunlight and daylight access to adjoining sites, with minimal shadowing effects. It is considered that existing skyline of the vegetation along the Creek, particularly the pines, provides sufficient screening for the properties to the east of the site. I agree with the findings of Mr Pryor, that the properties to the south of the site will be most affected given there is limited screening at present. Further planting is recommended to the south of the site. It is noted that while the full height of the proposed floodlights are not screened, the skyline of the vegetation acts as a buffer and softens the visual impact ensuring the floodlights will not physically dominate or intrude into the privacy of adjoining sites.

It is noted that the adjacent reserve contains two archaeological sites, where the preparation of the mitigation planting plan will need to investigate the appropriateness of planting in these areas. This matter is further discussed in Section 8.1.10 of this report.

A199-A202

Council's Parks Consents Planner, Huia Kingi has also reviewed the proposal and has also recommended conditions of consent relating to mitigation planting, attached as Appendix Eight at pages A199 to A202. Mr Pryor's recommended conditions have been incorporated into the format set out by Ms Kingi. The preparation of a mitigation planting plan will be required as a condition of consent, with species that are appropriate within the area and fast growing exotics to provide more immediate screening. I believe this mitigation planting plan will address several submissions raised in regards to the appropriateness of species and the level of mitigation planting.

Ms Kingi has noted that the proposal would be in accordance with the provisions of the Waitakere City Stadium Reserve Management Plan, further discussed in Section 8.6.2 of this report.

The Boffa Miskell report made reference to the surrounding environment, which is comprised of differing land uses described as:

- The commercial, industrial “Working Environment” activities to the north and west with large scale buildings, signage, car yards etc;
- The streamside environment of the Henderson Creek;
- The residential housing to the east and south of typical suburban design and character.

The subject area is afforded a significant buffer from neighbouring and competing activities where different amenity values and characteristics prevail. The buffer and the physical separation are further re-inforced by vegetation along the margins of Henderson Creek. In light of this separation, proposed vegetation, and with the floodlights not undermining the open space characteristics of the Douglas Field and Track that are retained adjacent to the Creek, the proposal will not physically dominate or intrude into the privacy of neighbouring and nearby sites, nor interrupt views (also in light of its slimline design). The proposal is considered to generate no more than minor adverse effect onto both the visual amenities of the site, the wider locality and to its modified neighbourhood character. Such effects will diminish over time once planting becomes firmly established.

The proposed floodlights will not detract from the open space of the reserve and will enhance the capabilities of the facility to provide for a broader range of activities. The applicant has noted that the site is an active sports ground and the proposed lighting will enhance the uses of the site. I agree with these statements, that the proposed lighting will enhance the character of the site and increase the amenity values for users of the 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 no more than a minor extent. While introducing change, the proposal would be compatible within the underlying use of the reserve, wider neighbourhood and the proposal would not significantly detract from the visual amenities of the site and wider locality.

8.1.11.2 Lighting

Whilst events and other activities are provided for in resource consents, they would in essence be restricted by the current absence of lighting, although they are not excluded.

The proposed activity will facilitate and likely increase the level of activities at night accordingly. It should, however, be noted that the ability to light the Douglas Field and Track is considered “non-fanciful” and consistent with the nature and functioning of the established facilities. It is noted that the primary use of the floodlights will be for special events provided for under the previous resource consents. Other activities will be limited as the costs associated with the use of the lights will be high. More frequent uses will likely be athletics club training along the track. No rugby training on the fields is allowed.

Artificial Lighting, particularly in residential areas can be of such a level that it reduces people’s ability to sleep and to the detriment of the health and well-being of residents, and to the general loss of a night-time sky. Actual and potential effects can be tangible or intangible in terms of residential and visual amenities and neighbourhood character with the latter potentially leading to a loss of residential coherence and isolation from residential neighbours; and a perception that the character of the neighbourhood is changing and in decline.

The application is supported by a lighting report prepared by LDP Limited. The report concluded as follows:

- The maximum (initial) illuminance calculated in the design is 993 lux on the field;
- The maximum spill light calculated at the boundaries of the site has been calculated as 6 lux;
- Light will not operate later than 11.00pm until 7.00am the following day;
- The maximum Glare Rating (GR) calculated at residential properties with a view of the installation has been calculated as 10 (ie. "not noticeable");
- The maximum luminous intensity from the floodlights toward any residential property has been calculated as 5,455 cd (curfew limit 7,500 cd);
- Glare rating for motorists at most critical point along Central Park Drive is GR 10 and a luminous intensity of 1,551 cd;
- The lights will be shielded in a manner that the lower edge of the shield (luminaire housing) will be at or below the centre line of the light source;
- AS/NZS1158 is not applicable to sports floodlighting;
- Visible sky glow will be minimised as much as is reasonably practicable;
- The proposal will comply with the glare provisions outlined in Rule 10.1, Open Space Environment;
- The proposed lighting design is in keeping with good design practice and has been based upon the tenets of minimising obtrusive light effects beyond the site boundaries.

It is noted that at the pre- hearing held on 19 May 2008, John McKensey of LDP Lighting Ltd identified that the maximum 6 lux spill identified within the report was measured along the Central Park Drive road boundary of the site. The measurement on the nearest residential property to the east and south had a maximum 1 lux spill, which was compared to an effect similar to "strong moonlight". It was also clarified that calculations provided in the report did not take into account the screening of vegetation, which would further reduce any adverse lighting effects.

A195 -A198

The report was reviewed by Council's consultant Lighting Specialist, Ewen Café of 3D Lighting Design Ltd, attached as Appendix Seven at pages A195 to A198. The report concluded as follows:

- Agree with curfew time of 11.00pm and that lights do not operate between 11.00pm and 7.00am the following day;
- Proposal will comply with glare provisions outlined in Rule 10.1, Open Space Environment;
- The installation will exhibit minimal sky glow effect by the use of the asymmetric floodlights, considerably less than similar installations using symmetric distribution floodlights;
- Agree that adverse effects of glare will be less than minor;
- Agree that adverse effects on motorist will be less than minor;
- Proposed design is in keeping with good design practice and considers all practical methods of minimising obtrusive effects of spill light and glare to surrounding properties.

The assessment within the lighting report by LDP Limited and the peer review by 3D Lighting Design has been accepted. The aforementioned reports concluded that the lighting levels of the proposed floodlights meet the permitted activity performance standards of the Open Space Environment.

The proposal therefore is not considered to affect the reduce people's ability to sleep nor the general loss of the dark night-time sky environment that is expected within this urban environment.

Therefore, any adverse effects associated with lighting are considered to be less than minor in nature. This opinion is formed that certification to its compliance with Rule 10.1 Glare – Open Space Environment would be required.

I agree that an appropriate condition of consent will be for the floodlights to operate no later than 11.00pm until 7.00am the following day.

It is therefore considered that there should not be any other limit on the use of the floodlights besides the restriction of use between the hours of 11.00pm and 7.00am the following day.

Council's Lighting Expert is satisfied that subject to appropriate conditions, if granted that includes a Producer Statement or similar being submitted to certify lighting installed as per design, that the proposed floodlights would not adversely affect adjoining residential or other amenities or degrade the level of visual amenity nor the dark night-time sky environment.

8.1.11.3 Noise

As noted in previous Sections, The proposed activity will facilitate and likely to increase the level of activities at night and therefore future noise-generating activities will be introduced.

As noted, previous resource consents have identified the potential for night-time activities and have set parameters accordingly as described in Section 8.1.2 in terms of noise levels and traffic generation

There are a limited number of events (9 Special Noise Events and 2 Pyrotechnic Events) that are catered for within the hours of 0900 – 2230 hours Monday to Saturday inclusive and none of these events shall exceed four hours duration. Otherwise, all activities on the Douglas Track and Field must comply with the noise standards set out in Rule 8.1 Open Space Environment.

Submissions were raised as to the existing use of a Public Address system and any other mobile systems brought onto the site by some uses are of particular nuisance. It should be noted that these activities are required to comply with noise levels set out under the Open Space Environment. Investigation into the compliance of these systems is recommended.

The proposed floodlights are anticipated to extend the times that the fields will be used, which will increase the duration of noise on the site. The subject area is clearly separated from noise-sensitive activities (namely residential activities) by Henderson Creek and its associated buffer that creates a significant buffer in this urban context.

It is noted that the noise limits set out in resource consent LUC 2006-1797 set out clear parameters for "Special Noise Events" which of a specified number and limited duration and which also are subject to review.

In light of the expected intensification of the use of the site, and most particular outside of 'Special Noise Events" it is considered that the proposal in itself will not be odds with Condition No.31 of LUC 2006-1797 and that activities can continue to comply with Condition No.31. As such, any adverse effects are considered to be no greater than those permitted by the Plan in terms of noise. However, it is felt that a review condition be placed in association with the hours of operation associated with the lighting in order to protect nearby and adjacent residential amenities as the two events will be intrinsically linked during night-time operations.

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.

During the construction phase, it is anticipated that potential adverse noise effects may arise that could impact on the surrounding area. Construction noise would be temporary in nature and is required to meet the standards set out in NZS6803P:1984 as a permitted activity under the District Plan. It is considered noise could be controlled to an extent that it does not adversely affect the aural amenity of the surrounding area.

8.1.11.4 Traffic Generation, Parking and Access

As noted in previous Sections, The proposed activity will facilitate and likely to increase the level of activities at night and therefore future traffic-generating activities will be introduced.

The underlying resources consents have anticipated both parking provisions and traffic generation that have centred on both the normal operations of the respective parts of the site and significant traffic –generating events that require the imposition of Traffic Management Plans.

The floodlights will potentially lead to an intensification to the use of the site but acknowledge as above that events that trigger Traffic Management Plans are set specific parameters in which to operate within in order to protect nearby residential and other amenities and the wider roading network. Outside of those times, and in general on-site parking provision located primarily along the Central Park frontage and significantly separated away from any residential properties or amenities will accommodate demand without overspill onto the surrounding road network.

In light of the physical separation afforded by Henderson Creek, the proposed activity is not considered to generate pedestrian or traffic movements within established residential neighbourhoods, or along local roads with any effects not noticeably over and above that which forms part of the receiving environment that is primarily derived from the operation of the “Stadium Site”.

However, in light of the potential intensification of the site, a review condition as described above be placed in association with the hours of operation associated with the lighting in order to protect nearby and adjacent residential amenities as the two events will be intrinsically linked during night-time operations.

8.1.13 Heritage

The reserve along the Henderson Creek adjoining the property at 59 – 79 Central Park Drive contains two identified archaeological sites to the east, adjacent to the Henderson Stream. R11/1977 is a midden located over 150m from the proposed area of works. R11/2187 is the site of the former Duncan’s Brickworks, and is located over approximately 90m from the area of proposed works. It is considered that the proposed development, and in particular the earthworks, are located a sufficient distance from the archaeological sites to avoid any potential damage or adverse effects to these sites.

Notwithstanding, it is considered appropriate to take a precautionary approach given the uncertainty associated with accurately pin-pointing archaeological sites. Therefore a condition will be recommended to require that should any archaeological remains be overturned during the course of works, all work shall cease and investigations undertaken by a suitably qualified professional.

It is noted that planting within the adjacent reserve is proposed to mitigate visual effects of the proposed floodlights. The preparation of landscape plan will need to investigate the appropriateness of planting within proximity to these archaeological sites. Council's Principal Advisor - Heritage, Alina Wimmer, has concluded that independent investigation to the extent of the archaeological sites will be required if planting is to be undertaken within proximity of the archaeological sites. Any planting within 10m of the archaeological sites will also require approval of Council's Principal Advisor – Heritage.

With these conditions in place, it is considered that any potential adverse effects of the proposal on heritage values would be no more than minor.



Figure 2. Location of archaeological sites on adjacent reserve (Lot 2 DP 103931)

8.1.14 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 raised any adverse effects of the proposed activity on the environment would be no more than minor. The proposal will also will enhance the capabilities of the facility in order to provide for a broader range of activities for the health and well-being of the local community.

The submissions received primarily centre on the effects of the proposed activity on residential amenities (in terms of noise, glare); traffic generation, and the visual effects associated with the floodlights.

The Douglas Track and Field and land immediately adjoining has undergone significant transformation over the past five (5) years with the establishment of The Trusts Stadium and the Grandstand that has resulted in the facility both being an integral part of the City's 'primary' recreational hub and its visual presence in the urban landscape. Intertwined within this, are the environmental effects associated with the above activities that have been set within defined parameters as laid in LUC 2002-1523 and LUC 2006-1797.

The Trusts Stadium, Grandstand and associated activities form an established part of the existing environment, with a substantial buffer to nearby residential dwellings seldom found in the urban context. This buffer is significant both in terms of distance but perhaps more noticeably by the physical separation afforded by Henderson Creek and its margins. Residential dwellings are located some 150m away. This significant separation allows for the potential for contrasting scale and activities without resulting in the decline and / or eroding of the prevailing neighbourhood character (most noticeably residential) that lies adjacent.

The floodlights will potentially lead to an intensification of the site in addition to introducing a noticeable 'visual presence' by virtue of its height into the landscape and its associated glare.

The floodlights, 28m high but of linear design will be visible both will neither be visually obtrusive or incongruous in this urban landscape, in light that in the short-term by maintaining a tree lined bank along the western edge of Henderson Creek. In light that it is both outside of the applicant's control, and of limited lifespan, mitigation planting is required to ensure the on-going integration of the floodlights in the landscape but provides both a backdrop and / or screening dependant on vantage points. This planting will be required with immediate effect and that tree species include fat growing exotics as well as indigenous trees. The height of the floodlights will not result in the loss of light or visually intrude upon neighbouring and nearby residential amenities.

The proposed activity will meet the permitted levels of glare, which identifies that the lighting effects in this zone are reasonable under the District Plan. As such, any adverse effects associated with this aspect will be no greater than that permitted by the Plan.

In terms of the intensification of the site, potential effects primarily centre on the introduction of traffic and noise generating activities during night time hours.

As noted above, parameters have been clearly set in the underlying consents for "events" (either traffic / noise generating, or both), and to normal activities where in terms of Noise compliance with Rule 8.1 Noise is required.

The intensification of the site is not 'at odds' with these requirements but with the hours of operation of the floodlights to be between 07:00 and 23:00 seven (7) days a week means it is appropriate that a review condition be placed in association with the hours of operation associated with the lighting in order to protect nearby and adjacent residential amenities as the two events will be intrinsically linked during night-time operations.

The proposal will undoubtedly change the character of the surrounding environment. The size and scale of the activity has regard to its surroundings, but also acknowledges the significant separation distances its afforded and responses accordingly. The change in character will not undermine the amenities currently enjoyed by neighbouring and nearby residential and commercial properties. The proposal may also contribute in a positive way to the nature and functioning of this established residential neighbourhood.

The proposed floodlights would be consistent with the neighbourhood character of the area as the proposal is in keeping with the sporting and recreational use of the site.

As noted above the conditions of consent would further control aspects such as mitigation planting and lighting levels/hours of operation 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 National Policy Statements (s104(b)(i))

The National Policy Statement on Electricity Transmission 2008 has no relevance with regards to this application as the subject site is not located within proximity to any high voltage transmission lines/ infrastructure.

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

The purpose of the New Zealand Coastal Policy Statement (NZCPS) is set out in Section 56 of the Resource Management Act 1991 which states:

“The purpose of a New Zealand coastal policy statement is to state policies in order to achieve the purpose of this Act in relation to the coastal environment of New Zealand”.

The relevant policies in relation to this proposal are:

Policy 1.1.1

It is the national priority to preserve the natural character of the coastal environment by,

- a) *Encouraging appropriate subdivision, use and development in areas where the natural character has already been compromised and avoiding sprawling or sporadic subdivision, use or development in the coastal environment;*
- b) *Taking into account the potential effects of subdivision, use or development on the values relating to the natural character of the coastal environment, both within and outside of the immediate location; and*
- c) *Avoiding cumulative adverse effects of subdivision, use and development in the coastal environment.*

Policy 3.2.2

Adverse effects of subdivision, use and development in the coastal environment should as far be practicable be avoided. Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying those effects, to the extent practicable

The NZCPS envisages development in the coastal environment within areas where the natural character has already been compromised to some degree. Development should therefore be located in coastal settlements or in other areas where there will be no more than minor adverse effects.

The proposed floodlights and associated development is located outside of the coastal edge of Henderson Creek. The immediate area has been modified for recreational and residential land uses, while the margins of the Creek have maintained a natural character within this modified urban environment.

The proposal will not adversely affect the natural character of the margins of the Creek, where mitigation planting to offset visual effects will also enhance the integrity of the Green Network. Further to this, the adverse effects of the proposal are considered to be no more than minor. As such, the proposal is not considered to be contrary to policies of the NZCPS.

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

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

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

8.5 Any Relevant Provisions of the District Plan (section 104(1)(b)(iv) RMA)

8.5.1 District Plan Objectives, Policies and Assessment Criteria

Part 6 of the District Plan contains an explanation of the Strategic Direction of the District Plan. Section 6.2.7 relating to Open Space Management identifies that the “rules of the Open Space Environment are designed to control the effects from the development, use and activities on parks, on the surrounding land”. Policies also reinforce the “protection of neighbourhood amenities and the natural environment”.

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. 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.

A257-A266

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, Lighting, Noise, Traffic Generation, Heritage, Contaminated Sites, Natural Hazards and Coastal Environment/ Green Network. 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 as Appendix Eleven at pages A257 to A266.

8.5.1.1 Visual Amenity/ Neighbourhood Character

<i>Objective:</i>	10, 11
<i>Policy:</i>	10.5, 10.6, 10.28, 11.3, 11.7
<i>Assessment Criteria:</i>	2(a) – 2(f): <i>Building Height</i> ; 3(a)-3(e): <i>Height in Relation to Boundary</i> ; 4(a)-4(g): <i>Yards</i> ; 5(a)-5(g): <i>Building Coverage</i> ;

Objective 10 and the associated policies above aim to control the effects of development on the health and safety of residents and their ability to enjoy their environment. This is achieved by managing activities that can cause nuisance. It should be noted that this objective 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.

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. Similarly to Objective 10, this objective allows for changes to the environment.

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

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.”

The Trusts Stadium, Grandstand and associated activities form an established part of the existing environment, with a substantial buffer to nearby residential dwellings seldom found in the urban context. This buffer is significant both in terms of distance but perhaps more noticeably by the physical separation afforded by Henderson Creek and its margins. This enables different and contrasting activities to be established and subsequent neighbourhood character(s) where different characteristics prevail. The character of the subject site and the surrounding residential properties is fragmented by the Creek.

In light of the site characteristics, the proposed floodlights are not at odds or inconsistent with built structures contained within the subject site and would be viewed in association with the fore-mentioned facilities.

Policies 10.5, 10.6 and 11.3 details configuration and positioning of buildings to ensure that sunlight and daylight access as well as privacy and on-site amenity of adjacent residential properties are maintained and to ensure that they contribute to streetscape and neighbourhood character. It is accepted that the proposed floodlights, particularly in terms of its height will impact upon the landscape and the wider urban environment. From the residential properties to the east, the floodlights will be visible above the skyline of the vegetation lining Henderson Creek. Based on the assessment provided in the report by Boffa Miskell Limited and the peer review by LA4 Limited, and in light of the separation between the site and the residential properties, the retention of planting (noticeably pine trees in the short term) adjacent to the margins of Henderson Creek that will further supplemented by planting, the proposal will not physically dominate or intrude into the privacy of neighbouring and nearby sites, nor interrupt views.

The proposal is considered to generate no more than minor adverse effect on the visual amenities of the site and surrounding area. Mitigation planting will reduce these effects over time as the vegetation reaches maturity.

Policy 10.28 identifies the importance of providing for recreational opportunities within public open spaces in the City. It is noted that these developments need to take into account the amenity values of residents.

In this case, the proposed floodlights and use will be consistent with the use of the site as an existing sporting and recreational facility. It is considered that the proposed floodlights provides for the recreational needs of the City's residents whilst protecting the natural environment and the maintaining an appropriate level of amenity values of adjoining land uses, particularly those residents to the east and south of Henderson Creek. The proposal increase the capabilities of the existing Douglas Track and Field facilities, and is designed to integrate into the existing environment both on the subject site and with respect to the adjacent Henderson Creek and sensitive residential land uses.

It is therefore considered that the proposed activity will not be contrary to these policies.

8.5.1.2 Lighting

<i>Objective:</i>	10, 11
<i>Policy:</i>	10.3, 10.28, 11.32

The proposed floodlights will facilitate the use of the site at night, and accordingly therefore will result in an intensification of the site.

The effects of artificial lighting, particularly on residential areas, can be of such a level that it reduces the ability of people to sleep, possibly leading to a reduction in the health and well-being of residents, and to the general loss of a night-time sky.

Policy 10.3 is clear in its intent to ensure that the lighting should be managed so as to not detract from the ability of people to have uninterrupted and adequate levels of sleep. The issue of the effect on the ability for achieving sleep was raised in submissions. Based on the assessments provided in the lighting report by LDP Limited, and the peer review by 3D Lighting Design, it is considered that the proposed floodlights are designed to a level so as to not detract from abilities occupants of residential properties along the eastern bank of Henderson Creek to sleep. It was noted at the pre-hearing that reducing the height of the floodlights will create greater lighting effects on the surrounding properties than what is proposed.

The aforementioned reports concluded that the lighting levels of the proposed floodlights meet the permitted activity performance standards of the Open Space Environment.

Therefore, any adverse effects associated with lighting are considered to be less than minor in nature. This opinion is formed that certification to its compliance with Rule 10.1 Glare – Open Space Environment would be required.

It is therefore considered that the proposed activity will be consistent with these policies.

8.5.1.3 Noise

<i>Objective:</i>	10
<i>Policy:</i>	10.2

As previously noted, the implementation of the proposed floodlights will facilitate the use of the site at night, therefore generating noise above that already experienced. Increase in noise levels as a result of the implementation of the proposed floodlights was raised by submitters. It is accepted that the proposed floodlights will increase the intensity of the use of the site, with the duration of noise levels increasing above that currently experienced.

Policy 10.2 is clear in its intent that noise emitted from activities does not cause a nuisance to occupants of surrounding properties.

The subject area is physically separated from residential properties to the east and south by Henderson Creek and its associated buffer. This is considered to be a significant buffer in this urban context.

In light of the expected intensification of the use of the site, and most particular outside of 'Special Noise Events' it is considered that the proposal in itself will not be odds with the previous resource consents and that future activities can continue to comply with those conditions.

At all other times, the site is required to meet the permitted noise levels of the District Plan. These levels are set within the District Plan to reflect the characteristic levels of quiet of the area, recognising that activities that may arise on an Open Space Environment would generate a higher level of noise. The proposed floodlights are not at odds with these existing requirements. As such, any adverse effects are considered to be no greater than those permitted by the Plan in terms of noise. The proposal is not considered to detract from the ability of the residential occupants of neighbouring residential buildings to achieve uninterrupted and adequate levels of sleep.

However, it is felt that a review condition be placed in association with the hours of operation associated with the lighting in order to protect nearby and adjacent residential amenities as the two events will be intrinsically linked during night-time operations.

It is therefore considered that the proposal will not be contrary to this policy.

8.5.1.4 Traffic Generation

Objective:	10, 11
Policy:	10.11, 10.14, 10.16, 10.28,
Assessment Criteria:	7(a)-7(e): Traffic Generation

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.

These policies relate to activities involving increase in traffic generation and the capacity of sites to cope with expected demand. Increase in traffic as a result of the implementation of the proposed floodlights was raised by submitters.

The underlying resources consents have anticipated both parking provisions and traffic generation that have centred on both the normal operations of the respective parts of the site and significant traffic-generating events that require the imposition of Traffic Management Plans.

It is considered that duration of traffic activity will increase above that currently experienced due to the nature of the proposed activity. Similarly, activities are still required to meet the conditions of the previous resource consents, which limit the number of events that are anticipated to attract substantial numbers of people and require the imposition of Traffic Management Plans.

In light of the physical separation afforded by Henderson Creek, the proposed activity is not considered to generate pedestrian or traffic movements within established residential neighbourhoods, or along local roads with any effects not noticeably over and above that which forms part of the receiving environment that is primarily derived from the operation of the "Stadium Site".

However, in light of the potential intensification of the site, a review condition as described above be placed in association with the hours of operation associated with the lighting in order to protect nearby and adjacent residential amenities as the two events will be intrinsically linked during night-time operations.

The proposed activity is not seeking to change these parameters of existing operations, and therefore it is considered that the proposal will not be contrary to these policies.

8.5.1.5 Archaeological sites

<i>Objective:</i>	12
<i>Policy:</i>	12.8
<i>Assessment Criteria:</i>	4(a)-4(e): Archaeological Sites

Objective 12 is concerned with protecting heritage that are particularly valued by the community and recognising the varying character of each part of the City.

Policy 12.8 seeks to ensure that activities do not cause adverse effects to the physical structure and integrity of any archaeological site listed in the District Plan. The identified archaeological sites within the adjacent reserve are not listed under the District Plan. The proposed floodlights and thrusting works for the installation of the cables are located a sufficient distance from the area of the two identified archaeological sites. Mitigation planting to offset the visual effects of the floodlights is proposed within the adjacent reserve. A planting plan will need to investigate the extent of the archaeological sites to ensure that planting within the vicinity of the archaeological sites will not damage the features. It is considered that the proposed development, including mitigation planting, will not affect the integrity of any archaeological site due to the proposal nature and location. Notwithstanding this, conditions of consent have been placed so that procedures are followed if archaeological features are uncovered during works. It is therefore considered that the proposed activity will not be contrary to this policy.

8.5.1.6 Contamination

<i>Objective:</i>	10
<i>Policy:</i>	10.19
<i>Assessment Criteria:</i>	2(a)-2(d): Contaminated Sites

Policy 10.19 seeks to ensure that activities on known contaminated sites will not lead to adverse effects on human health and/or safety. The soil testing undertaken by Environmental & Earth Sciences Ltd identified that the levels of contamination were below the human health guidelines but above the environmental health guidelines. Therefore, soil will be retained on-site or disposed of appropriate to a registered cleanfill.

In this case, the required earthworks would be limited to what is reasonably necessary to accommodate the development, and strict sediment control measures would be imposed. It is therefore considered that the proposed activity will be consistent with this policy.

8.5.1.7 Natural Hazards

<i>Objective:</i>	3, 10
<i>Policy:</i>	3.4, 10.13
<i>Assessment Criteria:</i>	1(a)-1(g): General

Objective 3 and associated policies above aim to protect the life supporting capacity of land from contamination, compaction, erosion, topsoil removal and coverage with impermeable surfaces.

Policy 3.4 seeks to ensure that activities do not exacerbate slope instability. The site has an identified area of un-engineered fill to the east, where the proposed development will be a sufficient distance to ensure that the proposal will not affect the stability of the identified area. As such, the proposed works will ensure that there will be no harm to persons as noted in Policy 10.13, it is therefore considered that the proposed activity will not be contrary to these objectives and policies identified above.

8.5.1.8 Coastal Environment/ Green Network

<i>Objective:</i>	5, 11
<i>Policy:</i>	5.3, 11.32

Objective 5 and associated policies above aim to promote and maintain links of significant vegetation to ensure their resilience is protected and enhanced.

Policies 5.3 and 11.32 seek to protect and enhance the Green Network, while achieving the balance of the recreational opportunities of the reserve. The Henderson Creek is located adjacent to the site and the proposed development and has an established natural character. The proposed floodlights will not encroach within the margins of the Creek.

Mitigation planting involving the planting of natives and fast growing exotics within the adjacent reserve will mitigate the visual effects associated with the proposed floodlights. As a result, the planting will strengthen and enhance the biodiversity and resilience of the Green Network. Proposed planting will improve its integrity and further restore the margins of the Henderson Creek above works already /or anticipated to be carried out.

It is therefore considered that the proposed activity will not be contrary to these objectives and policies identified above.

8.6 Any Other Matters the Consent Authority considers relevant and reasonably necessary to determine the application (section 104(1))(c))

8.6.1 Long Term Community Concept Plan ('LTCCP')

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

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

SUSTAINABLE DEVELOPMENT

The Vision: Waitakere City development demonstrates ongoing progress towards a sustainable society.

Summary: This priority requires that all major programmes demonstrate ongoing social, economic environmental and cultural benefit for current and future communities.

FIRST CALL FOR CHILDREN

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

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

Of the nine strategic platforms, two relate directly to this application.

URBAN AND RURAL VILLAGES

The Vision: Town Centres are thriving places, providing exciting options for people to live, work and play. Public facilities, places and spaces teem with people; the streets are alive and busy.

Summary: This platform is about ensuring people have choices in housing, transport, employment and recreation in their neighbourhoods and town centres. The objective is to make the city a vibrant and enjoyable place to live, work and play by creating attractive urban places that encourage growth and economic development, with minimal environmental impacts.

STRONG COMMUNITIES

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

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

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

The proposal aims to enhance Council's commitment to these priorities and platforms by providing recreational opportunities for the City's residents while minimising environmental impacts. Therefore the proposal is aiming to meet the goal of sustainable development. Overall, the proposed floodlights will aim to achieve Council's strategic direction under the platforms and priorities outlined in the Long Term Council Community Plan.

8.6.2 Reserve Management Plan

The Waitakere City Stadium Reserve Management Plan for Waitakere City Stadium (RMP) was adopted by Council in August 1993 and has not been reviewed since. The RMP states that improvements to the park are anticipated and in the longer term the Athletic Club wishes to install floodlighting as and when finance permits. The plan goes further to say that floodlighting would considerably extend the potential use of the ground and enhance its availability as a charge ground for events. Objectives and policies of the Management Plan include provision and development of open space for a variety of recreational purposes. It is considered that the current proposal achieves these aims through the provision of outdoor lighting to enhance the opportunities for events at night. Council's Parks Consents Planner has reviewed the application and concluded that the proposal is consistent with the objectives of the RMP. Ms Kingi has noted that the relevant policies are

- That all new buildings and the redecoration of existing buildings be of such materials and colours as will complement the natural environment;
- That planting associated with buildings will be designed and maintained to appropriate standards.

Therefore, the proposal is considered to be consistent with the Reserve Management Plan.

There are no 'other matters' considered relevant or reasonably necessary in the consideration of this application.

8.6.3 Other Issues Raised by Submitters Not Covered Elsewhere in Report

Property Values, cost and concept of sports at night

Through the submission process, the potential issue of detriment to property values, the cost of the project and the concept of sports at night were raised. A submission was raised questioning the validity of having sports at night, when there is sufficient time during the day for sporting activities. The Resource Management Act and the associated resource consent process deal with the environmental effects of the development and therefore do 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. Similarly, the issues of cost and the concept of sports at night are cannot be considered as an environmental adverse effect.

8.7 Monitoring

Should consent be granted, the performance of any approved activities would 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 mitigation planting, lighting column colour, lux spill, hours of operation.

8.8 Lapsing of Consent

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

Land use resource consent is given effect to when the approved use has been established and the conditions of the consent, if any, have been or are being satisfied.

There are no reasons to reduce the standard consent period in this case and therefore the standard five year consent period has been recommended.

9.0 PART II OF THE RESOURCE MANAGEMENT ACT 1991

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

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

Parks and open spaces have multiple layers providing recreation, amenity values, protecting our natural environment and sites of cultural and historical significance. It is considered that the proposal is consistent with sustainable resource management, and in particular, provides for the social, cultural and economic wellbeing of the community through the more efficient utilisation of the Douglas Track and Field facilities. The development can be integrated into the existing environment while avoiding or mitigating potential adverse effects on sensitive surrounding land uses, the adjacent Henderson Creek, and existing archaeological sites located on the property. Overall it is considered that the proposed floodlights would represent an efficient development of the public open space resource at the Douglas Track and Field, to the benefit of not only Park-users but also the wider community. At the same time, the use of the floodlights within the parameters set out by the previous resource consents, provisions of the District Plan, and recommended conditions would not compromise amenity values of surrounding land uses, particularly of those residents located to the east and south of Henderson Creek.

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 of the floodlights and mitigation planting with regard to amenity and character of this established residential neighbourhood.

Section 6(f) requires the protection of historic heritage from inappropriate subdivision, use, and development. The proposed activity will have minimal impacts on the archaeological sites on the adjacent reserve, due to the location of works.

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.

Section 7(ba) and (i) relate to the efficient use of energy and the effects of climate change. The proposed floodlights are not considered to adversely affect these matters to a noticeable degree. It is considered that there are no effects of climate change associated with the proposed activity.

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 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 erect four x 28m high floodlights at the Douglas Track and Field. The subject site is located at 59-65 Central Park Drive and is zoned Open Space Environment and General Natural Area under the Operative District Plan.

It is considered that the proposal **meets** the criteria for granting consent as the potential adverse environmental effects are **no more than minor** and **can** adequately be mitigated through the imposition of appropriate conditions of consent. It is considered that the establishment and operation of the four x 28m high floodlights 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;
- Protect processes of natural regeneration within the City, and promote and maintain links between areas of significant and outstanding native vegetation and fauna habitat, so that their resilience is protected and enhanced;
- Maintain the life-supporting capacity of the City's land resource;
- Manage effects of activities on the City's valued heritage.

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

That pursuant to Sections 104, 104B, 104D, 108 and 113 of the Resource Management Act 1991, and subject to additional or contrary information being presented at the hearing, consent be **granted** to the application by Waitakere Trust Stadium to erect four x 28m high floodlights at 59-65 Central Park Drive, being Lot 1 DP 103931 for the following reasons:

- (i) The site is afforded a substantial buffer to nearby and contrasting activities and buildings and namely residential activities. This buffer is significant both in terms of distance but perhaps more noticeably by the physical separation afforded by Henderson Creek and its margins. Residential dwellings are located some 150m away. This significant separation allows for the potential for contrasting scale and activities without resulting in the decline and / or eroding of the prevailing neighbourhood character (most noticeably residential) that lies adjacent.
- (ii) The floodlights, 28m high but of linear design will neither be visually obtrusive or incongruous in this urban landscape, in light that in the short-term a tree lined bank along the western edge of Henderson Creek will be maintained.. The height of the floodlights will not result in the loss of light or visually intrude upon neighbouring and nearby residential amenities as mitigation planting will ensure the on-going integration of the floodlights in the landscape and provides both a backdrop and / or screening dependant on vantage points.
- (iii) The proposed activity will meet the permitted levels of glare, which identifies that the lighting effects in this zone are reasonable under the District Plan. As such, any adverse effects associated with this aspect will be no greater than that permitted by the Plan. Certification will be required to this effect.
- (iv) Parameters have been clearly set in the underlying consents LUC 2002-1523 and LUC 2006-1797 for "events" (either traffic / noise generating, or both), and to normal activities. ..The intensification of the site is not 'at odds' with these requirements.
- (v) A review condition will be placed in association with the hours of operation associated with the lighting, which are not allowed to operate between the hours of 11pm and 7am the following day, in order to protect nearby and adjacent residential amenities as the two events will be intrinsically linked during night-time operations.
- (vi) The change in character will not undermine the amenities currently enjoyed by neighbouring and nearby residential and commercial properties.
- (vii) The proposed development will not affect the two identified archaeological sites in the adjacent reserve, with mitigation planting to be finalised having regard to the location of those sites.
- (viii) The soil has been identified as being within the human health guidelines, where excavated soil as a result of earthworks will be contained within the site or disposed of appropriate if taken off-site. The earthworks are considered to be of a scale consistent with the development being undertaken.
- (ix) The proposal will enhance the capabilities of the facility in order to provide for a broader range of activities for the health and well-being of the local community
- (x) 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.

- (xi) The proposal would not be contrary to the relevant objectives, policies, rules and other provisions of the Waitakere City District Plan.
- (xii) The proposal would not be contrary to the relevant provisions of the New Zealand Coastal Policy Statement and the Auckland Regional Policy Statement
- (xiii) The proposal would be consistent with the Long Term Council Community Plan and the Waitakere City Stadium Reserve Management Plan.
- (xiv) The proposal would not be contrary to Part II of the Act

Conditions imposed on the consent are as follows:

1. *The development shall proceed in accordance with the plan titled*
 - *"GENERAL ASSEMBLY DRAWING (CONCEPT) 25M NOMINAL MOUNTING HEIGHT FLOODLIGHT, WAITAKERE SPORTS STADIUM, 25X PHILLIPS OPTIVISION FITTINGS" prepared by CSP Pacific, dated 30-11-2007, Reference Number OC07122, Drawing No: P2321; and*
 - *"FIELD LAYOUT, SUBMAIN ROUTES AND LIGHTING CONTROL LOCATIONS", prepared by Alan Reay Consultants, dated 28-03-2007, Drawing No. E1 and E2;*and all referenced by Council as LUC 2007-2258 and the information, including further information, submitted with the application.
2. A consent compliance monitoring fee of \$1,363.00 (inclusive of G.S.T.) shall be paid to the Council. This fee is to recover the actual and reasonable costs incurred ensuring compliance with the conditions of this consent. If on inspection, all conditions have not been satisfactorily met, a reinspection shall be required at the relevant hourly rate applicable at the time of reinspection.

The monitoring fee shall be paid as part of the resource consent and the resource consent holder shall be advised of any further monitoring fees if they are required.
3. Pursuant to Section 125 of the Resource Management Act 1991, if not given effect to earlier, this resource consent will lapse five years after the date of the granting of this consent .
4. 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.
5. All construction maintenance demolition and development works on the site shall be undertaken between the following hours only:-

Monday to Friday:	6.30 am to 8.00 pm
Saturday	7.30 am to 6.00 pm
Sunday and Public Holidays:	No work

All noise from such work shall not exceed the levels set out in Table 1 of clause 5.1.1 of NZS 6803P:1984

Measurements to be in accordance with the provisions of NZS 6801:1991 and NZS 6802 :1991

		L10	L95	Lmax
Mon to Fri	6.30 am to 7.30 am	60	45	70
Mon to Fri	7.30 am to 6.00 pm	75	60	90
Mon to Fri	6.00 pm to 8.00 pm	70	55	85
Saturday	7.30 am to 6.00 pm	75	60	90

6. The consent holder will provide a landscape planting plan within one month of the issue of this consent within the adjacent reserve (Lot 2 DP 103931) indicatively marked on the plan attached at page A1 to the satisfaction of the Parks Consent Planner. The purpose of the landscape plan is to provide for screening particularly along the south western bank and will include a mixture of both native species and some faster growing exotic species.

The landscape plan will not provide for any planting within 10m of each of the archaeological sites described as R11/1977 (CHI 12232) and R11/2187 (CHI 14191) and any planting proposed within this area must be first approved by the Principal Advisor - Heritage.

All planting must comply with section 7 of the Code of Practice - specimen trees must be staked and tied, all planting to be mulched and the sizes of plants must be approved by the Parks Consent Holder.

7. The Approved Landscape Plan shall be set in place in the first planting season (May till 7th September) and no later than September 2008 and shall be to the satisfaction of Council's Environmental Monitoring Officer and Parks Consent Planner ,

- (i) Any plant that fails is removed or otherwise fails to prosper shall be replaced the following planting season and maintained for a further two years to the satisfaction of Council's Environmental Monitoring Officer.

8. On the completion of the works to be carried out in accordance with the landscape planting plan as set out in condition 6 above the consent holder must reinstate the reserve to the condition and contour prior to carrying out the landscape work to be approved by the Parks Consent Planner.

9. The columns and the head frame are to be painted medium grey - Resene Deep Space 11MA20, and maintained to a high standard to the satisfaction of the Manager, Resource Consents.

10. The proposed floodlights must not operate between the hours of 11.00pm and 7.00am the following day.

11. Pursuant to section 128 of the Resource Management Act 1991, the Council may review condition 10 of this consent within 6 months following the grant of the consent and at 6 monthly intervals thereafter for the purposes of:

- Dealing with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage.

The actual and reasonable costs incurred by the Council in undertaking this review shall be paid by the resource consent holder within one month of being invoiced.

12. **Within one month of installation** of the proposed floodlights, the consent holder will provide certification from an appropriately qualified engineer that demonstrates the proposed floodlights meet the calculations provided in the lighting report prepared by LDP Limited, dated 2nd October 2007, and compliance with Rule 10.1 Open Space Environment.

Advice Notes:

- This resource consent does not remove the need for the consent holder to comply with any other relevant statutory requirements including, but not limited to, Regional Council resource consent and any authorities under the Historic Places Act 1993.
- The operation of the site must comply with the conditions of the resource consents LUC 2002-1523 and LUC 2006-1797.
- Where the consent holder is undertaking the works the consent holder will enter in to a Works Over Parkland Agreement with the Council prior to the commencement of the works approved within this consent

Note. Please contact Huw Hill-Male on 836 8000 - 8513 at least 10 working days prior to commencing works to enter in to the Agreement.

- In the event of any archaeological features being uncovered (shell middens, hangi or ovens, pit depressions, defensive ditches, artefactual material or human bones) work shall cease in the vicinity of the discovery and the area shall be secured. The Manager: Resource Consents, the New Zealand Historic Places Trust, the Auckland Regional Council Archaeologist and the appropriate Iwi authorities shall be contacted so that appropriate action can be taken. This includes such persons being given a reasonable time as determined by the Council to record and recover archaeological features discovered before work may recommence.
- If Council receives complaints with regards to the lighting levels of the floodlights, Council may request additional certification, as outlined in Condition 12, at the expense of the Consent Holder.

Report prepared by: Lee Ah Ken, Resource Planner.

