



RESOURCE CONSENTS HEARINGS PANEL

MINUTES: of a meeting of the Resource Consents Hearings Panel which commenced at 9.00 a.m. in the Council Chamber, Centreway Road, Orewa on Monday, 28 June 2010.

PRESENT:

Chair	John Childs
	Grahame Powell
Crs	June Turner

IN ATTENDANCE:

Reporting Planner	Sarah Gardner
Team Leader	Erik Oosthuizen
Development Engineer	Cameron Ure
Traffic Consultant	Grace Survepalli
Traffic Consultant	David Mitchell (in intermittent attendance)
Senior Policy Planner	Ryan Bradley (from 10.55 a.m. - 1.00 p.m.)
Democracy Services Officer	Raewyn Morrison

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Note: Grahame Powell replaced Suzanne Weld on the Panel.

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473/06/10 **APOLOGIES**
AGENDA ITEM NO. 1

There were no apologies.

474/06/10 **A NOTIFIED RESOURCE CONSENT APPLICATION UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991**

AN APPLICATION FOR A MIXED USE AND STAGED CONSENT. CONSENT IS SOUGHT TO ESTABLISH SEVEN LOTS FROM TWO EXISTING TITLES COMPRISING OF SIX RESIDENTIAL SIZED LOTS AND ONE LARGER BALANCE LOT FOR USE AS A MEETING HALL SITE.

THE APPLICANT PROPOSES TO CONSTRUCT AND ESTABLISH A MEETING HALL WITH ASSOCIATED PARKING FOR 216 VEHICLES, SERVICING AND ACCESS. IT IS PROPOSED TO UNDERTAKE 15,000M³ OF EARTHWORKS OVER AN AREA OF 2.5HA. THE MAJORITY OF THE WORKS IS REQUIRED TO FORM THE BUILDING PLATFORM FOR THE MEETING HALL.

Address: 119-127 Woodcocks Road, Warkworth

APPLICANTS: MASON HEIGHTS PROPERTY TRUST

FILE REF **R 55961**
WARD Northern
AGENDA ITEM NO. 2

The applicant seeks land use and subdivision consent for a staged development establishing 7 lots. One balance lot will contain a meeting hall with an associated access and parking area and a stormwater pond. The first stage will involve a boundary relocation, the second stage will involve the subdivision of the two dwellings from the balance of the site and the third stage will involve the construction of the meeting hall with associated earthworks and installation of services. The proposed meeting hall is single storey with a maximum seating capacity of 644 people. The building is proposed to have a gross floor area of approximately 1200m² and an extended cantilever canopy of approximately 400m². The maximum height of the building is 7.5m.

9.06 a.m. The applicant, Mason Heights Property Trust, was represented by Shane Wearmouth, Peter Bishop, Rod Frizzell, Dennis Burgess, Shane Hartley (Planning Consultant, Terra Nova Planning Ltd), Steven James (Riley Consultant), Lee Pike (Traffic Consultant) and Sarah Weatherall (assisting Mr Hartley), present.

Submitters: Peter Millar, and Rita and Derrick Windmill were present and represented by Bruce Manson (Planning Consultant). Barry and Lorraine Blennerhasset were in also in attendance to speak on behalf of the submitters. Warren King (Traffic Engineer on behalf of the submitters) in attendance (from 9.45 a.m.).

The Chairperson, John Childs, announced that he had done work on behalf of various churches including the Exclusive Brethren, but he had no involvement with this application.

A letter was tabled from Beca Carter Hollings and Ferner on behalf of New Zealand Fire Service, who were unable to attend the hearing. The letter requested that should consent be granted, that the new certificates of title should include a consent notice requiring fire fighting water supply to be provided to each lot in accordance with SNZ PAS 4509:2008.

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A letter was also tabled from New Zealand Transport Agency (NZTA); NZTA was unable to attend the hearing. The letter stated that NZTA had lodged a submission in opposition to the proposal and whilst progress had been made on some concerns regarding traffic effects on the state highway network, the concern in regard to strategic planning remained. The letter outlined NZTA's current position and in conclusion said that should the Panel be minded to approve the application, NZTA sought appropriate parameters to be placed around such approval to ensure that the traffic effects are no greater than that which have been proposed. NZTA also considered that there might need to be a review condition of traffic effects. NZTA reserved its position until such time as the decision (and if applicable, conditions) had been circulated and reviewed.

Sarah Gardner noted corrections to her planning report. She noted that the report sent to the submitters contained a typographical error at 14.3; this sentence should have read that the proposal would be contrary to the objectives and policies of the Plan. She also noted that on page 42 of the agenda point (h) should have read that overall it was considered the application did *not* promote the efficient use of resources (the not had been omitted).

Shane Hartley opened proceedings for the applicant. Mr Hartley noted that the status of the meeting hall was a discretionary activity. The proposal involved a boundary adjustment, a subdivision and a church (meeting hall). The only non complying issue was the subdivision, the others were discretionary.

Shane Wearmouth distributed and read written evidence. The following was noted:

Mr Wearmouth said that the church had outgrown its current building at Golf Road, Warkworth and as their numbers had steadily grown, they needed a larger purpose built hall. They regularly hosted other church members from Wellsford, and at times members from Auckland and further afield. They wanted a hall with a capacity for holding 644 people in order to cater for conventions which occurred no more than once a year. They greatly valued neighbourly relationships and that meant buildings of a single level with low profile structures enhanced by landscaping. The church had spent considerable time and effort in searching for suitable land before purchasing the 6.5 acre block. The hall needed an area of 2.5 acres of easy contour land and these size blocks were simply non-existent. Mr Wearmouth noted that the town would grow around the Stockyard Falls retail area. While there was more land than the 2.5 acres required for the hall, there would be scope to provide housing for a couple of members to live close by the meeting room, and a few larger ½ acre blocks for others that wanted a bigger area. The sale of the sections would help fund the meeting hall. He noted that the church and surrounding sections were a little before their time in terms of the District Plan; however he considered that controlled growth was inevitable; it was about providing for the local community, in order for their families to be self-sustainable and for Warkworth to prosper in its own right. The church wanted the meeting hall to be unobtrusive and without any detrimental effect on the environment or those around them.

Rod Frizzell said that the church wanted to deal with any issues that arose in an open honest way, and with integrity. The church wanted to provide for their community; they sought to lead pretty simple lives, with respect and care for those around them and they wanted do their best for their own community while fitting in with the community around them.

Peter Bishop said that the proposed hall would blend in as much a possible with the surroundings, there would be landscape planting and it would be of neutral colours; they didn't want to be obtrusive to their neighbours or anyone else.

In response to questions from the Panel, Mr Wearmouth said that they were commonly known as Exclusive Brethren. There were 125 people in their congregation and they would hold other meetings between the big annual meeting. They had an interchange arrangement with the Wellsford branch which had 105 members and they gathered with them twice a week. They would like to have a fence around the hall in order to stop small children roaming and for security reasons. In regard to the visual aspect, they would be quite happy to plant in front of a fence which they envisaged as being the maximum height of 1.8m. The staging would be dependent on selling the sections in order to raise funds for the hall. It was estimated the hall would cost \$1.8m and landscaping could be established provided there would be earthworks in the perimeter.

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Mr Wearmouth said that the main aim of the subdivision was to sell the sections in order to fund the hall. They would like to split off the existing house (lot 14). The church liked to have some members living close by to their meeting halls/churches. This was the only site suitable they had found and they had to use residual land for something. They didn't want to put a big hall too far out of town; 6 acres was more than what they would normally want but they couldn't find any site smaller or more suitable. The site seemed suitable especially with the direction the town was going in. They had looked in the vicinity of McKinney Road, but the land was steep and not suitable. When searching for land they had looked at site size, suitable topography, land of a suitable stability; it had been a challenge finding a piece of land they could site a hall on. Availability and suitable access for members was also another consideration. With regard to whether the church could proceed, and subdivision follow at a later date, Mr Wearmouth said that if funds were slow in coming they would do the foyer of the hall first with limited parking and complete the rest of the hall later. They would need to plan for infrastructure. The height of building was 7.5m; the limit in the zone was 9m.

Steven James said that with regard to wastewater, the site would connect to public system when it had capacity. Rodney District Council (RDC) was currently going through the process to prove the wastewater treatment plant and when that consent was granted the catchment area would be extended to include the MHL development and this proposal.

Cameron Ure said that the Council's wastewater engineers had been told that it would be a year to a year and half (under the new Auckland Council) before the Warkworth Wastewater Treatment Plant would be given consent. It had not yet completed the commissioning of the Peak Flow Treatment System and therefore had not met condition 3 of Consent 35660. It would be 2012 at the earliest before the applicant could utilise the Warkworth Wastewater Treatment Plant; the Council would need to seek a variation to its consent altering the Area of Benefit. Mr Ure stressed that there was no guarantee.

Lee Pike from Traffic Design Group addressed the Panel (note: Mr Pike did not circulate written evidence).

Mr Pike noted that the submission from New Zealand Transport Agency (NZTA) essentially focused on the proposal's impact on State Highway 1. He said that from early discussions between the applicant and NZTA that hadn't been the case. Mr Pike said that the impact of the proposal in traffic terms, assuming occupancy of 200 people in the hall, would not be particularly noticeable at the Woodcocks Road intersection and once the Western Collector Road was constructed the traffic would disperse even further. He said that many people attending the annual event would arrive by coach. In Mr Pike's opinion 644 people arriving for the annual meeting could be absorbed into the roading network without a significant impact. With regard to the visual impact of the large tarmac carpark, he believed the ratio of 1 vehicle per 3 people was over the top and would more likely be 1 per 5 people. With regard to buses navigating the street system, he thought the traffic impacts would be less than minor.

Shane Hartley distributed and read written evidence.

Mr Hartley described the proposal and the character of the area. He addressed the Warkworth Structure Plan and the future urban strategy. Mr Hartley also referred to the recent consent granted to MHL to subdivide an area of land nearby. Mr Hartley said that it was important to not over-read the residential subdivision component of the application. In effect, the application proposed four large residential sites which correspond to the balance area of the land not required for the proposed meeting hall. As had been noted in the Council's planning report, the church hall was a discretionary activity in the General Rural zone, falling under the activity "Place of Assembly". The application was non-complying only because of the residential subdivision element of the application. Mr Hartley said that his assessment was that because of its nature and scale, the proposed meeting hall was ideally located in an urban settlement as opposed to a more remote rural location. The site was clearly within the periphery of west Warkworth, and this would be more so when the MHL subdivision and Stockyard Falls development were completed.

Mr Hartley said that he considered the proposed meeting hall and very low density residential subdivision would serve to equally provide an urban edge and gateway effect, particularly once the landscaping proposed with the applications was instituted and gained maturity.

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Mr James said that Auckland Regional Council (ARC) consent was required, it was on hold until the application had been decided upon; the ARC did not request a joint hearing.

10.30 a.m. David Mitchell retired from the meeting.

10.30 a.m. - 10.55 a.m. Morning tea adjournment.

Mr Hartley continued reading his written evidence.

Mr Hartley discussed matters in regard to strategic planning, landscape and amenity, reverse sensitivity, ecological values and site suitability. He said that the residential development had the benefit of providing buffer areas between existing dwellings and the church meeting hall, and removed the unknown aspect of future development of this balance land area that would otherwise occur were it to remain in one title and be sold in that form. He addressed in depth the statutory assessment and said that while such subdivision as proposed was in variance with the rural orientated objectives and policies of the General Rural zone, they were consistent with the objectives and policies in Chapter 13 Future Development and Structure Plans. While some aspects of this chapter were geared towards the Future Urban zone it was clear that the provisions in that chapter were not confined to a Future Urban zone and were written in a more generic sense in regard to sustainable management of land for future urban growth and the utilisation of both statutory and non-statutory structure plan processes. On that basis, Mr Hartley said that he considered the proposed development and subdivision were either not contrary to or a least not repugnant to the objectives and policies of the Plan when these were read in an holistic manner.

In response to questions from the Panel, Mr Hartley said that:

- The ARC had been notified in regard to the application.
- With regard to the permitted baseline; the building could cover 10% of the site and the height could be up to 9m high. Permitted activities that could occur included farming plus farm accessory buildings, a greenhouse, childcare, and the ability to build a separate house on the vacant site.
- The intention had been that a supermarket would be the 'anchor' at the Stockyard Falls development but that was not likely to occur. Recently it had been announced that a Mitre 10 Mega store would be built there; that was subject to resource consent in terms of building design and traffic. A Plan Change has been lodged to modify and allow light industrial activities in the development. With regard to convenience shopping, space was limited in terms of minimum floor areas.
- The habitable space of the proposed church/hall without the canopy was about 1200m². The canopy was an additional 400m².
- The applicant did not want to locate the building in an industrial area; land was often very expensive in industrial areas.
- He would describe the development as urban in type, in combination with the residential development and the meeting hall.
- Some rural activities generated a lot of traffic, for instance, Southern Paprika (an operation that grows capsicums in a series of greenhouses on Woodcocks Road).
- There could be a similar condition regarding wastewater as there was on the MHL subdivision consent.
- With regard to cumulative effects, there could be a consent notice stating that there be no further subdivision until the zoning allowed it.
- He didn't think granting consent to the hall would set a precedent.

Steven James, Civil Engineer from Riley Consultants, addressed the Panel.

Mr James said that from his company's investigations he believed the land could be developed sustainably. There had been discussions with the Council regarding wastewater from which it appeared the Council was confident it would get the consent required from the ARC and that the applicant's site could be linked up when that occurred. In terms of firefighting and a public water supply, the water system would be eventually extended to the Mason Heights site and the MHL site. Currently services were readily available to the site apart from the wastewater issue. There had also been discussions with the ARC although the applicant had not yet lodged a consent with ARC.

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Submitters:

Bruce Manson introduced the submitters.

Rita Windmill distributed and read written evidence of behalf of her and her husband.

Mrs Windmill outlined the reasons for choosing to reside at Mason Heights and said that she and her husband were aware that the property to the east of Mason Heights had recently been rezoned for 'future urban' even though the timing of that was the same as for their property and those surroundings. As the Council had not formally changed their zoning and the planning maps in the same way they considered this to mean that the Council was sticking to the intent and purpose of the Structure Plan.

Mrs Windmill said that they would be surrounded by the proposed development on their southern and western boundaries. In regard to the proposed meeting hall or church and the fact that some 216 parking spaces were to be provided, she said that the impact on her and her husband would be significant. Other concerns included traffic and pedestrian traffic on their southern boundary, and an increased potential for danger for right turning traffic into Mason Heights. Mr and Mrs Windmill were also concerned at the loss of a very pleasing aspect to the west of their house, which was currently one of rural fields and trees.

Mrs Windmill said that overall they had no doubt the proposal would adversely affect the enjoyment of their property and it would have a major adverse effect on the safe operation of the road network in the immediate vicinity and the proposal would be completely out of character with the rural environment.

In response to a question from the Panel, Mrs Windmill said that she wanted the rural atmosphere to remain. Her home was of a single storey. Neither she nor her husband had submitted on the MHL application as it did not bother them very much.

11.58 a.m. David Mitchell in attendance.

Mr Mitchell said that it was essential to have Mason Heights as the main access for the proposal because of the sight line requirements.

Ms Gardner confirmed that the District Plan yard requirements for the zone were 10m for the front yard, and 6m for the side yard and rear yard.

Peter Millar distributed and read written evidence on behalf of him and wife.

Mr Millar said that as a retired police officer and traffic officer with 17 years' service, he was familiar with the past and current problems at the intersection of Mason Heights and Woodcocks Road and beyond towards Falls Road. Mr Millar discussed in depth his opinion on the traffic issues in the vicinity and stressed that he and his wife were most concerned at the impact the proposal would have on the safety of Woodcocks Road at both the hall access and at the intersection with Mason Heights; he considered there would be inevitable queuing on Woodcocks Road so that the large volume of vehicles in a very concentrated period of time could access the site. He noted that there was no footpath or other formed pedestrian access and no street lighting on either Woodcocks Road or Mason Heights near the proposed development. Overall Mr Millar said that he and his wife were most concerned about the impact the proposal would have on their continued enjoyment of their property and of its impact on the road network.

In response to questions from the Panel, Mr Millar said that:

- Traffic coming from the town (Warkworth) might experience queues waiting to get in to the site (from Woodcocks Road).
- The speed limit in the area was 80kph, with the corner being 55kh, but some people went much faster than that.
- The meeting times would have a big impact on him and his wife and also on future dwellings on the 6 MHL sections which accessed Mason Heights.
- His house was single storey with a fence and trees and shrubs.

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- In terms of vehicles exiting via Mason Heights, at night the impacts would be negative as car head lights would affect the kitchen, lounge and bedrooms which were on that side of the house. The sitting room would not be affected.

Mr Hartley confirmed that the maximum meeting time would be 2 hours.

Barry Blennerhasset presented a statement of support on behalf of Mr and Mrs Millar and Mr and Mrs Windmill. Mr Blennerhasset distributed and read his written statement.

Mr Blennerhasset said that from his personal experience he considered that even as the situation existed now, the chances of an accident where Mason Heights intersects with Woodcocks Road were very real. He also said that the change to an urban environment was not expected in the area until 2024. Mr Blennerhasset also referred to the Warkworth Structure Plan which made mention of the need to establish 'town edges' to avoid the problem of uncontrolled sprawl. In his opinion there was no evidence to suggest that it was critical to the applicants to build in that particular zone and he did not agree with statements that the proposal was complementary to the proposed residential use of the zone. He considered granting consent to the proposal would seriously undermine future confidence in any other consultation and planning exercise which would not be a good thing for the Council or the community.

In response to questions, Mr Blennerhasset said that he expected the number of people would increase over time. In regard to the application he thought the roading situation was a disaster.

Warren King distributed and read written evidence.

Mr King outlined the transportation standards required by Rodney District Council and described the road and traffic environment of Woodcocks Road. He also discussed the traffic safety issues associated with the proposal.

Mr King said that he considered that as a district arterial road with a traffic volume of 2600 vehicles per day, Woodcocks Road was at a point where the movement function should outweigh the access function. He considered that from a traffic safety perspective, approval of the subdivision and meeting hall would incrementally diminish the integrity of Woodcocks Road as a viable arterial route. Mr King also said that from a traffic safety perspective, approval for access for the proposal with inadequate sight distances had the potential to create unsafe turning situations. He said that the Council needed to consider carefully whether land use activities which result in high volume access requirements were in the best interests of the community.

Overall, Mr King said that it was his opinion that granting consent for the proposed development would have a more than minor adverse effect on the safe and efficient operation of the roading network.

In response to questions from the Panel, Mr King said that:

- With regard to possible road improvements to enhance the sight lines, Mason Heights and Woodcocks Road back towards Warkworth would require extensive excavation of the crown of the vertical curve and would be a significant project. However, any lowering of the crown would have a significant effect on the entrance to Mason Heights.
- In the opposite direction to the west he didn't see anything could be done to improve the 55kph corner.
- 190 vehicles turning out of Mason Heights would create another peak in itself and he didn't think the meeting times mitigated the problems that would be experienced.
- Woodcocks Road was an arterial route which was sometimes used as a detour when State Highway 1 had problems.
- He considered the peak times on Woodcocks Road for a normal weekday would be 5.00 – 6.00 p.m. at night, and in the morning from 6.30 a.m. - 8.30 a.m.

The Chairperson requested that the traffic people caucus during the break.

1.00 p.m. Mr Riley retired from the meeting.

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1.00 p.m. - 2.10 p.m. Luncheon adjournment.

Bruce Manson distributed and read written evidence.

Mr Manson's scope of evidence included an examination of the provisions of the Operative District Plan and the Proposed District Plan. He assessed the proposal against the relevant objectives and policies and made reference to documents of relevance. Mr Manson provided an assessment in respect of the Resource Management Act and in particular Section 104 and Part II. He also commented where appropriate on matters raised in the application and in the report of the Council's reporting planner.

Mr Manson said that in his opinion it was clear that the purpose of the objectives and policies he had identified in his evidence was that the retention of the established rural activities and amenities were generally free of non-rural activities. The means of achieving that was through compliance with policies that were designed to limit other than rural activities by controls over the intensity of development; the size, scale and scope of buildings; limiting buildings to those of rural character and use; and limiting subdivision to that which had a rural basis. When measured against the objectives and policies he had identified, he considered the proposed development was contrary to them.

In response to questions from the Panel Mr Manson said that:

- The assessment criteria tended to focus on the objectives, policies and the overview; it was viewed as an integrated proposal.
- With regard to this application and the MHL application, he believed there were distinguishing features between the two. The Council did change the planning map to allow the area to be future residential; this had been identified in the structure plan in regard to the applicant property but it had only gone as far as the road on the ridge of Mason Heights which formed a natural boundary with the urban area and allowed retention of the rural character.
- He didn't believe the reasons for granting consent to the MHL application were the same; the primary access for the MHL site was before Mason Heights.
- With regard to taking the subdivision component out of the proposal, he fundamentally didn't agree with separating it out. The applicant had determined the approach to be taken and given their reasons for wanting the subdivision but in his opinion as a discretionary activity the meeting hall would not meet the criteria in the Operative or Proposed Plans.
- With regard to the permitted baseline, some of the adverse effects related to traffic generation.
- The traffic generation itself was an issue for the submitters in relation to volumes and times.

Mr Manson referred to several cases of case law: O'Connell Construction vs Christchurch City Council and Brown, Brown and Other vs RDC (Tramco Properties), in the latter instance the Court ruled that effects relating to traffic safety were more than minor.

David Mitchell addressed the Panel in regard to the traffic caucus between himself, Mr Pike and Mr King. He said that in terms of the caucusing the sight distance issues and various approach speeds and site distance requirements had been discussed. In summary he said the safety issues were one item they felt could be mitigated depending on what the mitigation was.

The other issues were in terms of traffic volumes. With regard to the issue of safety and the sight distance requirements in terms of doing alterations on Woodcocks Road, site visibility limitations could be dealt with; they could be conditioned. From the submitters' point of view there was no way the effects of additional traffic could be mitigated; 200 people equated to 133 vehicle movements (combined in and out) at 1 per 3 people.

Mr Mitchell said that on an average week he estimated the range in traffic movements as 10 in and 10 out and 67 in and 67 out making a total of 20 to 133 per total per day. Mr Mitchell said that he confirmed his previous recommendation in terms of the traffic effects being able to be managed. With regard to visibility effects he believed there was only one visibility issue where the requirements weren't met and that related vehicles approaching from the east and the crest curve and available sight distance. It came down to what risk there was in terms of accidents relating to the sight distance.

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From Mason Heights turning right on to Woodcocks Road was acceptable but for westbound movements the requirements were not met at the moment. It could be that there needed to be an additional condition in regard to the crest curve east of Mason Heights in that it be reconstructed to achieve the minimum safe intersection site distance for the recorded 85th percentile operating speed. With regard to parking numbers, the parking ratio in the District Plan was appropriate; buses would utilise car parking spaces.

In response to questions Mr Mitchell said that:

- Parking would be 100% on site.
- The crest of the road would perhaps need to be lowered $\frac{1}{2}$ to $\frac{3}{4}$ metre; the applicant should pay for the reconstruction of the crest.

Mr Mitchell did note that with the changes proposed on Woodcocks Road, if there was a delay to the project, the likely change in operating conditions and reduction of speed in the future might mean that any road works might not be required.

Mr King said that the vehicles would be capped at 200 apart from once a year and he thought the length of crest reduction would be quite long.

Mr Pike said that he thought there would be plenty of parking for cars when coaches were used; 1 coach took up 7 carparks.

Mr Blennerhasset said that as the congregation would likely build up over time; normal road traffic was predicted to increase 7% per year, which meant the traffic volume would double by 2024.

Council Officers:

Sarah Gardner addressed the Panel:

Ms Gardner said that she stood by her recommendation to refuse consent. Her reasons for recommending consent be refused were in regard to the urban scale of the development and the fact that the site was zoned General Rural. Referring to possible future development, Ms Gardner said that this became a matter of timing; in her opinion the proposal was premature to the Council and community's expectations. With regard to future development and future urban items, Ms Gardner said that there was a clear indication for future urban growth in Warkworth and development of the proposed site was not intended prior to 2024; development was not anticipated by the community in this locality.

Ms Gardner said that whilst Chapter 13 was relevant when considering future development she noted that a greater emphasis needed to be placed on the zoning. The proposal was contrary to the objectives and policies, as addressed by Mr Manson. Ms Gardner said that the management and intent of the Plan needed to be looked at holistically. She said that provision for a meeting hall was a discretionary activity in many zones and the receiving environment of the site must be able to accept such a building having only minor effects. She noted that the meeting hall and residential subdivision were urban in nature and of a larger number than anticipated in the General Rural zone. Ms Gardner said that the Council's policy department agreed that churches and urban communities did not belong in that zone and she stressed the non-complying activity status of the subdivision. Ms Gardner said that she agreed with the submitters and she noted that there were no distinguishing features or true exceptions for this site, unlike the nearby MHL site which had been granted consent for a 66 lot subdivision. Referring to the Southern Paprika site and the greenhouses on it, Ms Gardner noted that was a 14ha site and the traffic volumes could not be compared with the church proposal. She said that the earthwork component of the application also formed part of the permitted baseline; the earthworks were restricted to 200m³. In regard to comments about places of assembly on the Perrendale site, a similar proposal on that site would be a non-complying activity and the intention of this activity status was to limit the Perrendale site competing with the Warkworth Town Centre. Referring to comments about restricting numbers to 200, Ms Gardner said that in terms of the meeting hall, which was a discretionary activity, there could be better management of the mitigation measures with regard to noise, and privacy for submitters would be required for 200 pax restriction to be considered appropriate.

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3.48 p.m. - 4.08 p.m. Afternoon tea adjournment.

Mr Manson wished that it be noted that there had been no request for a pre hearing meeting. On behalf of his clients, the Millars and the Windmills, Mr Manson said that the application needed to be looked at as lodged; it was the maximum effect of the proposal that needed to be considered. He said that placing a limitation on numbers was unenforceable particularly in regard to traffic. Mr Manson queried what would happen if numbers were exceeded or the frequency of particular numbers was exceeded and he wondered who would enforce this and how. If granted consent and the conditions were breached and the consent was cancelled the building would still be there. Mr Manson said that even with improved sight lines he still thought there would be queuing.

Shane Hartley presented the right of reply:

Mr Hartley referred to the growth dynamics in that part of Warkworth and he noted the presence of the large format retail development 250m along the road from the subject site. He said that there was huge momentum for growth in this area. Mr Hartley said that the proposed church meeting hall and a discrete residential subdivision were entirely appropriate on the site.

With regard to conditions he said that on the basis that most of the time there would be no more than 200 people and often less (for example only occasional meeting 6 times per year of up to 300 people and once a year full capacity) the proposal was not extreme in terms of traffic movements. Most of the time meetings would be of 200 people and less. Mr Hartley noted that compliance with the number of people was the applicant's responsibility and a matter for the Council's compliance section. Firstly, it came down to the integrity and honesty of the operators. Mr Hartley said that clearly the full application was a non complying activity because of the residential subdivision, but otherwise it was a discretionary activity.

Mr Hartley said that the applicant didn't think they would be able to find another suitable site within the Warkworth urban area; land was not available and it was not healthy to use industrial land for that purpose, the hall would likely need 6-8 industrial sites and that was an unsustainable approach. Mr Hartley said that the Resource Management Act was an enabling document; everyone was entitled to find and establish an activity for their needs; this was a community group who wanted a meeting hall for their own purposes. Mr Hartley said that employment and community needs needed to be looked at as well. The applicants had looked extensively for suitable land and this was the only site available at a price they could afford.

Mr Hartley said that his client realised that there were residents affected by these sort of activities and his client had taken great care to address the issues as carefully as possible, for instance the hall was located as far away from the existing residences as possible and there was a 50m separation from the carpark and the nearest dwelling. Also, the house site would act as a buffer between the activities. Mr Hartley said that the driver for the application was the meeting hall; the subdivision was incidental and subordinate to the application. The application was appropriate as it was low impact and low density and there could be a consent notice put on titles to prevent further subdivision until appropriate zoning was put on that land, also a consent notice would give some recognition to the General Rural zone.

With regard to limiting the car parking area, Mr Hartley said that the applicant's preference was to maintain the full parking provision and they would prefer to put more emphasis on the landscaping. A landscape plan could be submitted before building consent was issued for the meeting hall. That landscape plan could include particular attention to screening the carpark and meeting hall from Woodcocks Road, Mason Heights and the site on the corner and incorporate trees that would reach 6m within a reasonable period of time (not 20 years). With regard to upgrading Woodcocks Road with the removal of the crest, this would be highly expensive; many of the traffic issues in the vicinity existed despite the application. The best outcome would be a reduction in the speed limit to 50kph to Falls Road bridge. There could for instance be a two pronged condition, i.e. an either/or solution to Mason Heights - either a reduction of the vertical curve or a reduction of the speed limit to 50kph.

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Mr Wearmouth said that the church needed a new hall and they were trying to find the least obtrusive way in order to fund a meeting room. At the current premises at Golf Road they could squeeze in 200 people, but it was very tight. There were 37 carparks available (note: this figure was adjusted from the 48 originally stated).

In response to questions from the Panel, Mr Hartley said that a smaller building and less parking was not an option for his client; they were designing for the future. They thought the development could be made to fit with good landscaping and traffic management.

4.32 p.m. The Chairperson adjourned the hearing subject to a site visit. The Chairperson closed the hearing at 3.30 p.m. on Wednesday, 30 June 2010 at the conclusion of the site visit.

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The Panel resolved:

Turner/Powell**Pursuant to Section 105 of the Resource Management Act 1991****Decision 1**

That, pursuant to Sections 104, 104B and 104D of the Resource Management Act 1991 the notified application for resource consent by Mason Heights Property Trust for boundary relocation and the subdivision of the sites into two lots, including one for the meeting hall being Lot 1 DP 147500 and Part Allotment 62 Parish of Mahurangi 119 – 127 Woodcocks Road, Warkworth be granted.

Decision 2

That, pursuant to Sections 104, 104B, and 104D of the Resource Management Act 1991 the notified application for resource consent by Mason Heights Property Trust for a subsequent subdivision of Lot 1 DP 147500 and Part Allotment 62 Parish of Mahurangi 119 – 127 Woodcocks Road following the boundary relocation to create 5 new rural residential lots (Lots 2,3,4,5 and 7) be refused.

Decision 3

That pursuant to Sections 104 and 104B of the Resource Management Act 1991 the notified resource consent by Mason Heights Property Trust to construct and establish a church meeting hall with associated carparking at 119 – 127 Woodcocks Road Warkworth (Lot 1 DP 147500 Part Allotment 62 Parish of Mahurangi) be granted.

THE DECISIONS:

That pursuant to Section 113 of the Resource Management Act 1991, the reasons for this decision are as follows:

Decision 1 (Boundary relocation/Subdivision to create two lots)

- (a) Subject to conditions the actual and potential environmental effects of the subdivision on rural character, landscape, ecological and amenity values will be no more than minor.
- (b) The boundary relocation and subdivision of Lot 6, subject to conditions, will not increase the number of residential units on the land subject to the application.
- (c) The subdivision is generally consistent with Policy 7.4.2 of the District Plan 2000 which seeks to achieve rural subdivision consistent with the existing rural character of the relevant part of the District and the foreseeable future and character of those areas. In this case the immediate area has a variety of lot sizes with an emphasis, particularly to the east, on smaller lots.

Decision 2 (Larger subdivision)

- (a) The actual and potential environmental effects of the subdivision activity will be more than minor in terms of character, landscape, ecological and amenity values of the surrounding mixed rural environment as it will allow a level of residential development which is out of character with the surrounding largely rural area.

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- (b) The proposed development is not in accordance with the relevant objectives and policies of the Operative District Plan as amended by Plan Change 55 or the Rodney District Plan – Operative in Part. In particular the proposal is contrary to the objectives and policies in relation to maintaining and enhancing rural character.
 - (c) The subdivision offers no environmental compensation or has no special characteristics anticipated by Subdivision Rules in the Operative and Proposed District Plans.
 - (d) The proposal does not satisfy the gateway tests for a non complying activity; the adverse effects of the activity on the environment will be more than minor and the subdivision will be contrary to the objectives and policies of the relevant planning documents.
 - (e) The proposal is inconsistent with strategic objectives for rural areas in the Auckland Regional Policy Statement.
 - (f) The proposal is inconsistent with Outcome 3 and 5 of Vision Rodney as the proposal seeks to weaken the current character of the rural area through premature residential development.
 - (g) The subdivision is inconsistent with the staged approach proposed by the Warkworth Structure Plan which endeavours to increase the residential capacity of the Warkworth area in an appropriately timed manner in the future.
 - (h) The proposal is considered to be inconsistent with Part II of the Resource Management Act 1991, with particular regard to s.5, and s.7 of the Act. Overall it is considered that the proposed subdivision and development of the site does not promote the efficient use of resources.

Decision 3 (Meeting Hall/Place of Assembly)

- (a) Subject to conditions the actual and potential effects of the meeting hall and carparking will be no more than minor in terms of rural character, landscape, ecological and amenity values of the surrounding mixed rural environment. This is because of the low building coverage, only one additional building will result and because of its location on the site in relation to other buildings.
- (b) The proposed development is generally in accordance with the relevant objectives and policies of the Operative District Plan as amended by Plan Change 55. In particular Objective 5.11 which enables activities to be located in rural areas because their generated effects are

“best sited in areas of low population density and larger sites to become established ... provided their adverse effects are avoided, remedied or mitigated”.

In this case adverse effect can be mitigated.

- (c) The proposal is generally in accordance with Rural Zone policies relating to non residential activities (7.8.1.2.6, 7.8.1.2.7) in that subject to conditions the proposal will not result in any significant effect on amenity values and adverse effects can be mitigated and they are no more than minor.
- (d) The District Plan anticipates places of assembly in rural zones albeit as a discretionary activity.
- (e) The activities are generally in accord with Auckland Regional Council Policy 2.6.4 Rural Areas in that with conditions, significant adverse effects on rural character can be avoided.
- (f) Given the low building coverage, the limited hours of use and generally low attendances the proposal generally satisfies the relevant assessment criteria in the District Plan 2000.

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- (g) The site is located in the Warkworth Structure Plan Area I which indicates a staging of 2024+ for residential development with a capacity of 8800. The Panel considers the meeting hall / a non residential activity is better located on the periphery of Warkworth as the proposal has land and physical requirements that are better met in a semi rural location. Given the type of activity and its characteristics (a non residential activity) the proposal is not inconsistent with this document.
- (h) The proposal is not inconsistent with Part II. As a stand alone activity with large areas of open space it represents the efficient use of a land resource in this location.

**THE RELEVANT STATUTORY PROVISIONS THAT WERE CONSIDERED:
(Section 113(1) (AA))**

- Decision 1 - This application was considered to be a **non-complying** activity and was considered in terms of sections 104, 104B, 104D and Part 2 of the Act.
- Decision 2 - This application was considered to be a **non-complying** activity and was considered in terms of sections 104, 104B, 104D and Part 2 of the Act.
- Decision 3 - This application was considered to be a **discretionary** activity and was considered in terms of sections 104, 104B and Part 2 of the Act.

**OTHER RELEVANT PROVISIONS THAT WERE CONSIDERED:
(Section 113(1) (ab))**

The provisions of the following documents were considered by the Hearings Panel in reaching this decision.

Auckland Regional Policy Statement Provisions

Policy 2.6.4 Policy Rural Areas.

Plan Provisions.

Operative District Plan as amended by Plan Change Number 55 Rural Provisions

- Issue 4.1 - Objective (a)
- Policy 1 }
Policy 2 }
- Issue 4.3
Objective (a)
Policy 1
- Issue 4.4
Objective (a)
Policy 2
Objectives 5.1, 5.3, 5.5, 5.7, 5.11, 5.13
Policies 5.2, 5.4, 5.6, 5.8, 5.12, 5.14
- Part III
Objective 3.1

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Rodney District Plan 2000

Policies 5.4.2, 5.4.3
 Objectives 7.3.1, 7.3.3, 7.3.4, 7.3.6
 Policy 7.4.1, 7.4.2, 7.4.4, 7.4.10, 7.4.11
 Objectives
 7.8.1.1.1
 7.8.1.1.2
 7.8.1.1.3
 7.8.1.2.1,
 7.8.1.2.2.7
 7.8.1.2.2.11

Policies
 7.8.1.2.3
 7.8.1.2.4
 7.8.1.2.6

Chapter 21
 Objectives 21.3 to 4
 Policy 21.4 to 3
 Policy 21.4.7-9

Other Documents

- Vision Rodney
- Planning Rodney
- Warkworth Structure Plan
- Resource Consent R55537 9 Mason Heights 26 February 2010.

PREAMBLE

This application has several parts.

1. The first stage involves a boundary relocation to incorporate the neighbouring stormwater pond and small dwelling into the subject site. The boundary relocation will result in Part Allotment 62, Parish of Mahurangi being incorporated into Lot 1 DP 147500. This section of Part Allotment 62, Parish of Mahurangi comprises approximately 6,000m² of land area.
2. The second stage is the subdivision of the two dwellings from the balance of the site. That is the dwelling located on Part Allotment 62, Parish of Mahurangi and the dwelling located at the southern most corner of Lot 1 DP 147500.
3. The third stage of the development is the construction of meeting hall and associated earthworks and installation of services and carparking.
4. The fourth stage is subdivision of the balance lot to create four new residential lots and a lot for the meeting hall. The meeting hall involves a gross floor area of 1,200m² with a canopy of 400m². It also involves earthworks of 15,000m³ (cut 9,000m³ fill 6,000m³) and parking for 216 vehicles.

**THE PRINCIPAL ISSUES THAT WERE IN CONTENTION:
(Section 113(1) (ac))**

1. The appropriateness of the subdivision in a rural zone.
2. The appropriateness of a place of assembly and carpark of the size proposed.

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3. Increased traffic movements and particularly the impacts on the intersection of Mason Heights and Woodcocks Road.
4. Impacts of the traffic movements on the intersection of Woodcocks Road and State Highway 1.
5. Impacts on neighbourhood character and rural amenity.
6. Operational effects such as noise, car lights and fumes.
7. Inconsistency with the District Plan provisions.
8. Inconsistency with the Warkworth Structure Plan.

**SUMMARY OF THE EVIDENCE HEARD:
(Section 113(1) (ad))**

EVIDENCE ON BEHALF OF THE APPLICANT WAS GIVEN BY:

Mr Shane Hartley	-	Town Planning Consultant
Mr Shane Wearmouth	-	on behalf of the Church (written)
Mr Rob Frizzell	-	Verbal
Mr Peter Bishop	-	Verbal
Mr Lee Pike	-	Traffic Engineer Verbal
Mr Steven James	-	Engineer Verbal

Mr Hartley

Mr Hartley introduced the application and described it, indicating that the only part of the application that was non complying was the six lot subdivision.

Mr Shane Wearmouth on behalf of the Church

Mr Wearmouth explained the background to the church. He advised the 644 seats were likely to be used for conventions “no more than once a year”. The building would be of a high international standard. He then discussed their land requirements. They wished to see that the proposal be non obtrusive and not have detrimental effects on the environment.

Mr Hartley

Mr Hartley described the proposal, the character of the area, District Plan provisions and the Structure Plan. He saw the Stockyard Falls retail node as creating a significant demand for housing in this area.

The land had been identified in the Structure Plan for future urban growth in the adopted Structure Plan. This plan was a relevant document in looking at this application

“While the land is in the General Rural Zone its intended future pursuant to the Structure Plan is clearly not rural”. P2

and many rural activities on the site would be inappropriate and would compromise future residential development.

The church as a place of assembly was a discretionary activity.

The site was within the urban periphery of West Warkworth. The church and subdivision would provide an urban edge and have a gateway effect.

The subdivision involved large lots which would be re-subdivided at a later date.

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He then examined actual and potential effects of the proposal including traffic, landscape amenity and reverse sensitivity and ecological issues.

No site constraints had been identified.

In relation to the District Plan the proposal was not repugnant to the objectives and policies of the Plan when looked at in a holistic manner.

Adverse effects, in particular those in relation to traffic and infrastructure would be minor.

It was consistent with Part II and the adopted Structure Plan.

Mr Frizzell and Mr Bishop indicated that the meeting hall would provide for their community and the building would blend in as far as possible with its surroundings.

Mr Lee Pike – Traffic Engineer

Mr Pike considered occupancy of 200 people would not have a noticeable effect on the Woodcocks Road / State Highway 1 intersection. The western collector road would also assist in reducing traffic impacts. The peak number of 664 patrons could also be absorbed into the roading network without any significant effect. He considered a parking ratio of one space per five as being appropriate.

Mr Steven James

Mr James discussed the engineering aspects of the proposal. The disposal of wastewater was tied to Auckland Regional Council consent for the Warkworth Wastewater Treatment Plant. Once this was done the site could be connected to the Council system, and apart from waste water other services were available.

EVIDENCE ON BEHALF OF THE SUBMITTERS WAS GIVEN BY:

Mrs Rita Windmill	}	Local residents
Mr Peter Millar		
Mr Barry Blennerhasset		
Mr Warren King	}	Traffic Engineer
Mr Bruce Manson		Planning Consultant

Mr and Mrs Windmill

Mr and Mrs Windmill reside at 117 Woodcocks Road on the south west corner of Woodcocks Road and Mason Heights. They advised that they came to New Zealand and bought their property on the basis that they would be living in the country but reasonably close to Warkworth. Their main concern was the prospect of having urban or non rural activity of a considerable size and scale on their two boundaries replacing the open rural area that currently exists.

Other concerns included the number of carparks and the traffic passing their boundary. They felt that the traffic impacts particularly when exiting Mason Heights onto Woodcocks Road would be adverse.

The proposal was in their view totally urban in character and scale with no rural connection or purpose. It would adversely impact on the enjoyment of their property.

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Mr Peter Millar

Mr Millar resides at 3 Mason Heights which is directly opposite the main driveway to the proposed meeting hall. He indicated that the traffic effects would be more than minor. These arose from inadequate sight distances. He was also concerned with the impact of the proposal and the safety of Woodcocks Road at both access points and the intersection with Mason Heights. Potential accident problems and overall adverse traffic issues were also an issue. The potential problems from the lack of footpaths, pedestrian access and no street lighting in either Woodcocks Road or Mason Heights were of concern, as well as the queuing of vehicles along Mason Heights.

“Overall we are most concerned with the impact of this whole development on our continued enjoyment of our property and its impact on the road network.”

He opposed the subdivision. He was also concerned about the size of the proposed hall with a capacity of 644 people. He had issues regarding the overall effect on rural amenity. However, his main concern was one of traffic safety.

Mr Barry Blennerhasset

Mr Blennerhasset appeared in support of Mr and Mrs Millar and Mr & Mrs Windmill. His concerns included:

1. The traffic, particularly the risk of accidents at the intersection of Mason Heights and Woodcocks Road.
2. The proposal would be contrary to the provisions of the Warkworth Structure Plan which indicated that the land would remain rural at least until 2024.
3. The building was non rural in character with its large hall and over 200 carparks.
4. The traffic impacts that would arise.
5. The hall was better located in a residential zone not a rural zone.

Mr Warren King – he presented Traffic Evidence

Mr King looked at the transportation standards required by the Council. He then described the traffic environment of Woodcocks Road and then looked at the traffic safety issues of the proposal. He had concerns about the sight distances from the various access points and at Woodcocks Road / Mason Heights intersection and the visibility of the proposed meeting hall access point on Woodcocks Road being limited by the vertical curve to the east.

He had major concerns about traffic safety. Approval of the subdivision and meeting hall would diminish the integrity of Woodcocks Road as a viable arterial route.

He concluded

“That overall it is my opinion if granted consent this proposal will have more than minor adverse effect on the safe and efficient operation of the roading network.”

Mr Bruce Manson a Management and Resource Management Consultant

Mr Manson presented evidence on behalf of Mr and Mrs Windmill and Mr and Mrs Millar. He described the application then looked at the District Plan provisions. The purposes of the objectives and policies were in his opinion

“to maintain the overall character, amenity and heritage values of the rural areas as they currently exist”.

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He quoted relevant objective and policies including Police 5.2 which is activities should not adversely effect the established rural character of the area. He indicated

"In my opinion it is clear that the purpose of the above objectives and policies is the retention of the established rural activities and amenities generally free from non rural activities. The means of achieving this is through compliance with policies that are designed to limit other than rural activities by controls over the intensity of development, the size, scale and scope of buildings limiting buildings to those of a rural character and use, limiting subdivision to that which has a rural basis. When measured against these objectives and policies I consider that the proposed development to be contrary to them." Para 3.8

He then looked at the Proposed District Plan 2000 in terms of the rural provisions and discussed in detail the relative objectives and policies and other relevant statements. The strong theme in the document was in his opinion to discourage those activities that have the potential to have adverse effects on rural character and amenity. He addressed the transportation and access objectives and policies in Chapter 21 through the avoidance of adverse effects from land use activities on the roading network.

He then looked at the Warkworth Structure Plan and saw this as an important technique in relation to identifying the future development in the district. He considered that the type of development proposed would have the potential to adversely effect the eventual development of this area as future urban. The proposal was well in advance of the intended rezoning.

He then also looked at the Regional Policy Statement and believed the proposal was contrary to the objectives and policies of the Regional Policy Statement.

He saw the proposal as

1. Contrary to relevant objectives and policies of both the Operative and the Proposed District Plans.
2. That it was contrary to the objectives and policies and strategic outcomes of the Regional Policy Statement and would not meet the purposes of the Act.

In summary he supported the Council Planner's recommendation to decline the application.

New Zealand Transport Agency (NZTA)

A letter was received from the New Zealand Transport Agency in relation to the proposal. This indicated:

1. NZTA supported the recommendation of the reporting planner.
2. It addressed the considerable investment it was making in relation to a series of State Highway improvements along this part of State Highway 1, and the Woodcocks Road intersection was one of the key components.
3. NZTA accepted that the effects of the proposed development would be no more than minor on the State Highway although there would be a slight increase in queue lengths on the surrounding road network. It was not expected to result in adverse effects on the operation of the State Highway. This was based on the hours and days of operation of the activity and the total number of vehicles attracted to the site.
4. They indicated that if consent was granted appropriate conditions should be imposed to ensure that the traffic effects were no greater than that was proposed.
5. They requested a review condition to deal with future development.

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New Zealand Fire Service

A letter from them indicated that if consent was granted consent notices should be imposed relating to fire fighting water supply.

EVIDENCE ON BEHALF OF THE COUNCIL WAS GIVEN BY

Ms Sarah Gardner	-	The Reporting Planner with input from;
Mr David Mitchell	-	Traffic Engineer
Mr Cameron Ure	-	Council Engineer.

Ms Gardner's report described the proposal, the District Plan objectives and policies, the grounds for submission, she assessed the proposal in terms of Section 105, in terms of the effects on the environment, District Plan issues of both the Operative and Proposed District Plan, the Regional Policy Statement, Vision Rodney, Planning Rodney and the Warkworth Structure Plan and Part II of the Act.

Her conclusions were:

1. That the actual and potential environmental effects on the environment particularly in relation to character, landscaping, landscape and ecological amenity values were more than minor.
2. The proposal is not in accordance with the relevant objectives of the Operative Plan as amended by Plan Change 55 or the Rodney District Plan 2000 Operative in Part.
3. Neither test for a non complying activity was satisfied.
4. The proposal was inconsistent with the strategic objectives of the Auckland Regional Policy Statement.
5. It was inconsistent with two of the outcomes of Vision Rodney and inconsistent with the staged proposed by the Warkworth Structure Plan and finally it was inconsistent with Part II of the Act.

After hearing all the evidence she indicated that the application should be declined.

Her report included a memo from Ryan Bradley, from Council's policy department; it raised the issue that the major policy issue was development being well ahead of time potentially prejudicing areas of growth. The Council and the community have planned and invested in infrastructure already in terms of the residential subdivision.

A report from Cameron Ure looked at the engineering aspects of the proposal including earthworks and infrastructure. He suggested a series of conditions to cover these matters should consent be granted.

A report from David Mitchell and Mairi Joyce was received which dealt with the traffic issues. This indicated that subject to conditions there were no transportation reasons why consent should not be granted.

RIGHT OF REPLY**Mr Hartley**

Mr Hartley indicated that the immediate area was changing with the large format retailing proposed close by. This was a suitable site and subject to conditions it should be consented to.

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**THE MAIN FINDINGS OF FACT:
(Section 113(1) (ae))**

The main findings of fact determined by the Hearings Panel that have led to the above decision and the reasons for that decision are as follows. They have been reached after considering the application, visiting the site, the evidence and submissions heard at the hearing, the report prepared by the reporting planner, all the relevant statutory and planning provisions, as well as the principal issues that were in contention.

Summary

1. The residential subdivision is premature as the land is not zoned for residential development and it is not indicated as suitable for development until after 2024 in terms of the Warkworth Structure Plan.
2. The boundary adjustment is appropriate with the subdivision limited to one additional lot providing one lot for each of the two existing residential buildings.
3. The meeting hall is appropriate to the site and locality given its physical and locational requirements.
4. Subject to conditions, the traffic effects both at the intersection of Mason Heights and Woodcocks Road and State Highway 1 and Woodcocks Road will be minor.
5. Other environmental effects can be mitigated by conditions.

This application has several components

1. A boundary adjustment / relocation.
2. A subdivision to create seven lots.
3. A proposal to build on the largest lot a meeting hall/church with associated parking.

The land concerned has a combined area of 3.5 hectares. It contains two houses and fronts Woodcocks Road and Mason Heights. It is located on the western edge of Warkworth. The surrounding area may be described as semi-rural with some residential development to the east at the bottom of Mason Heights and rural sites including a former piggery on the other side.

The Panel also notes that a recent consent was granted (R55537) to subdivide 9 Mason Heights into 66 lots (26 February 2010). This land is opposite the main entrance to the land.

The site is zoned General Rural in both District Plans. It is also subject to the Warkworth Structure Plan. The subdivision is a non complying activity.

The boundary adjustment and creation of one additional lot is a non complying activity.

The meeting hall as a place of assembly is a discretionary activity.

The Panel accept the advice of the reporting planner that greater weight should be given to the Rodney District Plan Operative In Part.

Actual and Potential effects on the Environment

In looking at this proposal and its effects the Panel must have regard to:

1. The existing environment comprising two lots each contains a house. The rest of the land may be described as rural.

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2. The permitted baseline i.e. what is permitted to be developed on the land without resource consent. This includes minor earthworks (200m³), a small childcare centre for up to ten children and staff, and a greenhouse covering less than 10% of the site with no height limit, horse riding schools, one household unit per lot and outdoor recreation not involving buildings.

In terms of buildings with two lots

1. One of 2.4 hectares a greenhouse building covering 9.9% of the site, a building 2326m² could be built on the site with no height limit, similar to a farm building.
2. A second of 1.128 hectares a building about 1116m² could be created on the site as a permitted activity with associated parking and traffic movements.

Looking at the other permitted activities a childcare centre associated with one of the houses with ten children and staff could generate depending on the type of care i.e. sessional or all day care could generate about 24 to 48 traffic movements per day in addition to about 10 movements for the resident of the house on the site.

The effects of what is requested must be looked at in the context of this baseline/environment.

Neighbourhood Character

The site is located abutting both rural and residential development, the latter to the east. It is very much a transitional site between the rural area, particularly to the south and west, and low density urban to the east. The subdivision approved at number 9 Mason Heights will increase this urban character on the eastern side of the site.

This proposal seeks a more intensive use of the land by seven sites varying in size from 1480m² to 1.53 hectares a meeting hall of 1600m² (includes the canopy) and parking for 216 cars, together with associated earthworks.

This would allow six residential buildings and out buildings i.e. one per site plus the church building and carparking. Combined, these changes will have an adverse effect on the rural character of the area which on this land is currently limited to two residential buildings and pasture.

When looking at the permitted baseline a meeting hall which is 7.5 metres high and looks similar to a large barn and covering less than 5% of the combined site is significantly below the 10% permitted coverage. As a result it cannot be seen as being inconsistent with the physical character of the area.

The carpark and traffic movements will affect neighbourhood character but based on the maximum attendance of 200 people three to four times a week for two hours at a time, at non peak times these effects are considered to be minor. The carpark will be open and in part gravelled and will in appearance be similar to a large stockyard.

Conditions such as appropriate planting colour and fencing can ensure that the church building is appropriate to the semi rural environment.

The Panel considers that one additional building the meeting hall with the two houses at each end of the land will not have an adverse effect on the character of the area. The low building coverage with only three buildings dispersed over the site will retain the open character of the area.

In contrast, the residential component anticipated by the five additional lots will have urban characteristics and will have an adverse effect on rural character with potentially more buildings scattered over the land.

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Traffic

Three traffic experts presented to the Panel. In addition a letter from NZTA was received. Two of the experts, including the Council's Engineer, indicated that the traffic effects would be minor, albeit the Council's expert considered that conditions should be imposed on any consent.

NZTA were more concerned with the intersection with State Highway 1 and considered that the effects of the proposal, particularly the meeting hall, would be based on the times and capacities requested; they indicated the application would be acceptable.

Traffic was one of the main concerns of the submitters who use the roads daily and know the roading pattern well.

However the Panel considers that the traffic effects, subject to conditions, will be minor particularly recognising that the meeting hall will operate at non peak times.

Earthworks

These are significant but are not uncommon in rural areas. They will be short term and any adverse effects can be mitigated by conditions.

Operational Effects

These include hours of operation, noise, car lights and signage.

In this case the church will operate up to 16 hours per week or up to 10% of the week. For the remaining 90% of the time the site will be empty. The building will not be rented out. There will be no signage.

Given the hours of use there will be car lights visible from the site. While the Panel would like to relocate the Mason Height entrance to the meeting hall to mitigate this effect it gives rise to sight line problems. On balance given the limited hours of use, these effects will be less than minor.

Noise can be dealt with by way of conditions.

Reverse Sensitivity Issues

The subdivision / meeting hall could have reverse sensitivity issues. These can be mitigated by conditions, in particular in relation to noise and hours of use limitation.

Ecological Values

The Panel considers that although up to nine exotic trees will be removed their removal can be mitigated by conditions i.e. there will be a detailed landscape plan.

Cultural Heritage

No issues have been identified.

Site Suitability (Erosion / instability / flooding)

The Panel accepts the advice of Council's Development Engineer that, subject to conditions, the land is suitable for development.

Infrastructure

The advice of Council's Engineer is that, subject to conditions including bringing the land into the Urban Drainage Area, the development is acceptable. The Panel accepts this advice.

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Summary

The five lot residential subdivision and consequential residential development will have adverse physical effects on rural character by introducing a more urban type of development.

A two lot subdivision recognises the existing two houses which on one lot will include the meeting hall and open parking will in the Panel's view maintain the rural character of the area.

The meeting hall being one building with low site coverage will be not dissimilar to a large farm building which is anticipated by the permitted baseline. There will be effects from traffic and the occupation of the site. However the limited hours of use, the traffic effects being minor and the fact that the hours the facility will operate are of limited duration satisfy the Panel that, subject to conditions, these effects will be minor.

These conditions need to include:

1. Limits on the hours of use and number attending the meeting hall.
2. No more than one large function a year.
3. No signage.
4. Landscaping and fencing including limiting the height of fences to those in the rural neighbourhood.
5. No non church activities.
6. Carpark formation.

In this way the open character of the area which is valued by the submitters will be largely retained.

District Plan Issues

The site has General Rural Zoning in both District Plan.

Relevant provisions include:

Objective 7.3.1

To maintain and enhance the rural character of the District.

Objective 7.3.3

To maintain and protect the amenity values present in the rural parts of the District.

Objective 7.3.4

To avoid or minimise conflict between different land uses which can result in adverse effects upon amenity values.

Policy 7.4.2 Rural Character

Rural subdivision and activities should be of a nature, scale, intensity and location consistent with the existing rural character of the relevant part of the District and the foreseeable future and character of those areas.

Specific General Rural Zone Objectives include

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Objective 7.8.1.3

To avoid, remedy, or mitigate adverse effects arising from conflict between residential and non-residential land use activities.

Policy 7.8.1.2.1

Further subdivision and rural residential lifestyle opportunities should be limited in this zone.

Policy 7.8.1.2.2

Rural residential development should not establish within the zone unless undertaken as part of protecting significant natural areas, enhancement planting or land rehabilitation meeting Policies 7.4.10 and 7.4.11, or the vesting of additional areas of reserve land as appropriate.

Policy 7.8.1.2.4

The adverse cumulative effects of activities and subdivision upon the character and amenity values in the rural area should be avoided.

Policy 7.8.1.2.6

New non-residential activities should not result in any significant adverse effects upon existing amenity values.

Policy 7.8.1.2.7

Non-residential activities should seek to locate where the adverse effects of the proposed activity can be internalised on the site or any off site effects can be avoided, remedied or mitigated such that they are no more than minor.

Policy 7.8.1.2.11

Activities should not occur when, cumulative adverse effects will occur in relation to the rural character, amenity values, significant natural features, significant landscapes, road traffic and safety of an area.

In this case the larger subdivision involving five new residential lots is clearly inconsistent with these objectives and policies because:

1. The division of the land and consequent buildings will not maintain the rural character and amenity values. The result will be more akin to an urban rather than rural area.
2. The level of development is not consistent with adjacent rural character.
3. No significant natural features or other environmental compensation accrue from the subdivision.
4. The level / intensity of development are not anticipated by the District Plan.
5. There will be adverse cumulative effects.

For the meeting hall:

1. The low level of development involving one building will maintain rural character by over 90% of the site remaining as open space.
2. Conditions can assist in maintaining amenity values and avoid conflict with other land uses.

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3. Conditions including limits on the use of building and location of the access points can mitigate adverse effects from residential and non residential activities.
4. Conditions can ensure that effects be largely internalised by adequate parking and limits on the use. Any off site effects can be mitigated by conditions.

The larger subdivision is clearly inconsistent with the District Plan as it involves a non rural development not anticipated in the General Rural Zone. The boundary adjustment will allow an area for a stormwater pool and no more than two existing houses and is acceptable given that no new residential development is involved. For the hall, it is generally consistent with the relevant District Plan provisions.

The Meeting Hall

The meeting hall is an activity provided for as a discretionary activity in this General Rural Zone.

One of the main assessment criteria relates to rural character.

- (a) *Whether the activity can be established and operated without changing or contributing to a cumulative change in the character of the area from rural to some other character because the predominance of natural features (sometimes modified by human processes) over manmade features is removed or reduced ...*

In this case the meeting hall, while large compared to the permitted baseline, is not dissimilar in size to a large greenhouse or other farm building. The overall site coverage will be low so a high ratio of open space will be retained. Apart from the carparking, some of which can be formed and paved in a permanent dust free but not metal surface, and the driveways, the urban infrastructure will be minor. The building looks like a large barn so it has a rural rather than an urban character.

In relation to intensity, for the bulk of any week the site will be vacant and attendances will range from 30 to 200. It will also serve the local community. The scale of the proposal might be larger than a usual non residential rural building. However the requirements of the church, including room for parking and the building, make it more appropriate in a rural zone which abuts an urban area. This avoids upsetting the traditional pattern of development in a residential area.

In terms of the other criteria they are considered to be satisfied recognising that in the future the land will have an urban/residential zoning. In the interim it will allow some use of the land while not compromising the open space character of the area.

A meeting hall/church of this type should be located on a main road with good accessibility, with an appropriate topography, with no obvious geotechnical or infrastructural issues. This land, subject to connection to the urban waste water system, meets these criteria.

Special or Unusual Circumstances

In looking at non complying activities, in this case the seven lot subdivision, it is important to see whether there is anything unusual or special about the proposal to justify consent being granted. In the Panel's view there are no such circumstances that are relevant. The applicant indicated that the land would be developed for housing for church members. This is not a justification for it. There are sites available for development in Warkworth which could achieve this purpose.

A two lot subdivision is acceptable as it does not change the number of residential building on the land subject to the application. It is also consistent with the approach of the District Plan in this zone of limiting residential units per site. A smaller subdivision is within the jurisdiction of the Panel as it involves the same piece of land and a fewer number of lots.

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Warkworth Structure Plan

This anticipates an urban zoning some time after 2024. It emphasises residential and not non residential activities. The Panel are satisfied that an earlier release of the land for residential purposes is inappropriate given that there is adequate supply of suitably zoned land for residential use in Warkworth. They consider that it must hold the line in terms of not allowing, in terms of the subdivision, premature residential development in this area.

Integrity and consistent administration of the District Plan

In relation to these particular applications two are non complying (boundary adjustment in combination with the larger 7 lot subdivision and the two lot subdivision) and the other is a discretionary activity (meeting hall).

In terms of the larger subdivision, this has already been addressed. There were no distinguishing features that justify consent being granted. To grant consent to it would undermine the integrity and consistent administration of the scheme. The smaller two lot subdivision does not change the number of houses on the land.

For the church the activity is anticipated as a discretionary activity in a Rural Zone as it is in an Urban Zone, subject amongst other things to certain assessment criteria amongst being satisfied. As discussed these assessment criteria for this part of the application are considered to be satisfied.

PART II MATTERS

Part II of the Act is concerned to promote sustainable development of natural and physical resources. In relation to the subdivision the proposal does not represent sustainable development of natural and physical resources. The adverse environmental effects that will arise will be more than minor.

In terms of the church the effects can be mitigated and the proposal will in a small way meet some of the community's religious needs.

There are no matters of national importance.

STATUTORY MATTERS

As a non complying activity (the subdivision) the Panel must be satisfied that either the proposal is not contrary to the provisions, objectives and policies of the District Plan or that the adverse effects on the environment will be no more than minor.

In the Panel's view the subdivision of proposed Lots 2, 3, 4, 5 and 7 is clearly contrary to the District Plan as it involves intensity and residential development not anticipated in the District Plan's General Rural Zones. Rural subdivision of this type is only justified where there is some environmental compensation or benefit, such as the protection of wetlands or significant areas of bush or some other environmental benefit. In this case there are no such benefits accruing.

In terms of effects, the larger subdivision will clearly have adverse effects on rural character and amenity.

In relation to the meeting hall/church the Panel notes that this is a discretionary activity in the Rural Zone. Halls and churches of various sizes are common in rural areas. The Panel is satisfied that subject to conditions the adverse effects of the meeting hall / church will be minor and that the criteria for a place of assembly in the District Plan are generally satisfied.

This decision is very much an on balance one. However the Panel recognises that the church requires a large front site on a main road, which in this case is better met on a site on the fringes of the Warkworth area rather than in a residential area.

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Consent is granted subject to conditions to the boundary adjustment/two lot subdivision and the meeting hall.

Implications of the Decision

These are

1. The subdivision of proposed Lots 2, 3, 4, 5 and 7 is declined.
2. The boundary adjustments are consented to with one additional lot allowed as Lot 6 and the remainder in one lot including the existing house.
3. The meeting hall may proceed.

LAPSING OF CONSENT

Pursuant to Section 125 of the Resource Management Act 1991, this resource consent will expire 5 years after the date of commencement of consent unless, before the consent lapses:

- (a) the consent is given effect to; or
- (b) an application is made to the Council to extend the period of consent, and the Council decides to grant an extension after taking into account the statutory considerations, set out in section 125(1) (b) of the Resource Management Act 1991.

CONDITIONS OF CONSENT:

Pursuant to Section 108 of the Resource Management Act 1991, this consent is subject to the following conditions for the boundary relocation, two lot subdivision and the meeting hall

1. (general) Except as amended by conditions the development shall proceed in general accordance with part of the application submitted, limited to the following:
 - a. The plans drawn by The New Zealand Church and Gospel Halls Assistance Fund, dated 05/09/06 amended for NZ Use 9/07, numbered MS1-02 and MS1-05.
 - b. The subdivision of Lot 6 only as drawn on the scheme plan by R55961 drawn by Buckton Consultants Ltd dated Dec 2009 and referenced number SPO3 drawing 6782.
 - c. The boundary relocation encompassing the pond and existing dwelling as identified on part of the Scheme Plan R55961 drawn by Buckton Consultants Ltd dated Dec 2009 and referenced number SPO3 drawing 6782.
 - d. The report and earthworks plan by Riley Consultants Limited, dated 21 December 2009, referenced 09164-B (Revision 2) where this report refers to Lot 1 and Lot 6.
 - e. Engineering assessment by Riley Consultants Limited, dated 21 December 2009, and referenced 09164-E (Revision 2) where this report refers to Lot 1 and Lot 6.
 - f. Stormwater Management Report by Riley Consultants Limited, dated 21 December 2009, referenced 09164-C (Revision 2) where this report refers to Lot 1 and Lot 6.
2. (general) A scheme plan showing the subdivision of Lot 6 and boundary relocation only shall be prepared and lodged with Council and approved by the Team Leader: Resource Consents prior to development commencing.

Note: (building consent) The granting of this resource consent does not preclude the consent holder from the need to obtain a building consent prior to construction commencing.

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8. (noise) The consent holder shall ensure that all activities on the site to which this consent applies are designed and conducted so that the following noise limits are not exceeded at any point within the boundary of any dwelling, child care and education facility, hospital and rest home, during any 15 minute period of assessment within the following timeframes:

Monday to Saturday 7.00 am to 7.00 pm	50 dBA Leq
Monday to Saturday 7.00 pm to 10.00 am and Sundays and Public Holidays 7.00 am to 10.00 pm	45 dBA Leq
Daily 10.00 pm to 7.00 am the following day	40 dBA Leq
Daily 10.00 pm to 7.00 am the following day	70 dBA Lmax

9. (construction noise) Noise from the construction and earthworks shall not exceed the limits recommended in and shall be measured and assessed in accordance with, the New Zealand Standard NZS 6803:1999, Acoustics - Construction Noise.

Signage, Landscaping and Design

10. (no signage) Except where provided for below no signage shall be allowed on the road property, on the site or in the vicinity of the proposal.
11. (fencing) All fencing on the site and at the boundaries shall be timber post and rail fencing to a maximum height of 1.2 metres.
12. (warning signage) A permanent PW11.1 'Intersection side road junction uncontrolled on left' sign with a supplementary 'concealed' plate road sign shall be erected and finished to a standard which meets the satisfaction of Council's Traffic Engineer.
13. (colour for exterior walls and roofs) The exterior cladding of the building shall have a natural timber finish or be maintained in natural colours. The colour for exterior walls and roofs shall gain approval from the Team Leader: Resource Consents, prior to construction of the building commencing.
14. (landscape plan) A detailed landscape plan, from a suitably qualified and professional landscape architect, including an implementation and maintenance programme for a minimum of three years, shall be submitted to and approved by the Team Leader: Resource Management or equivalent position prior to any works commencing on the site.
- (i) The plan shall include details of the plant sizes (Pb Grade) at the time of planting and intended species (predominantly native and reflecting the local native biodiversity). Such a plan is to include appropriate measures for the screening of, but not limited to, the dwelling and/or ancillary structures; and
- (ii) In particular the plan shall also include the specific landscape treatment of new retaining walls that have been erected as part of the development and the treatment of the boundaries of the site. This shall include appropriate measures to mitigate the visual effects of the structures and parking areas by effectively integrating them into the environment; and
- (iii) The landscaping shall be implemented and maintained in accordance with the approved landscaping plan within the first planting season following the completion of the works on the site. Once established the landscaping is to be maintained thereafter.

Landscape planting shall be undertaken in accordance with the approved landscaping plan, to the satisfaction of Council's Environmental Protection Officer. The landscaping should be implemented and maintained in accordance with the approved landscaping plan within the first planting season following the completion of the works on the site. Once established the landscaping is to be maintained thereafter.

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Engineering conditions

15. (developer's representative) Prior to the commencement of engineering design, the Consent Holder shall nominate, in writing, its Developer's Representative in terms of Council's "Standards for Engineering Design and Construction" to be the first point of contact for all engineering matters. Any subsequent change to the nominated Developer's Representative shall be immediately notified in writing to the Consents Engineer.
16. (insurance and warranties for engineering works) Prior to the commencement of engineering design for the works required by these conditions, the Consent Holder and the Developer's Representative shall provide to the Council proof of Professional Indemnity Insurance and Warranties in full satisfaction of section 102 of the "Standards for Engineering Design and Construction".
17. (engineering plans) The engineering works required by this consent shall comply with the Council's "Standards for Engineering Design and Construction" as may be amended from time to time. Engineering Plans, as specified in the "Standards", shall be submitted to the Consents Engineer, and approval thereto received in writing, prior to the commencement of any works on the site.

Any variation or changes to the approved engineering plans shall be submitted for approval as an Amendment and approval received thereto prior to construction of the varied works.

The term 'engineering works' includes, but is not limited to:

- Earthworks;
- The formation of roads, the laying of pipes and other ancillary equipment to be vested in the Council for water supply, drainage or sewage disposal;
- Street lights, landscaping or structures on land vested, or to be vested, in the Council;
- The installation of gas, electrical or telecommunication reticulation including ancillary equipment;
- Any other works required by conditions of this consent.

Note: Structures such as retaining walls, in-ground walls and bridges will require a separate Building Consent.

Note: The plans required under this condition are separate to, and do not form part of, any Building Consent that may be required on the subject site.

18. (pre-construction meeting) The Developer's Representative shall give the Consents Field Supervisor named in the engineering plan approval at least 5 working days notice of the on-site pre-construction site meeting (refer section 103.15 of the "Standards for Engineering Design and Construction"). Construction work shall not commence on the site until such meeting has been held and all necessary documentation presented.

Note: Attention is drawn to the requirements of section 103.15.3 "Standards for Engineering Design and Construction" for the following documentation to be presented at the preconstruction meeting:

- Approved engineering plans and copy of approval letter;
- Health and Safety Plan;
- Traffic Management Plan;
- The Signed Road Opening Notice;
- The relevant Resource or Subdivision Consent (and all conditions attached thereto);
- Copies of any Auckland Regional Council Consents necessary for the works;
- Signed copies of all Consents to Enter for Construction for works on land (including Council land) not owned by the consent holder.

19. (as built record plans) As Built Record Plans to the requirements of s.103.5.6 of the "Standards" shall be submitted together with the relevant completed As Built Plans shall be a prerequisite of s.224(c) RMA or Consent-Works Completion Certificate as appropriate.

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20. (inspection and testing) All engineering works required by this consent shall be subject to inspection and testing pursuant to s.103.19 of the "Standards for Engineering Design and Construction". The Developer's Representative shall make applications for the inspection and testing in writing in the form of Appendix "E" of the "Standards".
21. (road opening notice) The Consent Holder or his Contractor shall obtain a Road Opening Notice from the relevant Network Service Provider prior to the commencement of any works within the legal road.
22. (health & safety plan) A detailed Health & Safety plan to the requirements of the Health & Safety in Employment Act 1992, specifically addressing control of the works on and adjacent to public land, and the protection of the public, shall be submitted to the Consents Engineer prior to the commencement of any works on the site (refer s.103.11 of the "Standards for Engineering Design and Construction"). A copy of the Health & Safety Plan shall be kept on the site at all times. All measures for the protection of the public and other personnel set out in the Plan shall be maintained and complied with until such times as the works are completed.
23. (traffic management plan) A detailed Traffic Management Plan in accordance with the Code of Practice for Temporary Traffic Management specifically addressing control of construction access to the site and traffic control adjacent to the site, and the protection of the public, shall be submitted to the Consents Engineer. Verification that it meets the Council's requirements shall have been received in writing, prior to the commencement of any works on the site (refer s103.12 of the "Standard for Engineering Design & Construction".) A copy of the Traffic Management Plan, together with the verification letter shall be kept on the site at all times. All measures for the protection of the public and other personnel set out in the verified Plan shall be maintained and complied with at all times until such time as the works are completed.
24. (earthworks design) All earthworks shall be specifically designed to the "Standards for Engineering Design and Construction" and NZS 4431 by a Chartered Professional Engineer experienced in soil mechanics. The work shall be designed and executed in compliance with the recommendations contained in the Geotechnical Report, prepared by Riley Consultants, reference No 09164-D rev 2, dated 21/12/2009.
25. (earthworks certification) On completion of earthworks, an Earthworks Completion Report and a Certificate in the form of Appendix J of the "Standards for Engineering Design and Construction" signed by the Chartered Professional Engineer who designed and supervised the works, shall be provided to the Consents Engineer.
26. (dust control) All necessary actions shall be taken to prevent a dust nuisance to neighbouring properties and public roads; including but not limited to:
- The staging of areas of the works;
 - The retention of any existing shelter belts & vegetation;
 - The installation & maintenance of wind fences and vegetation strips;
 - Watering of all haul roads and manoeuvring areas during dry periods;
 - Spraying of load dumping operations;
 - Suspension of all operations if necessitated by the prevailing conditions.

The site, or parts thereof as appropriate, shall be re-grassed or otherwise protected from wind and water erosion immediately upon completion of bulk earthworks whether or not other works are completed.

27. (silt retention) Before commencement of any works, adequate silt retention structures as detailed in the Auckland Regional Council Technical Publication No. 90 "Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region" shall be installed. These structures shall be maintained and cleaned out as necessary until such time as complete grass cover, or other non-erodible surfacing, has been re-established over the site.

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The location and detail of the sediment control shall be included in the Engineering Plans for approval prior to commencement of construction.

28. (parking) Parking for 159 vehicles on the western side of the Meeting Hall shall be provided as detailed in the application plans drawn by Traffic Design Group, dated 23/7/09, and numbered 10262A1D 2, and to the minimum dimensions required by the Council's "Standards for Engineering Design and Construction", which shall take precedence should conflict arise. This parking shall be formed and paved in a permanent dust free (not metal) surface to the Council's "Standards for Engineering Design and Construction".
29. (parking) Parking for 57 vehicles on the northern side of the Meeting Hall shall be provided as detailed in the application plans drawn by Traffic Design Group, dated 23/7/09, and numbered 10262A1D 2, and to the minimum dimensions required by the Council's "Standards for Engineering Design and Construction", which shall take precedence should conflict arise. This parking shall be formed and paved in a permeable paving or metalled standard surface to the Council's "Standards for Engineering Design and Construction".
30. (GST requirement) Meet the cost of this Council approval (plus GST) reduced by the value of land and works to vest by providing the Council with a GST invoice for the value of all land and works to vest.

Note: These values equate for GST registered developers and require a barter book entry.

To be completed before issue of the s. 223 certificate

31. (conditions to be shown on survey title plan) Before the Council will approve the survey plan pursuant to s.223 of the Act, the owner shall:
 - a. (easements required) A stormwater drainage Easement over the pond discharge pipeline within Part Allot 62 SO891E in favour of Lot 1 shall be endorsed on the survey plan under a Schedule of memorandum of Easements.

To be completed before the issue of s.224(c) certificate

32. (conditions to be carried out by the developer) Before the Council will issue a certificate pursuant to section 224(c) of the Act, the consent holder shall satisfy the following conditions at his/hers/its full cost:
 - a. (water supply reticulation) The existing public water supply system which lies within or is contiguous to the land in the development shall be extended to the requirements of the Council's "Standard for Engineering Design and Construction" to serve the development to become part of the public services of the District.
 - b. (wastewater reticulation) The existing public pressure wastewater collection (PWC) system which lies within or is contiguous to the land in the development shall be extended to the requirements of the Council's "Standard for Engineering Design and Construction" to serve the development to become part of the public services of the District.
 - c. (wastewater connection) The Lot 1 and Lot 6 shall be connected to the Warkworth Wastewater Treatment Plant.

Note: Connection cannot be made to the existing pressure wastewater reticulation in Woodcocks Road until such time as:

1. The Auckland Regional Council has approved a variation to the Warkworth Wastewater Treatment Plant permit number 35660 to include Lot 1 DP 147500 in the area of benefit.
2. The peak flow treatment system required by condition 3 of Consent 35660 has been successfully commissioned and the associated requirements of Conditions 17 and 18 of Consent 35660 being successfully completed.

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This condition cannot be satisfied by way of a bond to enable the issue of the completion certificate under Section 224(c) of the Act.

- d. (stormwater reticulation & treatment) A private stormwater collection & treatment system shall be constructed to the requirements of the Council's "Standard for Engineering Design and Construction" to serve the development.
- e. (construction of crossing) The vehicle crossing serving the established dwelling to the boundary of Lots 1 and Lot 6 shall be reconstructed to the rural sealed standard of the "Standards for Engineering Design and Construction".
- f. (construction of crossing) The two vehicle crossings to the boundary of Lot 1 shall be constructed to the commercial sealed standards of the "Standards for Engineering Design and Construction".
- g. (remove crossings) The surplus vehicle crossing to Lot 1 and Lot 6 shall be removed and the fences, road side channel, and berm made good to the "Standards for Engineering Design and Construction".

Ongoing Conditions/Consent Notices

33. The following conditions of the consent shall be complied with in perpetuity and shall be registered on the relevant Titles by way of Consent Notices pursuant to s.221 of the Act:

- a. (low pressure wastewater system) The owners of Lot 1 within ["Specific PWC Area] and other Pressure Wastewater Collection (PWC) Areas of Service (as in Rodney District Council Wastewater Drainage Bylaw), are advised that the wastewater collection service provided to these properties is a public Pressure Wastewater Collection (PWC) System.

To ensure an effective service from the collection system, the property owner shall own, maintain and operate a compatible on-site PWC system (i.e. pump unit and tank, control box and alarm and a private pressure main). The on-site PWC system (private system) shall conform to the following requirements:

- The wastewater drainage system shall comply with the Rodney District Council's General Bylaw (Wastewater Drainage Bylaw), with specific reference to the PWC system. (Also refer to applicable schedules).
- Only approved PWC Products (as listed with RDC) will be allowed to be connected to the public wastewater collection system.
- Only approved PWC Installers (as listed with RDC) will be allowed to install and connect the on-site PWC system to the public wastewater collection system.
- The PWC system shall be connected to the Council's pressure collection system at the property boundary via the boundary kit in accordance with the RDC's Standards for Engineering Design and Construction.
- The property owner shall enter into an ongoing maintenance agreement with the Approved PWC Installer, complying with the Rodney District Council's Wastewater Drainage Bylaw and Application Checklist for Pressure Wastewater Collection (PWC) System: Building Consent Application.
- All costs associated with the provision and operation / maintenance of the on-site PWC system on each property shall be the responsibility of the property owner.
- The property owner shall be liable for any damage to the Rodney District Council's wastewater collection system arising from an improperly installed or operated on-site PWC system and connected to the Rodney District Council's collection system.

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- b. (building restrictions) Any buildings erected on Lot 1 shall be subject to the requirements of the report prepared by Riley Consultants Limited, reference 09164-D (rev 2), dated 21/12/09, and any subsequent reports. Copies of the said plan & report(s) will be held at the offices of the Council, Centreway Road, Orewa.
- c. (building restrictions - stormwater control) All stormwater from buildings and paved areas on Lot 1 shall be collected and disposed of in accordance with the Stormwater Management Report prepared by Riley Consultants limited, reference 09164-C, dated 21/12/09. The collection and disposal system shall be installed prior to the erection of any buildings and shall thereafter be maintained to the specified capacity and standard in perpetuity.

ADVICE NOTES

A resource consent lapses on the expiry of five years after the date of commencement of the consent, or after the expiry of such shorter or longer period as is expressly provided for in the consent.

If you disagree with the decision or any condition imposed on the consent, you may either:

- lodge an objection with the Council to review the decision/condition(s). Your objection must be in writing and lodged with the Council within 15 working days of receiving this letter. You should include with the objection reasons as to why you are seeking the review. The Council will consider the objection by way of a hearing, at which you and/or your representative may present evidence.

or

- lodge an appeal with the Environment Court. The appeal must be lodged with the Court and Council within 15 days of receiving this letter and be in the proper format. It is suggested that if you do intend to lodge an appeal, you obtain legal advice to ensure that the appeal is valid.
- Development Contributions advice note

Please note that pursuant to section 198 (1) (a) of the Local Government Act 2002 Development Contributions are applicable to this proposal.

The consent holder is advised that the contribution has been calculated on the basis of one additional (residential/business) lots created by the subdivision. The contribution assessment is attached to this consent. Under section 208(1) of the Local Government Act 2002 the Council may withhold a certificate under section 224(c) of the Resource Management Act 1991 and/or prevent commencement of the resource consent until the development contribution is paid. The Council may also register the development contribution under the Statutory Land Charges Registration Act 1928 as a charge on the title of the land.

It should be noted that the Development Contributions are re-assessed in accordance with the Long Term Council Community Plan and the Local Government Act and are subject to change. Any new application will be assessed under the then current policy.

- You may not start any work on the proposal/consent if you intend to lodge an objection with the Council.

Note: Reports and limitations on the land regarding any features or characteristics of the land or works on the land, whether the subject of specific encumbrances on the land or not shall be discoverable as part of the Council's records.

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Note: The Consent Holder is advised that additional Consents, Permits or authorisations for the works may be required under the Transitional or Proposed Regional Plans and that these should be obtained from the Auckland Regional Council prior to the commencement of any works on the site.

Carried

CONFIRMED AS A TRUE AND CORRECT RECORD THIS 19TH DAY OF AUGUST 2010

MAYOR

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