



## NOTICE OF HEARING

# HEARING BY COMMISSIONER

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

**DATE:** Thursday, 17 September 2009      **TIME:** 9.30 am

**MEETING ROOM:** Council Chamber

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

to consider a Resource Management Consent for 97 Marina View Drive, West Harbour and to take any necessary action connected therewith.

28 August 2009

Maea Petherick  
**COMMITTEE SECRETARY**

Telephone (09) 836 8000 extn 8104

### **MEMBERSHIP:**

Commissioner: Peter Reaburn

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

**AGENDA FOR A HEARING BY COMMISSIONER TO BE HELD AT WAITAKERE CENTRAL,  
6 HENDERSON VALLEY ROAD, HENDERSON, WAITAKERE, ON THURSDAY,  
17 SEPTEMBER 2009, 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 MARINA VIEW PRIMARY SCHOOL TO  
CONSTRUCT A GYMNASIUM AT 97 MARINA VIEW DRIVE, WEST HARBOUR.**

**LUC-2009-540**

**N.B. This report sets out the advice of Consent Services to the Hearings Commissioner 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 Commissioner.**

**APPLICATION DETAILS**

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Planner:	Sarah Baker
Site Address:	97-99 Marina View Road, West Harbour
Applicant:	Marina View Primary School
Date Received:	11 <sup>th</sup> May 2009
Resource Consent No:	LUC 2009-540
Legal Description:	SEC 1 SO 65436, PT LOT 6 DP 52529, PT ALLOT 37 DP 4990, PT LOT 302 DP 128372
Address for Service:	C/- John Childs Planning Consultancy PO Box 52-077 Auckland 1352
Site Area:	1.6931ha
District Plan:	
Human Environment:	Living Environment
Natural Area:	General Natural Area
Landscape Elements:	None Known
Hazards:	None Known
Roading Hierarchy:	Marina View Drive - Collector Road Picasso Drive - Local Road
Further Information Required:	Yes
Date Requested:	18 <sup>th</sup> May 2009
Date Received:	12 <sup>th</sup> June 2009

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**1.0 INTRODUCTION AND RECOMMENDATION**

**1.1 Nature of the Application**

The applicant seeks consent to construct a gymnasium to be used for both school and after school (YMCA) activities. The proposed development is located within the Living and General Natural Area Environments at Marina View Primary School, 97-99 Marina View Drive, West Harbour. The development will require consent for a non residential activity, height, traffic generation, car parking, signs, additional vehicle crossings and earthworks.

## 1.2 Resource Management Issues Raised

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

The relevant resource management issues in regards to this application are primarily related to amenity values, traffic, noise, parking, neighbourhood character and use of the facility outside of the scope of the Ministry of Education Designation on the site.

Consideration must also be given to the scale, intensity and character of the proposed development in regard to the surrounding environment and the objectives and policies of the District Plan.

## 1.3 Planner's Recommendation

The planner who has prepared this report recommends that, subject to any contrary or additional evidence submitted at the Hearing, **consent be granted** to the application for a proposed Gymnasium and associated car parking at Marina View Primary School. It is considered that the environmental effects that may be generated by the activity would be not significantly greater than effects that could reasonably be expected under the normal operations of the school designation. It is also considered that the effects could be adequately avoided, remedied or mitigated by the imposition of conditions, and that the relevant objectives and policies of the District Plan will be satisfied.

## 2.0 LOCATION PLAN



Human Environment - Living  
Natural Area - General  
Ministry of Education Designation (ME28)

### 3.0 PROPOSAL

The applicant seeks consent to construct a gymnasium onsite at Marina View Primary School.

The applicant has proposed a facility that will cater for the use of the school, as well as YMCA after school programmes between the hours of 7 am - 10 pm, 7 days a week, inclusive of school and public holidays.

The proposed 9.3 metre high gymnasium will encompass a 30.5 metre x 15.1 metre basketball/netball court with changing rooms, toilets, two classrooms and storage areas spread over two floors. The building is proposed to have a total floor area of 872.4m<sup>2</sup>.

The building is proposed to be located at the rear of the existing school buildings, on a concreted court area adjacent to the library onsite. The building is proposed to be located 8.190 metres from its closest boundary, south of the proposed gym.

A car park has also been proposed adjacent to Picasso Drive. The proposed car park will cater for a capacity for 31 cars, including 2 disabled parks. Entry and exit to this park will be via Picasso Drive.

Consent is required for a non residential activity, height, traffic generation, car parking, signs, additional vehicle crossings and earthworks.

The applicant consulted with abutting and adjacent property owners prior to lodging the application. A flyer was distributed advising of the proposal and a public meeting was held. Various concerns were raised, including onsite security and the hours of operation.

### 4.0 REASONS FOR THE APPLICATION

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

#### Living Environment

##### Rule 4 0 - Height

Pursuant to Rule 4.2 of the Living Environment Rules, assessment is required as a Discretionary Activity for buildings exceeding the permitted activity height limit of 8 metres.

The gymnasium is proposed to be 9.3 metres in height.

##### Rule 10 - Non-Residential Activities

Pursuant to Rule 10.3 of the Living Environment Rules, assessment is required as a Discretionary Activity for non-residential activities not meeting the standards in Rule 10.2.

The proposed gymnasium, catering for after school activities, will not meet the requirements in the Ministry of Education Designation for the site. As the after school activities are outside of the scope of the Designation, consent as a non-residential activity is required.

##### Rule 11 - Traffic Generation

Pursuant to Rule 11 of the Living Environment Rules, assessment is required as a Discretionary Activity for non residential activities not meeting the standards in Rules 11.1 or 11.2.

The proposal will attract greater than 50 vehicle movements per day as outlined in the Traffic Impact Assessment submitted with the application.

### **Rule 12 - Car parks and Driveways**

Pursuant to Rule 12 of the Living Environment Rules, assessment is required as a Limited Discretionary Activity for car parking and driveways associated with all non-residential activities except home occupations.

The proposal is considered to be a non-residential activity as per Rule 10, as outlined above.

### **Rule 15 - Signs**

Pursuant to Rule 15.2 of the Living Environment Rules, assessment is required as a Limited Discretionary for signs, provided that the signs are located on the site to which it relates, has a maximum sign area of 1.5m<sup>2</sup>, and is not flashing or moving.

The proposed onsite sign is proposed to be 4 metres in height, with a sign area of 1.5m<sup>2</sup>, these dimensions will meet the limitations as above.

## **Transport Environment**

### **Rule 7 - Vehicle Crossings**

Pursuant to Rule 7.3 of the Transport Environment rules, assessment is required as a Limited Discretionary Activity for more than one vehicle crossing on a site.

The proposal is for an additional two vehicle crossings as entry and exit points to the proposed car park onsite.

## **General Natural Area**

### **Rule 3 - Earthworks**

Pursuant to Rule 3.4 of the General Natural Area rules, assessment is required as a Discretionary Activity for earthworks exceeding the standards in Rule 3.1, 3.2 and 3.3, provided that the application is accompanied by a management plan.

The proposal is for earthworks totalling a plan area of 762.3m<sup>2</sup> and 228.7m<sup>3</sup> in volume. The application is accompanied by a Management Plan.

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

4.2 No other consents have been applied for or granted in respect of this application.

## **5.0 THE SITE AND NEIGHBOURHOOD DESCRIPTION**

The existing site is a Ministry of Education Designated site, known as Marina View Primary School. The school has frontage onto both Marina View Drive and Picasso Drive. The buildings onsite are located on the eastern side of the subject site, with a large playing field located on the western portion of the site. The eastern side of the site is level with Marina View Drive, and towards the centre of the site the contour drops down towards the playing fields.

The main access to Marina View Primary School is currently from Marina View Drive. There is pedestrian access from Picasso Drive currently; however no vehicle access is available from Picasso Drive.

There are 55 existing parks onsite, located at the north eastern corner of the site and eastern, adjacent to the school office. Street parking is also available, both on Marina View Drive and Picasso Drive.

Marina View Drive is a Collector Road and Picasso Drive is a Local Road on Councils Roading Hierarchy.

There is minimal vegetation onsite. The only vegetation that would be affected by the proposed development are five Pin Oak trees that are proposed to be relocated. These are not of a size to be protected under the District Plan.

The surrounding environment is primarily residential. Residential properties abut Marina View Primary School on all boundaries that are not road frontage. There is an existing Reserve to the east of the site, on the opposite side of Marina View Drive.

## 6.0 ISSUES IDENTIFIED THROUGH THE SUBMISSION PROCESS

A1-A91

The application was publicly notified on 19 June 2009, attached at pages A1 to A36 as Appendix One. The period for submissions closed on Friday, 17 July 2009. Sixteen submissions were received. Two submissions supported the application, and fourteen submissions opposed the application. Copies of the submissions received are attached pages at A38 to A91 as Appendix Three for. A map showing the location of the submitters is attached at page A37 as Appendix Two.

### 6.1 Submissions

#### TABLE ONE: SUMMARY OF SUBMISSIONS BY TOPIC

##### Opposition

No. of Submissions	Reason	Explanation
11	Hours of Operation	<p>There was concern that the hours proposed for the operation of the proposed gymnasium are excessive. The neighbours would have little or no rest from the comings and goings with the hours of operation being between 7am - 10pm every day of the year.</p> <p>Some submitters expressed that they would like the proposed hours reduced, with options being the following:</p> <ul style="list-style-type: none"> <li>• that the last of the gym users should be gone by 10pm;</li> <li>• or that the hours of operation be 7am - 9pm Mon - Fri, 8am - 9pm Saturday, with nothing on Sundays;</li> <li>• or hours limited to 8pm with nothing on school or public holidays; or</li> <li>• hours of operation 9am - 8pm, closed Sunday, Public Holidays and School Holidays.</li> </ul> <p>It was stated that there was a need for someone to be responsible to have patrons gone by 10pm. Several residents in the area had concerns regarding people hanging around after 10pm.</p> <p>Invasion of privacy due to the long hours of operation was a concern.</p> <p>The area surrounding the school is a residential area.</p> <p>A 7am start time may mean that activity may start onsite from</p>

No. of Submissions	Reason	Explanation
		<p>6.30am in preparation.</p> <p>Living next to a school and playing field you can expect noise during school hours and Saturday and Sunday in the daytime</p>
13	Parking	<p>Several submissions had concerns in regards to the proposed parking situation onsite. The main concerns being:</p> <ul style="list-style-type: none"> <li>• Need additional car parking onsite;</li> <li>• Existing parks are utilised until at least 5pm by teachers;</li> <li>• Other parking is chained up when teachers leave the school;</li> <li>• Shortfall likely to be 20-30, accommodated on Picasso Drive;</li> <li>• Potential for residents to loose any street parking;</li> <li>• The proposed car park should be adequate to accommodate all of the cars of users;</li> <li>• Pedestrian Traffic should be managed and channelled through the centre of the school grounds to gain access to the gymnasium;</li> <li>• Picasso Drive will bear brunt of traffic;</li> <li>• Street parking will occur to a far greater extent than what is outlined in Traffic Report;</li> <li>• Car park should be gated or chained off when Gym is not in use;</li> <li>• The need for signs showing car park availability;</li> <li>• Insufficient street lighting near parking area, downlights at gym not enough;</li> <li>• Should not be car park on residential boundary;</li> <li>• Fence will hide car park and allow for graffiti, litter and loitering; and</li> <li>• Turning in driveways, parking over driveways, poor usability.</li> </ul>
12	Noise	<p>Noise, as a result of the proposed gymnasium was of concern to several submitters, both in regards to the activities in and around the gym and within the proposed car park. The main issues raised were:</p> <ul style="list-style-type: none"> <li>• The report outlined that opening vents inside the gym would allow for sufficient ventilation during activities. This would increase the noise levels outside of the gym;</li> <li>• Errors in noise report referring to directional aspects of the site;</li> <li>• Soundproof glazing is nullified when the windows are used for ventilation;</li> <li>• Ensure that the materials mentioned in the Hegley Acoustics Report are used. The report only mentions "if" at the moment;</li> <li>• Need to contain noise within the building;</li> <li>• Question whether there are alternative methods for ventilation available, rather than opening the windows;</li> <li>• In regards to the proposed car park it was proposed that a soundproof fence be constructed around the car park, as there would be yelling and doors slamming late at night. There would be traffic until 10pm, where this should be a quiet residential street;</li> <li>• The submitted noise assessment report does not address noise when pedestrians use the walkway between the car parks on Marina View Drive and the Gymnasium;</li> <li>• There was concern whether the right noise levels were used for the noise report as the permitted activity levels for living environment should be used rather than the non-residential levels, as this is a residential area; and</li> </ul>

No. of Submissions	Reason	Explanation
		<ul style="list-style-type: none"> <li>Noise conditions would be unenforceable.</li> </ul>
8	Traffic	<p>There were concerns raised in the submissions in regards to the traffic impact assessment being based on Marina View Drive as arterial road when most traffic will be on Picasso Drive. A submission also questioned the traffic flow data.</p> <p>The increase of 200 traffic movements per day along Picasso Drive will have a significant adverse effect. Picasso Drive may not be capable of handling the increased traffic flow the facility will bring.</p> <p>As this is a quiet residential area, adjacent to a school, the increase in traffic movements could cause a danger to children.</p>
4	Security	<p>Several residents raised concerns about what happens on the school grounds after hours. Currently this is not managed by the school; there is a need for a contact to be available for security outside of school hours.</p> <p>Someone needs to take responsibility for controlling unruly behaviour out of school hours. This could be made worse by the proposed gymnasium.</p>
6	Behaviour of facility users	Loitering, vandalism, graffiti, rubbish, theft, boyracers and tagging were all aspects raised during the submission process. The submitters raised concerns that this type of behaviour might increase with the proposed gymnasium onsite.
2	Paths	Request that wider paths be provided for people with prams
4	Use of facility	Concern was raised that the gym would be used more by outsiders, for non-school related activities. The main use would be the community, not the school. It was stated that this facility should be used for school aged sport only.
1	Relocation	The idea was raised that the proposal is relocated to another position onsite, to the western side of the school hall.
2	Teenagers	There was concern regarding increased use of the facility by teenagers.
2	Walkway	The walkway between the classroom block and properties 3, 3A and 3B Picasso is of concern to neighbouring residents due to loitering in the area. Submitters requested that this walkway was made inaccessible to foot traffic. The inadequate car parking will necessitate the use of the walkway from the existing car park onsite and Luckens Reserve.
1	Character	<p>There was concern that the proposed gym would alter the residential character of the surrounding neighbourhood</p> <p>Ambience will be potentially destroyed and property values decreased.</p>
1	Location	The close proximity of the proposed gym to 3C Picasso Drive with only a low fence was also a concern raised. Shading and sunlight may also affect this property and devalue it.
1	Safety	The risk of living next to a commercial operation with car park noise to 10.30pm each night is very high.
1	Extending use to other parties	Question the extension of this proposal to be used for parties, receptions etc. If consumption of alcohol is permitted this could

No. of Submissions	Reason	Explanation
		significantly affect neighbourhood.

### Support

No. of Submissions	Reason	Explanation
1	Community Use	<p>Support community use of the facility by the YMCA, but would like this to be extended so that it is not limited to YMCA use, but also for community groups and individuals undertaking similar activities.</p> <p>Support the use for community facilities before and after school.</p> <p>Waitakere City Council has contributed financially to the gymnasium through the Leisure Facility Partnership Fund to an amount of \$370,000.00 + GST as the proposal is to allow community access to the facility. This fund is only available for projects that provide facilities for community use.</p> <p>New facilities create more opportunities for residents to participate in sport and or physical activity and will complement the initiatives being implemented through the Active Waitakere "Move it Waitakere" Action Plan in which Council is a partner in.</p>
1	School Aged Sport	Support this facility for the use for school aged sport only.

## 7.0 STATUTORY REQUIREMENTS

### 7.1 Discretionary Activities

The relevant policies which apply under the District Plan and the Resource Management Act 1991 are set out in more detail in part 8.2 of this report. This should be referred to as the legal framework within which the application should be addressed.

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

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

### 7.2 Outline Plan of Works

An Outline Plan of Works is required when works are proposed to be constructed on designated land. Subsection (2) outlines circumstances where there are exceptions to the requirement to submit an Outline Plan of Works. An exception to this requirement is subsection 2(a) which states that an outline plan of works need not be submitted where 'the proposed public work, project, or work has been otherwise approved under this Act.' This section also makes provision for the Council to waive the requirement for an Outline Plan.

For the purposes of this application, subsection (2) applies and the school is not required to submit an Outline Plan of Works application. A waiver by the Council is not required.

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

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

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

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

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

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

With the proposed construction, the maximum impervious area within the site becomes 9812m<sup>2</sup>, which is 23.1% of the total site area and is within the maximum allowable impermeable coverage.

The site is located in a reticulated area with public water supply and drainage system. Within the property boundary there is a private drainage reticulation system owned by the Ministry of Education.

In terms of earthworks onsite, a management plan has been submitted with the application that states that silt fences or hay bales will be installed to control silt from the development. Truck tyres are proposed to be washed down onsite prior to moving offsite. To avoid silt contamination of these areas, conditions of consent, should this consent be granted, should be imposed requiring appropriate sediment control measures are implemented prior to start of the earthworking activity.

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

The applicant has proposed the relocation of five Pin Oak trees, I have discussed this with Council's Arborist, West Fynn, and he is of the opinion that these trees are not considered to be protected under the District Plan. The applicant has however proposed to relocate the Pin Oak trees elsewhere onsite.

Planting has been proposed along the southern side of the proposed gym. Some planting has also been proposed on the boundary of 3C Picasso Drive to reduce the physical dominance effect of the proposed gym on immediately surrounding properties. Other planting has also been proposed along the boundary of Picasso Drive, to mitigate the effects of the proposed car park onsite.

It is my opinion that the proposed planting onsite is adequate to reduce the perceived dominance effects of the proposed gym and onsite car park.

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

The proposal involves earthworks of 762.3m<sup>2</sup> area and 228.7m<sup>3</sup> volume. The works are required for the purposes of the building platform for the gym and car park area. The site is not known to Council to be subject to flooding, erosion or instability problems, and is not known to be a potentially contaminated site.

The impact in terms of traffic movements associated with the proposed development is proposed to be less than the traffic movements once the development is completed. At the busiest time, it is anticipated that truck movements would be between 5 and 10 per day.

The proposed earthworks are considered to be necessary to accommodate the development, there are no major cuts of earth, the majority of the works will be scraping of the earth for the purposes of providing for a suitable building platform or useable area for the proposed car park.

#### **8.1.5 Air**

As the proposed activity does not include air emissions of any kind, there would be no adverse effects on air quality.

#### **8.1.6 Ecosystem Stability**

As the site is already modified there would be no adverse effects on the stability of ecosystems as a result of the proposal.

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

The subject site is not identified in the District Plan as being within an area identified as containing "outstanding natural features" within the City (refer maps 3.5D & E of the District Plan). The proposed activity would not therefore adversely affect any identified outstanding natural features.

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

There would be no adverse effects in relation to the natural character of the coast and margins of lakes, rivers and wetlands arising from the proposed activity as it would not be located near the coast, water body or wetland.

#### **8.1.9 Outstanding Landscapes**

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

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

##### **Overshadowing, loss of daylight and sunlight**

The proposed gym will be located a minimum of 8.190 metres from site boundaries. The proposal will comply in all respects with the height in relation to boundary controls for the Living Environment. In terms of District Plan requirements the proposed gym is unlikely to create overshadowing or loss of daylight and sunlight on adjoining property owners.

### **Scale, form, height, bulk and physical dominance**

The proposed gym is to be 9.3 metres high, 1.3 metres higher than the maximum permitted height of 8 metres within the Living Environment, although a school-use only building would not be subject to this restriction.

The southern aspect of the proposed gym will be a wall approximately 21.0 metres long by 9.3 metres in height. This wall will have no windows. The significant bulk of this wall visible from offsite and the scale of its form, viewed with the surrounding school buildings and dwellings in the area could create a physical dominance effect.

Landscape screening has been proposed along the boundary closest to the proposed gym, adjacent to 3C Picasso Drive. I am of the opinion that planting, arranged with the landowner of 3C Picasso Drive would mitigate to an acceptable level the perceived bulk and dominance of the proposed building. This owner would also be losing the noise generated by outdoor sports activities from the current use.

The proposed car park near the boundary of Picasso Drive will be of a scale suitable to cater for the additional parking needs of the school. The scale and form of the proposed park will not dominate the surrounding environment. Any effects can be sufficiently mitigated by the use of screening along the road boundary.

The adjoining property owners along the western boundary of the site (Vermeer Place) are elevated above the level of the school playing fields. They will therefore overlook the proposed gym onsite. Due to the distance between these properties and the proposed gym it is not anticipated that a dominance effect will be created by the bulk and height of the proposed gym.

### **Privacy**

The application results in the potential for loss of privacy, through additional vehicle movements, people loitering and the proposed hours of operation of the gym.

### **Car park and Vehicle Movements**

The proposed 31 space car park onsite will cater for the majority of the additional parking demand onsite. This is outlined in more detail below. The proposed car park is to be located in a position onsite that has previously been utilised as a grassed area, with minimal pedestrian or traffic movements. The proposal will cause this to be significantly altered, and with increased noise levels to adjoining property owners, the privacy that they have enjoyed may be compromised.

The applicants have proposed measures to satisfactorily mitigate the effects of the proposed car park. These measures include acoustic fencing, landscape screening and clear entry and exit points on the proposed car park to reduce the likelihood of vehicles turning into driveways. These measures will ensure that the effects on privacy associated with the car park and additional vehicle movements will be no more than minor.

### **Hours of Operation**

The applicant has proposed to utilise the facility between 7am - 10pm 7 days a week including weekends, public holidays and school holidays.

The existing amenity values and neighbourhood character of the surrounding environment have the potential to be adversely affected by the proposed hours of operation, specifically in relation to the additional noise and traffic movements after school hours as a result of the proposed gym onsite. Noise and traffic effects have been addressed in this report as separate matters.

The neighbouring properties surrounding Marina View School can expect general noise during daylight hours and on weekends. The proposed activities, outside of the scope of the Ministry of Education Designation onsite has the potential to contribute to reduced amenity of the neighbouring properties. Nevertheless informal use of the school grounds undoubtedly occurs during non-school hours throughout the year and this proposed more formal use has the potential to provide better surveillance of the site.

A security contact should be made available to ensure that after hours unruly behaviour onsite does not increase as a result of the increased hours of operation of the school grounds.

These hours of operation are for use of Marina View Primary School and the YMCA after school programme. I am of the opinion that the hours of operation are acceptable provided that the school is cleared by 10 pm. Activities at the gym on public holidays should be limited to daylight hours to allow neighbouring properties a break from the increased noise and traffic flow associated with the proposed gym.

**Visual amenity, streetscape, sense of place, neighbourhood character and amenity values**

The proposed gym onsite at Marina View Primary School will be used outside of the hours of operation of the existing school activities onsite. These increased hours will increase traffic movement in the area, potentially adversely affecting the amenity and character of the immediately surrounding environment.

Visually, the proposed gym will be at a greater height than the existing buildings onsite. The building will be located close to the existing buildings onsite. The applicant has proposed landscaping on the southern aspect of the proposed building to mitigate the potential dominance effects on the properties closest to the southern boundary of the site. It is anticipated that other properties adjoining Marina View Primary School will not be adversely affected by the perceived dominance of the proposed gym building as they are located a distance away from the building site, on the western side of the schools playing fields.

The proposed gym is located away from the street frontage so is not anticipated to have an adverse effect on the streetscape. The proposed car park is to be located near the property boundary on Picasso Drive. The applicants have proposed acoustic fencing and landscape screening to reduce the visual effect that the proposed car park will have in its surrounding environment. Although the location of the proposed car park is not the most visually appealing location, as the existing situation onsite is grassed fields, it is the most practical location for the proposed car park, to provide adequate linkages between the roading network and the proposed gym.

The proposed gym will provide for a focal point of the schools buildings and will allow for a greater range of sporting activities to be provided for onsite. Currently there are no indoor sports facilities at Marina View Primary School. The proposed gym will reduce the need for students to travel out of the area for indoor based sports activities. The gym will also cater for the need for an after school programme onsite.

The Ministry of Education Designation that applies for this site allows for buildings for the use of the school. As this proposal is for community purposes (YMCA) as well, this sits outside of the scope of this designation. While the majority of the activities within the proposed gym will be related to school based activities it is anticipated that the character and amenity of the site will not significantly alter. The activities outside of school hours are for the purposes of the YMCA after school programme, which would be very similar to the physical education activities that would occur during school hours.

Overall, subject to the imposition and monitoring of conditions, it is considered that there would be a no more than minor adverse effect on visual amenity, streetscape, sense of place, neighbourhood character and amenity values, as the proposed development is similar in character to the existing development on the school site.

#### **On site Amenity and adequate Open Space**

Onsite amenity will be enhanced by the proposed gym onsite. Marina View Primary School currently does not have an indoor sports area. The intended purpose of the gymnasium is primarily for the use of school students during school hours.

The facility will reduce the need for students to travel outside of the local area for sports activities.

The building will be set near the existing school buildings, which will ensure that it is viewed as part of the school complex.

#### **Landscape modification, landscape values and views**

The proposed gym is to be located on a level area within the school grounds that is currently an outdoor concreted court area.

The area for the proposed car park is to be located on a level area of grassed field, near Picasso Drive. The proposed works involve earthworks of 762.3m<sup>2</sup> area and 228.7m<sup>3</sup> volume, mainly for the purposes of excavation to create a suitable building platform for the gym and surface area for the car park.

The scale of earthworks proposed onsite is consistent with the scale of the proposed activity. Visually, the proposed earthworks will have a no more than minor effect on the surrounding environment. The works are primarily scraping of the earth to allow for a building platform, and no significant cuts are involved.

It is proposed to remove the excavated earth from the site. The number of truck movements is likely to be between 5 -10 per day during peak periods. Access to the site will be via Picasso Drive, limiting the distance the earth would be required to be moved onsite.

The site is not known to Council to be subject to flooding, erosion or instability, and as such, it is not anticipated that the proposed works onsite will exacerbate flooding, erosion or instability onsite.

The landscape will not be significantly modified for the purposes of the proposed facility. While Vermeer Place residents overlook the school grounds, it is not anticipated that their views will be significantly affected by the proposed works.

#### **Connectivity and accessibility**

The site has road frontage onto both Marina View Drive and Picasso Drive. The main access to the school is currently via Marina View Drive. There are also car parks available onsite, with access via Marina View Drive.

The proposal to construct a car park on the southern aspect of the site, adjacent to Picasso Drive will create greater vehicle accessibility to the site. There is existing pedestrian access to the site, and a concrete walkway from Picasso Drive to the school buildings onsite.

### **Surveillance, safety, security and public access**

While public access to the school grounds is readily available, this has caused concern to neighbouring residents in regards to loitering, graffiti, boy racers, rubbish, theft and vandalism. Currently there is no one responsible for after hours activities onsite, which in turn adversely affects the amenity of the surrounding neighbourhood.

The increase in hours of operation of the school, directly resulting from the proposed gym would have the potential to increase the number of people lingering outside of school hours onsite. A contact for the reporting and management of unruly behaviour would increase the security of the school and reduce the impact that the increased operation hours would have on the surrounding neighbourhood.

### **Walkway**

There is an existing walkway between a classroom block and properties 3, 3A and 3B Picasso Drive. Currently this walkway has been of concern to the neighbouring properties, but it is anticipated that pedestrian use of this walkway will increase with the proposed gym. Blocking off this access to foot traffic may provide relief to adjoining property owners but does also provide some degree of increased surveillance.

### **Access**

Access to the proposed gym is provided for via pedestrian walkways through the existing school grounds and an existing walkway from Picasso Drive. This sufficiently allows for linkages from the road network to the proposed gym site.

### **Passive Surveillance**

The properties surrounding the school grounds provide a passive surveillance of the school, ensuring that any unruly behaviour is reported and dealt with to reduce the potential for graffiti, theft and vandalism onsite.

### **Noise, vibration, lighting and glare**

#### **Noise**

Noise resulting from the use of the proposed gym and car park outside of normal school hours is of concern to the surrounding residents.

A92-A107

A noise assessment prepared by Hegley Acoustic Consultants was submitted with the application (attached at pages A92 to A107 as Appendix Four). This assessment was based on the proposal that the gym would be used for indoor sports only, such as basketball, soccer and netball, but not for drama or meetings, until 9pm at night. It should be noted that this application is for the use of the facility until 10pm at night. It is anticipated that spectators would be limited to friends, parents, and those waiting to play. It should be noted that some orientations outlined in this report were incorrect; however these were descriptions only and would not affect the result of the study.

Dwellings to the north of the school site are in excess of 150 metres from the proposed gym site. These dwellings will be screened by the existing school buildings. The affect of noise on these properties are not considered to be an issue and were not considered within the Acoustic Report. Noise effects on the open space zone to the east of the site were also not considered in the Acoustic Report as there are no relevant noise standards within the District Plan, and in any case these noise effects would be absorbed into the background noise of the road use.

A comparative noise test was undertaken from the YMCA at the Massey Leisure Centre. This test was considered to be a conservative example as the test that was taken was of two basketball games being played simultaneously. The basketball game resulted in an internal level of 76dBA L<sub>10</sub>. A 5dBA factor of safety was added to this to result in the design being based on an internal level of 81dBA L<sub>10</sub>.

Based on this level, the noise report provided recommendations to control the level of noise to within the 45dBA L<sub>10</sub> requirement from the District Plan noise rule. This included concrete or masonry walls or profiles metal cladding. Glazing on the windows adjacent to residential boundaries has been recommended to be between 6-8mm float glass. The design of the roof, being profiled metal cladding 0.4mm thick on 20mm construction grade plywood was also recommended. Two sets of doors were recommended as an entrance point to control noise escaping when doors are opened.

The proposed car park on Picasso Drive was based on the traffic report, indicating that there would be 40 vehicle movements per hour during peak times. It has been established that the noise level from the car park during the busiest hour would be 41dBA L<sub>10</sub>, which complies with the lower night time criteria within the District Plan of 45dBA L<sub>10</sub>. This figure would be less at times of lesser vehicle flow.

The applicants have proposed an acoustic fence along the boundaries of adjoining properties 5a and 7 Picasso Drive. These fences will benefit the ground floors of these properties. Recommended design of these fences has been proposed within the acoustic report.

#### Construction Noise

The Acoustic report outlined that provided that the excavator and mobile crane operates anywhere within the footprint of the proposed gym the construction noise will meet the noise controls relevant within the District Plan. It was recommended that controls were put in place to ensure that the concrete truck did not come within 35 metres of the assessment point of the dwelling. Alternatively, the use of a barrier fence would be a practical measure in ensuring that the effects of construction noise were minimised.

The applicants have proposed opening windows to allow for sufficient ventilation during games. This would increase the noise levels from outside of the gym. In this case, the soundproof glazing proposed would not be effective. An alternative form of ventilation that would not require the use of windows for ventilation would ensure that the noise emissions were kept to below the relevant District Plan standards and the majority of the noise was contained within the building.

The noise assessment does not address the noise when pedestrians use the walkway between the car parks on Marina View Drive and the gymnasium. It is anticipated that the noise from these pedestrians would be mitigated by the existing school buildings onsite.

The proposal is being assessed as a non-residential activity. Including noise conditions on this consent, should consent be granted is the most appropriate measure, and can be enforced by monitoring officers. A review condition would also be appropriate should the effects of this activity be greater than anticipated.

It is recommended that, should this consent be granted, a condition of consent be implemented to ensure that the recommendations outlined in the Hegley Acoustics Report in regards to material use are followed. Also as stated above, the use of an alternative ventilation system would further control the noise heard from outside of the gym, without the need to open the windows.

## Lighting and Glare

Minimal lighting has been proposed onsite and as such glare has not been anticipated as being of concern in regards to this application. Street lighting has been assessed as being adequate to illuminate the proposed car park. Down lights have been proposed to be located at the entrance to the gym. Existing security lighting will be utilised, and as such no additional security lighting has been proposed.

## Infrastructural capacity & availability

A130-A131 Council's Drainage Engineer, Mohammad Rahman, reviewed this application and had the following comments to make (attached at pages A130 to A131 as Appendix 6):

*"The site is located in a reticulated area and there are public water supply and drainage systems in this locality. The public infrastructure has sufficient capacity to cater for the needs of the school. Within the site, there is internal drainage system owned by the Ministry of Environment. With the proposed car park and gymnasium building construction, the total impervious area is within the allowable limits."*

## Traffic generation, on-street parking, driver safety, pedestrian safety, roading capacity and roading network, traffic noise and vehicle movements

A108-A129 A Traffic Impact Assessment was submitted with this application, prepared by Traffic Planning Consultants Limited (attached at pages A108 to A129 as Appendix Five). The report describes the anticipated traffic and parking effects of the proposed gym.

There are 54 existing parking spaces onsite, accessed by three vehicle crossings on Marina View Drive. Two additional vehicle crossings are proposed on Picasso Drive as part of this development. The entry and exit vehicle crossings will work to reduce congestion onsite and on Picasso Drive. An additional 31 Parking Spaces are proposed in the proposed car park on Picasso Drive.

Marina View Drive is identified as a District Arterial Road within Councils Roding Hierachy and Picasso Drive is identified as a Local Road. A traffic flow study undertaken on Marina View Drive identified that the peak hours are around 9 am and 6 pm during weekdays. There is not a known traffic safety problem in the area.

Sight distances from the location of the proposed car park are acceptable to ensure that drivers and pedestrians are clearly visible for traffic entering and exiting the site.

The Traffic Impact Assessment identifies the highest hourly traffic generation to be in the order of 40 traffic movements per hour.

The Traffic Impact Assessment identifies that there would be a shortfall of 14 spaces onsite.

Specifically in relation to the proposed gym onsite, it is anticipated that the parking demands will be between 23-38. This figure is based on an existing situation at Massey Leisure Centre, which is similar to the proposed gym. The existing parking demands onsite are usually in the vicinity of 50 vehicles between 3.30 pm and 4.30 pm and steadily reduce into the early evening and night period.

A study combining the existing parking demand onsite and the anticipated parking requirements associated with the proposed gym from 3 pm daily show that the peak demand would be for around 85 car spaces. With an availability of 84 car parks, some onstreet parking would be required, albeit for a limited period of time.

The main effect in terms of traffic movement would be the increase in generated traffic on Marina View Drive and Picasso Drive in the order of 200 traffic movements per day. These levels of additional traffic are able to be accommodated on both Marina View Drive and Picasso Drive with little or no effect on their carrying capacity.

A132-A137 Council's Principle Engineer Sam Shumane has assessed the application from a Transport Assets perspective. Mr Shumane has identified a number of inconsistencies in the Traffic Planning Consultants Limited report (attached at pages A132 to A137 as Appendix Seven).

Mr Shumane is of the opinion that with the proposed gym the shortfall of parking spaces onsite would be between 12-21 spaces, based on the Code of Practice requirements. He has stated that the shortfall is unlikely to result an overspill onto the road of more than a few vehicles. A loading bay has not been provided, however this can be accommodated in the new parking area outside of peak hours for the purpose of servicing. Pedestrian linkages between parking areas, other parts of the school and public footpaths are well connected.

Transport Assets has calculated that the anticipated trip generation would be closer to 80-120 vehicle movements per hour, almost doubling the existing traffic volumes on Picasso Drive. This is due to the traffic generation being at peak levels to start 10-15 minutes before the end of a game and finish 10-15 minutes after the start of the next game. A brief study undertaken by Transport Assets anticipates that the average delay on Picasso Drive during afternoon traffic conditions to increase from a delay of 8.5 seconds to 8.8 seconds. This impact is anticipated to be minor. On this basis Transport Assets have no concerns in regards to the intersection in terms of capacity.

Transport Assets are satisfied with the location of the proposed vehicle crossings on Picasso Drive, provided that they are installed to Code of Practice standards.

Overall Transport Assets are satisfied that the proposed car park design would meet the requirements of the Code of Practice, but would require a more detailed design in terms of specific dimensions and tracking curves. The impact on the roading capacity on Marina View Drive and Picasso Drive is anticipated to be no more than minor. The safety of the intersection will not be compromised by the proposal.

Currently, the existing parking onsite is utilised by teachers until at least 5 pm each night and chained up once teachers leave the school. These car parks will need to be made available for the after school activities, and should consent be granted, it is recommended that conditions of consent are included to ensure that these parks are made available to gym users, and chained at 10 pm each evening.

The proposed car park on Picasso Drive is the most practical solution to the increase in traffic demand onsite. The area is a clear space of land that is currently in grass. There is an existing walkway that leads up to the proposed gym site. Not all gym users will utilise this park, as the other parks onsite will be available. Residential properties immediately adjacent to the proposed car park will have an acoustic fence constructed, limiting noise levels to their properties. The two vehicle crossings, to be constructed a standard acceptable to Council, will advise of entry and exit points to the proposed car park will limit the need for vehicles to turn into existing driveways on the street. Directional signs showing entry and exit points would be useful in ensuring the safe entry and exit from the site.

Should this consent be granted, it is my opinion that conditions of consent be included to make it clear that someone is responsible for clearing the gym and school grounds and to gate the car parks onsite. This would ensure that the potential for loiterers, graffiti, litter and other unruly behaviour is kept to a minimum. Signs showing car park availability and a contact number for security reasons would also be useful in limiting traffic entering and exiting the site after hours. The proposed fencing and landscaping around the area of the proposed car park will adequately mitigate any adverse visual or aural effects on adjoining sites.

## Signs

The applicant has proposed a 1 metre x 2 metre sign of 4 metres in height to be located near the entrance on Picasso Drive. This sign will be non obtrusive and visually appropriate in the surrounding environment and will not alter the amenity or character of the surrounding environment.

### **8.1.11 Heritage**

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

### **8.1.12 Summary**

The proposal would allow Marina View Primary School to construct a new gymnasium and associated car parking that can also be used by the YMCA for after school activities. The intention of the facility is for students from Marina View Primary School to utilise both during school hours and during the evenings. The main concerns raised by submitters relate to traffic, street parking, noise and hours of operation.

Councils Transport Engineer Sam Shumane, has assessed the proposal in terms of traffic and car parking in the immediate vicinity of the site, based on the proposed activity and is satisfied that the increased demand is able to be catered for onsite, with minimal parking required on the kerbside. The proposal is not anticipated to reduce the safety or efficient movement of the transport network in the area.

The noise report, submitted with the application states that the noise levels within the District Plan can be met, provided that the specifications in regards to materials used during construction are adhered to. Recommended conditions of consent will also ensure that noise levels are kept to the permitted activity requirements within the District Plan.

It is considered that the actual and potential adverse effects of the proposed activity are minor, and can be adequately mitigated through appropriate conditions of consent. The conditions of consent, if granted, would relate to avoiding, remedying or mitigating adverse effects arising from the construction period, traffic generation, parking and noise. Other effects with a neutral or positive impact would include increased use of a site that would otherwise be underutilised, provision of indoor sports facilities for the school and the provision of community facilities within the Community, thereby reducing the need for extensive travel and enabling children to participate in sporting activities close to home.

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

### **8.2.1 District Plan Policies**

The District Plan provides a range of objectives and policies to be considered in relation to development in the General Natural Area and Living Human Environments. These have been used as a guide in considering the proposal and are discussed below under the headings of **Height, Non Residential Activities, Traffic Generation, Car parking and Driveways, Signs, Vehicle Crossings and Earthworks.**

**The relevant policies in relation to this proposal are:**

#### **Height**

Policies 9.5, 10.5, 11.3 and 11.8 seek to ensure that the proposed building is of a form and scale that is consistent with its surrounding environment, to ensure that the proposed building does not physically dominate the surrounding sites and buildings. The building should not be of a form or scale that would limit daylight to adjoining property owners and located in a position to ensure that neighbourhood character and visual amenity is maintained.

The proposed Gymnasium at Marina View Primary School is to be 9.3 metres in height and located 8.190 metres from its closest property boundary. The proposed gymnasium complies with height in relation to boundary controls for the zone. The proposed building will be set in close proximity to the existing school buildings and will be in keeping with the existing character of the school environment.

The potential for the proposed building to physically dominate the closest adjoining property owner would be mitigated by the use of planting along the boundary closest to the proposed gymnasium. The effect on other property owners will be no more than minor as the property is set back a sufficient distance from other property boundaries, and will blend into the existing form of the school buildings.

#### Non Residential Activities

Policies 10.14, 11.12 and 11.18 refer to the requirement for non residential activities to be of a scale that ensures that the roading networks can sufficiently cater to the increased traffic demands without adversely affecting the safety and integrity of the roading network. Activities should also be of a scale to ensure that they do not adversely affect the amenity values of the surrounding environment or neighbourhood. Policy 11.18 specifically requires that non residential activities do not alter the character of the neighbourhood or the safety of residents, while taking into account the individual and cumulative impacts of the proposal.

Marina View Primary School has been established at this site for a number of years. The School is a focal part of the neighbourhood, with a number of neighbouring properties overlooking onto the schools playing fields. The site is designated for Ministry of Education purposes, however, the underlying zoning is intended for residential use, being zoned Living Environment, and therefore consent is required for the use of the proposed gymnasium for community purposes (YMCA after school activities) outside of the operation of the school.

It is considered that the proposed building and facilities will have the same effects in terms of bulk and location, as a facility constructed solely for school use and in keeping with the designated purpose of this site. The use of the facility for the YMCA after school programme does mean that the use of the development falls outside the designated purpose of the site, and therefore requires assessment as a Discretionary activity.

The area is zoned residential and located within an area of Waitakere City that is considered urban in nature. Community facilities such as schools, churches, and community halls are common within residential urban areas throughout the City.

It is considered that the main potential for adverse effects arising from the community use aspect of the proposal relates to car parking and traffic generation, noise and hours of operation.

Councils Transport Engineer, Sam Shumane, has assessed the application in terms of car parking and traffic generation and is satisfied that the additional traffic demand can be sufficiently accommodated within the roading network. There is a shortfall of onsite parking, however at peak times this is able to be accommodated on the street.

An acoustic report submitted with the application suggests that noise levels will be able to be complied with, provided that specific materials are utilised at construction stage.

The proposed hours of operation of the gymnasium are 7 am - 10 pm 7 days per week. These hours have the potential to reduce the amenity of the area, and loitering and traffic movements are of concern in direct relation to these increased hours. Provided that mitigation measures such as sound proof fencing and ensuring that someone is responsible for clearing the site of people prior to 10 pm, plus access to appropriate security services, it is anticipated that the amenity and character of the surrounding environment will be maintained.

## **Traffic Generation**

Policies 10.14 and 11.12 refer to maintaining the efficient function of the road network and the safety for motor vehicles, pedestrians and cyclists and the wellbeing of residents occupying the surrounding sites. Activities should be of a scale that does not increase the traffic in the area to a level that adversely affects the amenity values of the neighbourhood.

There will be an increase in traffic generation, particularly along Picasso Drive. The additional effects of traffic generation on the neighbouring properties and the roading network have been discussed in detail in Section 8 of this report. Council's Transport Engineer, Sam Shumane has reviewed the application, and is of the opinion, that while traffic generation will increase, particularly on Picasso Drive, the existing roading network in the area is capable of dealing with the additional traffic demand. The majority of parking is able to be provided for onsite, with a minimal amount of spill onto the kerbside during peak times.

## **Car parking and Driveways**

Policies 10.11, 10.16 and 11.10 refer to the adequate onsite parking of motor vehicles and the design and access of car parking areas to ensure that the efficient function of adjacent roads is not adversely affected by the proposal. Car parking should be provided in such a way that ensures safe circulation and passage of motor vehicles, cyclists and pedestrians, while ensuring that safe and ready access to adjoining sites is maintained. Car parking onsite should be adequately screened from residential properties, while maintaining the visual amenity values and amenity of the surrounding environment and the subject site when viewed from the street.

Council's Roding Engineer, Sam Shumane has reviewed this application and has anticipated that there will be a shortfall of parking onsite of between 12 and 21 parking spaces, dependant on peak periods of operation of the proposed gymnasium. An overspill of kerbside parking will be required, but is able to be catered for on the existing roading network.

The proposed car park onsite is adequate for the purposes of accommodating additional onsite parking, provided that specific details are in compliance with the Code of Practice requirements. Two additional vehicle crossings are proposed to be constructed as entry and exit points for the proposed car park, to allow for safer and efficient movement of vehicles entering and exiting onto Picasso Drive.

Screening has been provided for near the proposed car park on the eastern and western boundaries by way of acoustic fences adjacent to numbers 7 and 5A Picasso Drive. A landscaped area has been proposed to screen the car park from the road frontage also.

## **Signs**

Policy 11.1 refers to the requirement that signs do not visually intrude on the amenity values of the surrounding neighbourhood. The safety of vehicles and pedestrians on adjacent roads is also to be taken into consideration. Signs should also not be offensive.

The proposed onsite sign will be 4 metres in height and have an area of 1.5m<sup>2</sup>. The sign will have 'Marina View Gymnasium' written on it with the hours of operation. The sign will not be offensive. The sign will be of a size and in a location that will ensure that the safety of vehicles and pedestrians on the roading network will not be compromised.

## Vehicle Crossings

Policy 11.4 refers to the requirement that structures (including vehicle crossings) within the Transport Environment are of a scale and design to ensure that the adverse effects on the amenity and neighbourhood character are minimised. Structures should be compatible with the existing streetscape, minimise impacts on views, native and exotic vegetation, physical domination and located in a position so that the planting of road berms can be provided for.

The proposal to construct two new vehicle crossings for vehicles to enter and exit the proposed car park adjacent to Picasso Drive will ensure that vehicles can enter and exit the site safely in forward gear. The proposed vehicle crossings are of a scale and design consistent with the scale of the proposed development. It is not anticipated that the proposed vehicle crossings will impact on views or vegetation or physically dominate adjoining sites.

## Earthworks

Policies 1.7, 3.2 and 10.13 are in relation to managing earthworks on properties in a way that ensures that stormwater is adequately managed and does not increase or exacerbate flooding off-site. Exposure of soils should be undertaken in a way that remedies or mitigates effects on the surrounding topsoil and soil structure. Earthworks on sites should also be undertaken in a manner that ensures that measures are taken to avoid the potential to adversely affect the health and safety of people and communities.

The proposed earthworks onsite are of a minor scale, primarily for the purposes of preparing the ground for the proposed gymnasium and car parking area onsite. Councils Drainage Engineer has reviewed the application and has stated that impermeable surface coverage onsite would be 23.1%, within the permitted activity standards for impermeable surfaces with reticulated stormwater systems. It is not anticipated that the proposed works would increase or exacerbate flooding within the subject site or its immediate surrounds. It is anticipated that the proposed works would not adversely affect the health and safety of people or the community. They would be of short duration, confined to the site, and managed through conditions of consent.

It is considered that the proposed development would be consistent with the objectives and policies of the District Plan for the reasons outlined in each of the discussions above.

### 8.5.3 Monitoring

The performance of the activities under this consent will be subject to Council's standard monitoring procedures. These procedures include scheduled inspections to ascertain compliance with conditions of consent, together with periodic inspections as and when required to establish whether conditions are being complied with on an ongoing basis. In particular, attention is likely to be directed toward the implementation of conditions relating to noise, hours of operation and traffic management.

### 8.6 Lapsing of Consent

Due to the current economic climate, the applicant has requested that the timeframe for lapsing of this consent is extended to 10 years. It is considered that Section 125 in relation to lapsing of consent provides sufficient scope to allow further time. The default timeframe of 5 years is recommended.

## 9.0 PART II OF THE RESOURCE MANAGEMENT ACT 1991

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

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

It is considered that the granting of this application would not be contrary to the purpose of the Act. The 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 construct a Gymnasium and associated car park at Marina View Primary School, 97-99 Marina View Drive, West Harbour. The site is located within the Living Environment and General Natural Area. The site is also subject to a Ministry of Education Designation. The proposed development is considered to be outside of the scope of the Designation for part of its proposed use, and therefore consent is required for a non-residential activity, earthworks, traffic generation, parking and driveways, signs, vehicle crossings and height.

The effects of the proposed Gymnasium can be considered to be no more than minor as the actual and potential environmental effects are no more than minor, and are not significantly greater than what could be provided for onsite under the Ministry of Education Designation. It is anticipated that the effects can be sufficiently mitigated through conditions of consent.

The use of the facility for after school activities by the YMCA would not adversely affect the amenity values of the surrounding environment, provided that conditions of consent were complied with. The additional community use element would ensure that the facility is an asset to the community, where this type of facility is not readily available in the immediate surrounding neighbourhood currently.

The proposal is not considered to be contrary to the objectives and policies of the District Plan which seek to maintain amenity values and neighbourhood character, while promoting the health and safety of residents and allowing non-residential uses where such uses reduce the need for extensive travel by motor vehicle.

The issues that were raised through the submission process are matters that can adequately be avoided or mitigated through conditions of consent. Subject to any additional and/or contrary evidence being presented at the hearing, it is concluded that the application merits approval in accordance with Section 104 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 Marina View Primary School to construct a Gymnasium and Car park onsite at 97-99 Marina View Road, West Harbour, being SEC 1 SO 65436, PT LOT 6 DP 52529, PT ALLOT 37 DP 4990, PT LOT 302 DP 128372 for the following reasons:

- (i.) The proposed gymnasium is in keeping with the character of the school site. The amenity of the surrounding environment is not anticipated to be significantly affected by the proposal, provided that mitigation measures are complied with.
- (ii.) Conditions of consent will be imposed ensuring that noise levels generated by the development are reduced to an acceptable level, and will comply with general noise standards under the District Plan.
- (iii.) Parking for the gymnasium can mostly be provided for onsite, with a small number of cars expected to park on the kerbside during peak traffic times only.
- (iv.) The proposal is generally consistent with the objectives and policies of the District Plan and would create no more than minor adverse effects on the environment.
- (v.) The development is not contrary to Part II of the Act

**Consent shall be subject to the following conditions:**

**GENERAL**

1. The development shall proceed in accordance with the following plans entitled 'Marina View School 97-99 Marina View Drive, West Harbour':

- Proposed site plan sheet A1.03;
- Ground floor plan sheet 03; and
- Elevations sheet A3.01.

Prepared by Adams De La Mare Architects and dated September 2008 and all referenced by Council as LUC 2009-540 and the information, including further information, submitted with the application.

2. All infrastructure relating to stormwater treatment and disposal, wastewater disposal, and water supply shall be designed and completed to the satisfaction of Council's Drainage Assets Engineer. (Compliance with the Waitakere City Council Code of Practice for City Infrastructure and Land Development is deemed to be in accordance with the above condition).
3. Pursuant to Section 128 of the Resource Management Act 1991, the Council may, at any time after the commencement of the activity, serve notice upon the consent holder of it's intention to review conditions 13 and 14 of this consent should it consider this to be necessary in order to deal with any adverse effects on the environment which may arise from the exercise of this consent. The review shall be undertaken at the expense of the consent holder.
4. The consent holder must produce a protocol and set of requirements for YMCA after-school use of the facility. The protocol shall be provided to the Manager Resource Consents for approval prior to the Building Code of Compliance being issued. The protocol shall include all relevant conditions of the resource consent relating to parking and noise control. The protocol is being provided to the YMCA, who shall agree to abide by those conditions prior to being authorised to use the facility.

Specific requirements;

- i. Use of the gymnasium onsite shall be limited to hours of operation 7 am - 10 pm Daily; and
- ii. The school grounds must be cleared prior to 10 pm.

5. Prior to the gymnasium being utilised the walkway adjacent to 3C Picasso Drive shall be blocked off to prevent pedestrian access through.

#### **MONITORING AND PRE-START MEETING**

6. Prior to the commencement of any site works the applicant shall provide to Council a Construction Management Plan to be approved by the Manager Resource Consent. The Construction Management Plan will address issues relating to the management of construction noise, dust, parking of construction vehicles and the movement of heavy vehicles to and from the site to ensure that any adverse effects of construction traffic will be mitigated.
7. Council's Environmental Monitoring officer (EMO) must be advised in writing five working days prior to any site works, to arrange a pre-start meeting to discuss earthworks and construction traffic management.
8. A consent compliance monitoring fee of \$751.00 (inclusive of G.S.T.) shall be paid to the Council. This fee is to recover the actual and reasonable costs incurred ensuring compliance with the conditions of this consent. If, on inspection all conditions have not been satisfactorily met, a reinspection shall be required at the relevant hourly rate applicable at the time the reinspection is carried out.

The \$751.00 fee shall be paid as part of the resource consent and the resource consent holder shall be advised of any further monitoring fees if they are required.

#### **TRANSPORT ASSETS**

9. Detailed design drawings of the parking facility demonstrating full compliance with the Code of Practice must be provided at the building consent for a detailed review.
10. The construction details of the proposed vehicle crossings along Picasso Drive must generally comply with SD 3.13 and the dimensions of the vehicle crossings to generally comply with SD 3.10.
11. A detailed and comprehensive construction traffic management plan must be provided for approval to the satisfaction of the Council prior to commencement of construction onsite.
12. Ensure, where practicable, that the car park spaces are to be pavement marked, with signs erected where necessary, to clearly define staff / visitor parking, circulation and site access etc. All to comply with 'The Manual of Traffic Signs and Markings' (MOTSAM).

#### **NOISE**

13. Noise from the Marina View Primary School Gymnasium must not exceed the following levels as measured at or near any residential boundary:

Monday to Saturday:	7 am - 7 pm 50dBA L10
Monday to Saturday:	7 pm - 10 pm 45dBA L10
Sundays and public holidays:	7 am - 10 pm 45dBA L10
Monday to Sunday (inclusive):	10 pm - 7 am 40dBA L10 and 70dBA Lmax

Noise shall be measured and assessed in accordance with NZS6801:1991 and NZS6802:1991.

14. The gymnasium may not be used for any events or performances between the hours of 10 pm - 7 am. All persons involved in any such event shall have left the premises by 10 pm.
15. Noise from construction, maintenance, demolition and earthworks on the site shall not exceed the relevant noise levels as specified in NZS6803P:1984 'The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work'.

All construction, maintenance, demolition and earthworks 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

16. Within six months of commencing activities within the gymnasium, a noise report shall be submitted to the Manager, Resource Consents. The noise report shall be undertaken by a suitably qualified professional and shall assess the noise onsite in respect to the relevant noise standards within the District Plan.

#### **EARTHWORKS**

17. 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.
18. Stabilised entranceways to the site shall be provided prior to the commencement of works and maintained for the duration of works. Additional measures such as wheel wash facilities shall be implemented (as) if deemed necessary by Council's Environmental Monitoring Officer to prevent the deposition of earth or other debris on the surrounding street network by vehicles entering and exiting the site. Roads, footpaths, berms and kerbs including entry and exit points to the site shall be kept free from damage and clear of mud and debris at all times. Any material deposited on the street shall be immediately removed by sweeping and any damage caused shall be immediately repaired at the expense of the consent holder. The consent holder shall notify Council's Monitoring officer when entranceway controls are in place. Work shall not commence until approval has been gained in writing from the Manager Resource Consents.
19. Prior to work commencing signage shall be placed in appropriate locations to warn traffic about truck movements, to the satisfaction of the Manager Transport Assets and the Manager Resource Consents.

#### **LANDSCAPING**

20. A landscape plan must be submitted to the Manager, Resource Consents for approval, within 6 weeks of works commencing onsite.

21. All landscape planting shall be implemented and maintained in accordance with the approved landscaping plan on completion of site works. All planting is to be maintained for a minimum of two further planting seasons. Any plant losses within this time are to be replaced and to be maintained for a further planting season from the date of replacement.

**Advice Notes:**

1. Pursuant to section 125 of the Resource Management Act 1991, this consent shall lapse after a period of 5 years after the commencement of the consent.
2. Where indicated in the conditions it is the consent holders responsibility to inform the Environmental Monitoring Officer when inspection is required. Inspections can be requested through the Call Centre on 839 0400.
3. The conditions of consent relating to noise and hours of operation shall apply to both use of the gym by the school and use by the YMCA.

**Report prepared by:** Sarah Baker, Resource Planner

