

**RESOURCE CONSENTS HEARINGS PANEL**

**MINUTES:** of a meeting of the Resource Consents Hearings Panel which commenced at 9.05 a.m. in the Council Chamber, Centreway Road, Orewa on Friday, 19 March 2010.

**PRESENT:**

Chair	Harry Bhana
Crs	Grahame Powell
	Wayne Walker

**IN ATTENDANCE:**

Reporting Planner	Michelle Carmine
Team Leader	Erik Oosthuizen
Traffic Engineer	David Mitchell
Democracy Services Officer	Raewyn Morrison

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**263/03/10 APOLOGIES****AGENDA ITEM NO. 1**

There were no apologies.

**264/03/10 A NOTIFIED RESOURCE CONSENT APPLICATION UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991**

**AN APPLICATION FOR RESOURCE CONSENT TO ESTABLISH A COUNSELLING FACILITY MADE UP OF FOUR CONSULTING ROOMS WITHIN THE HIGH INTENSITY RESIDENTIAL ZONE. THE FACILITY WILL OPERATE MONDAY TO FRIDAY 8AM-9PM, SATURDAY FROM 9AM-5PM AND THE OCCASIONAL SUNDAY AS REQUIRED. THE FACILITY WILL BE ESTABLISHED WITHIN AN EXISTING BUILDING AND WILL PROVIDE 4 ONSITE CARPARKING SPACES. THE FACILITY WILL HAVE A SHORTFALL OF 10 PARKING SPACES. THE APPLICANT PROPOSES AN INFORMAL SHARED PARKING ARRANGEMENT WITH THE WHANGAPARAOA BAPTIST CHURCH LOCATED AT 733-735 WHANGAPARAOA ROAD**

Address: 4 Wade River Road, Whangaparaoa

**APPLICANTS: LIGHTHOUSE COUNSELLING TRUST****FILE REF RMA 55500****WARD Hibiscus Coast****AGENDA ITEM NO. 2**

The applicant seeks consent to convert an existing residential dwelling into a counselling facility which will operate 4 consulting rooms. The counselling facility will operate six days a week with the occasional Sunday usage. Hours of operation will be from 8.00 a.m. to 9.00 p.m. Monday to Friday and 9.00 a.m. to 5.00 p.m. Saturday, and Sunday (occasionally). A 2m x 1m sign will be erected on the property. The site will provide 4 onsite carparking spaces, one of these is only suitable for staff parking due to its gradient, and one will be a disabled parking space. This would leave two onsite parking spaces for general visitor use. The applicant proposes to share use of an additional 6 spaces at the Whangaparaoa Baptist Church, which is located two properties away. These are angled spaces that are designed to cater for cars entering from Whangaparaoa Road.

The applicant, Lighthouse Counselling Trust, was represented by Dr Peter Hall, Ms Jacqueline Nadworny, and Mr Eric Hebner (Traffic Engineer).

Submitters in support: Mr Trevor Donnell (Whangaparaoa Baptist Church), and Mr Richard Field, present.

9.05 a.m. The Chairperson opened the hearing and outlined the meeting procedure.

Dr Peter Hall addressed the meeting. Dr Hall's comments were later tabled.

Dr Hall said that 4 Wade River Road had been chosen as the counselling centre because of its location and easy access. The Trust consisted of local counsellors, pastors, and medical and legal professionals. The Trust aimed to provide a high quality counselling service which would result in an improvement in community health. The Trust would bring subsidised counselling to the community and had established a joint venture with the church with favourable terms of occupancy. Dr Hall said that he had been a General Practitioner in the area for the last 20 years and he was tired of patching people up and giving them anti-depressants. His genuine intention was to bring a high level of counselling to improve mental health with a highly professional, business-like, and community based

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approach. Dr Hall said that there was wide community support for the proposal. He said that he had consulted with neighbours and amendments had been made to the proposal in order to address their concerns. Dr Hall said that the issues raised by the Council were fair and there had been several meetings with Council officers and the Council's Traffic Engineer. Dr Hall said that he had no doubt the traffic/parking aspect could be managed safely, especially for the wellbeing of clients. With regard to the load on the service lane, Dr Hall said that 400-500 people attended church on Sunday mornings and so far had done so without a mishap and what the Trust proposed would be nowhere near that amount of use. The Trust had made arrangements for overflow parking and there was also a commercial parking facility within 100 yards. He envisaged the Trust's clients would usually be able bodied and appointments would be carefully staggered; it was not like a usual consultancy situation and hence was different to the usual Council parking requirements. Dr Hall believed that there were plenty of opportunities for overflow parking and that the Trust would provide information in this respect at every portal, on its website, in correspondence, and when people phoned to make enquiries. He thought some compromise in regard to the parking situation would be perfectly manageable. Dr Hall said that it had taken 2 years of work and upwards of \$50,000 in research and development to get the project to this point. He said that there were many people in the community with needs and he sought an active solution to sort out the parking problem.

Jacqueline Nadworny said that Lighthouse Counselling Trust was looking for a safe and fair solution so they could offer a service to the community and that she hoped for a positive solution.

Eric Hebner, Traffic Engineer, distributed and read written evidence.

Mr Hebner addressed the key traffic-related components of the application. He summarised the restrictions on parking spaces which might be unavailable at certain times of the day or be unsuitable for some users. Mr Hebner said that he did not believe Whangaparaoa Mall parking would be needed given the availability of parking in the immediate vicinity of the subject site, and provided some restrictions were placed on the operation of the counselling centre. The minimum amount of day parking available for the counselling centre consisted of 3 client spaces and 1 staff space on the subject site, 3 staff spaces at the church and 2 spaces in the road reserve - a total of 9 spaces minimum (3 client spaces, 4 staff spaces, plus 2 spaces for either client or staff). Mr Hebner said that given the minimum number of available spaces during the day he believed it was warranted to limit the operation of the counselling centre so that there were only 3 counsellors accepting sessions at any one time during the week days. Mr Hebner discussed the available parking spaces in detail and commented on the parking availability at the nearby doctors' practice. He also commented on aspects of the planning officer's report.

In conclusion Mr Hebner said that it was appropriate for consent to be granted from a traffic engineering perspective, and he did not believe that there were any traffic related issues that were cause for concern provided the number of counsellors that were actively seeing clients was restricted before 6.00 p.m. Monday to Friday to no more than three counsellors at any one time.

In response to questions from the Panel, Dr Hall said that:

- With regard to the doctors' surgery, the doctors owned the building and there was no prospect of them moving from their premises in the foreseeable future.
- The doctors completed consulting at 6.00 p.m.
- There was a mortgage company at 6 Wade River Road, and an empty section at 8 Wade River Road which was currently on the market.
- He would describe the area as residential but quasi commercial; it was high density residential.
- There was a close relationship between the Trust and the Baptist Church. Essentially the Baptist Church was the applicant as the church owned the property and consent would go with the land. Lighthouse Counselling Trust had taken over the application in technical terms.
- At the rear of the site was a steep slope which would be difficult and expensive from an engineering perspective to turn into parking. The doctors had the same contour on their own property and had investigated providing parking in that area and found the cost to be prohibitive.
- He expected the clientele of the counselling centre to be mostly local people although the quality of care and range of services might attract people from out of the district.

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- There was excellent public transport in the area with a bus stop 100m away, and light sequencing allowed pedestrian movement across the road; he believed some people would come by public transport.
- A considerable number of the doctors' surgery staff parked at the back of The Warehouse. There was always capacity for parking behind The Warehouse; he had never known it to be full.
- They could probably provide a travel plan for staff.
- He accepted the constraints outlined in Mr Hebner's evidence.

Dr Hall said that for the foreseeable future he and his partners had committed to the project. He would be comfortable to limit the number of counsellors to three at a time. Dr Hall noted the blanket recommendation to refuse the application in the officer's report and said that he would be happy to reach a compromise if that would make a difference.

#### Submitters:

Richard Field gave verbal evidence. The following was noted:

Mr Field said that he lived at 2 Wade River Road and that he had lived on the Hibiscus Coast for 40 years. He was not opposed to the counselling facility but did have concerns regarding traffic and speed. Mr Field noted that cars travelling at speed became airborne over judder bars and he would like to have the traffic speed reduced. A traffic survey done 6 years ago calculated that 67 vehicles used the access lane on average but he believed a lot more vehicles used the lane now. The problem was speed and he believed there should be a limit of 20 km/ph. Mr Field noted that the church focused on youth, but youths often had fast cars and that was a problem. Many years ago he had initiated the installation of yellow lines and judder bars. Mr Field said he was worried that if someone backed out of the counselling centre there might be an accident; he did not want people to back out on to the road. His primary concern was the issue of safety. Mr Field noted that in the last 5 years the population of the area had grown and so too had the congregation of the church. He said that people used the slip lane on wet days and he had observed cars backed up to The Warehouse at the Whangaparaoa Plaza. He also noted that the slip lane was used by courier vehicles. Mr Field said that he did not want to cut his hedge down and that he did not want to see additional parking down the side of the building as his daughter's bedroom was on that side of the house.

In response to questions Mr Field said:

- He was comfortable the parking issues could be resolved as he thought the counselling service was a good idea. Although he had concerns with parking he was sure they could be managed.
- He wondered whether the whole garden could be concreted with marked parking hard against the house.
- He didn't want people pulling into his driveway.
- There needed to be safeguards for the future.

Mr Hebner said that he had based his assessment on slower speeds and backing out; visibility was a key factor and Mr Field's hedge restricted visibility. The disabled space might be difficult in terms of visibility but was not an issue in terms of manoeuvring.

Trevor Donnell, retired Pastor of Whangaparaoa Baptist Church, gave verbal evidence.

Mr Donnell said that he had lived on the Whangaparaoa Peninsula since 1953 and been associated with the Baptist Church since 1963. Mr Donnell declared strong support for the vision and concept of the Lighthouse Counselling Trust and said that the church would do what it could to enable the proposal. The Baptist Church vision statement included making a positive difference and he noted that there were a number of trusts working with local schools, clubs and families. The church had over 1000 people on its database and had a good understanding of the needs of the community. Mr Donnell noted that on the Whangaparaoa Peninsula there was no professional counselling service and the church supported the vision and establishment of the Trust.

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In regard to the effects of sharing parking on the church site, Mr Donnell said that this was an ongoing issue that could be effectively managed. He noted that some of the church staff used the parking area at The Warehouse and he believed the arrangement regarding the access lane was as good as they could manage. Mr Donnell said that the current use of the lane had so far been accident free; there were two primary users - the church themselves and Mr Field. Mr Donnell agreed the speed limit should be 20 km/ph and said that the church would be agreeable to an improvement in the effectiveness of the judder bars to slow traffic down. He did not think there would be any benefit in making the lane one way. He believed the shared parking arrangement would work as they had a good relationship with the counselling people. Mr Donnell thought it might be possible to offer some angled parking space off the access way; outside 8 Wade River Road there was a parking bay on the verge which would hold 6 cars. He believed there might be 20 carparks in total available on the verge.

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

- The church had a parking plan that required staff to park off site or in the second lower parking area behind the shops in Wade River Road below the church property.
- They had consulted with the owners of the dairy and fishing shop regarding parking and they regularly informed their congregation they should not park in front of those shops. He didn't think the proposal would cause a nuisance to the shop owners. There was also a sign on the footpath saying 'no church parking'.
- With regard to the arrangement between the Lighthouse Counselling Trust and the Baptist Church, he thought it would be feasible to have a sign on the church site designating 3 parking spaces. The sign could also have the operating hours of the counselling centre.
- The information regarding the Lighthouse Counselling Trust arrangements could be incorporated in the church's policy manual.

Mr Hebner said that 3 parking spaces for staff of the counselling facility on the church site would free up the on-site spaces for visitors.

10.26 a.m. - 10.44 a.m. Morning tea adjournment.

Ms Nadworny tabled a letter in support of the proposal by Dr Chong Hong How of Family Doctors Associates.

Council Officers:

David Mitchell addressed the Panel. The following was noted:

Mr Mitchell said that in summary he had looked at the proposed changes, i.e. reducing the numbers to three counsellors and his opinion remained unchanged. He said the area outside 8 Wade River Road could not be relied upon for parking and he also had some degree of concern in regard to using the parking areas at Whangaparaoa Plaza as he didn't know if there was any arrangement between Plaza management and the Council regarding its availability and usage, and as such didn't know whether that could be relied upon. In terms of on-site parking, there was still a potential parking shortfall as there could be two parties coming to a counselling session.

In response to questions from the Panel, Mr Mitchell said that the way the proposal had been presented, three people being counselled would be adequate as long as there was only one person at a time. He noted that the Panel had no jurisdiction to control that and in his view it was probably not likely the Council would implement a speed limit at this stage. Mr Mitchell advised of the ability for annual reviews of speed limits and that a number of roads had been identified for speed controls by people making requests to the Council. Speaking from a personal point of view, Mr Mitchell said that, if asked by a roading engineer, he would agree a speed limit was a good concept but there were national criteria which had to be taken into account and lowering speed limits had additional national criteria requirements. He noted that the Plaza in terms of usage had excess capacity, particularly after 5.00 p.m. Mr Mitchell also noted that a number of studies had been done regarding Wade River Road/Link Crescent/Whangaparaoa Road but he was not aware of any planned projects around the intersection. Mr Mitchell was also of the opinion that a travel plan would not make much difference.

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Michelle Carmine addressed the Panel. The following was noted:

Ms Carmine said that she had a few concerns with the issues raised in regard to alternative parking spaces. She said that the parking area outside 8 Wade River Road could not be relied upon. She also noted that the parking proposed at the doctors' facility at 10 Wade River Road would probably need its resource consent to be altered to accommodate additional parking after hours and that could be an issue. At the moment the doctors' surgery had consent for parking from 8.00 a.m. - 5.00 p.m. and two late nights until 8.00 p.m. Any additional parking there had not been assessed and it was also in a residential zone.

Ms Carmine said that she was not aware what issues there were in regard to parking at the Plaza but she didn't feel the applicant could rely on those parking spaces to be included and taken into account at this stage. With regard to the additional parking spaces at the church which had been offered, she said that she had concerns in relation to a formal parking easement but this could be overcome by a review condition. She said that the erection of signage at the church could not be conditioned nor could it be relied upon that signage would remain. Ms Carmine said that she also had concerns regarding conditioning the appointment schedule and how that could be enforced especially as there would be a high level of confidentiality. In conclusion Ms Carmine said that her concerns had not been satisfied and she remained of the opinion that consent should be refused.

In response to questions from the Panel in regard to the integration of parking if all the parking was not provided on the site, Ms Carmine said that parking needed to be well integrated to provide for an activity and parking a large distance away did not provide a reasonable level of service for a commercial activity. She said that if any adverse effects were to arise they should become a major issue within a 12 month period but it depended on the level of people using the facility, especially as this could increase over time. She felt a 12 month review would be better than a 6 month period, however there was potential that adverse effects could be created within a 12 month period if the counselling facility became established and busy.

Mr Mitchell said that there could potentially be illegal parking on the lane or adjacent to the other sites. He also noted the potential for people to turn into driveways and associated extra manoeuvring. He said that it was possible the church parking spaces could be an issue although he did not envisage large numbers i.e. one or two people parking illegally from time to time.

Dr Hall presented the right of reply. The following was noted:

Dr Hall said that the common goal was the interest in the safety and wellbeing of the community. With regard to what might happen in the future, from the Trust's point of view the terms of the lease arrangement with the church would include parking provisions and they had discussed including a parking overflow; there was no area of disagreement about that. Although people may come and go the Trust had been established with a broad base and with a vision that it would continue. The terms in the lease agreement would include a tenancy arrangement with the church. Dr Hall noted that the site might not be suitable for the Trust's needs in the future in which case the Trust would be free to go; he didn't perceive the Trust would be there forever but it was desperately seeking an opportunity to establish in a financially viable position. Dr Hall said that it was not a common scenario for two people arriving for counselling to come in different cars. With regard to the doctors' surgery resource consent hours, this issue had never come up before and in practical terms no-one would be disturbed by those arrangements.

Dr Hall noted that although the planning officer had recommended refusal she had acknowledged the parking could possibly work. He said that all people who either occupied or resided in the service lane supported the proposal and their input should be highly valued as they lived and worked there on a daily basis. Dr Hall said that the Trust would make diligent efforts to make people aware of the parking situation. He confirmed that the Trust would be open to, and would accept, a review condition. Dr Hall concluded by saying the community would be disadvantaged if the Trust could not get up and running.

11.28 a.m. The Chairperson adjourned the hearing subject to a site visit.

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Following the site visit the Chairperson requested that a memorandum be circulated to the parties. In particular the Panel requested that Mr Hebner and Mr Mitchell confer on certain points in relation to possible additional parking and respond in regard to issues they agreed and disagreed on.

This information was circulated to the applicant and submitters with the opportunity to provide comment.

The hearing was closed on Monday, 26 April at 9.00 a.m.

The Panel resolved:

**W Walker/Powell**

## **THE DECISION**

**That pursuant to Sections 104, 104B, and 108 of the Resource Management Act, 1991, the notified resource consent application to establish a counselling facility on a site at 4 Wade River Road legally described as Lot 117 DP21728, is granted consent for the following reasons and subject to the attached conditions.**

## **REASONS FOR DECISION**

1. The application does not result in adverse effects on the environment which are of such significance as to justify refusal of consent. The Panel is satisfied that potential traffic effects, including potential effects on vehicle safety as a result of staff and visitors using the narrow upper level portion of Wade River Road, will not be significant.
2. The Panel is also satisfied that the parking demand generated would be satisfactorily mitigated by the conditions of consent to be imposed and in that regard note the availability of public parking in the wider area.
3. The grant of consent to the application would enable the Lighthouse Counselling Trust to offer important health counselling services to the local and wider community.
4. The grant of consent to the application is consistent with the objectives, policies and other provisions of the Partly Operative District Plan which provide for such non-residential activities where they do not unduly impact on residential amenities. The Panel notes that the Partly Operative District Plan has transportation objectives and policies that relate to the safe and efficient movement of people and goods and which aim to ensure that parking generated by activities does not result in adverse effects on amenities or on safety and convenience of traffic movements. We are satisfied that subject to the conditions to be imposed the grant of consent would be consistent with these objectives and policies.
5. The grant of consent to the application is broadly consistent with the provisions of the Auckland Regional Policy Statement and Proposed Plan Change 6 to that Statement but we observe that this application does not encompass matters of regional significance.
6. In terms of our overall broad judgement we find that the grant of consent to the application would be consistent with the principles and purpose of the Resource Management Act 1991 as it would enable people to provide for their economic, social, cultural and general well-being while ensuring that adverse effects are suitably avoided, remedied or mitigated and without compromising foreseeable needs of future generations or degrading the life supporting characteristics of air, soil or water.

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**THE RELEVANT STATUTORY PROVISIONS THAT WERE CONSIDERED:**

Overall this application was considered to be a discretionary activity and was considered in terms of sections 104, 104B, 108 and Part 2 of the Act.

**OTHER RELEVANT PROVISIONS THAT WERE CONSIDERED:**

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

**National Policy Statement Provisions.**

None applicable

**New Zealand Coastal Policy Statement Provisions.**

Not applicable

**Auckland Regional Policy Statement Provisions.**

Not applicable

**Proposed Regional Policy Statements Provisions.**

Not applicable

**Auckland Regional Plan: Coastal Provisions.**

Not applicable

**Auckland Regional Plan: Air, Land and Water Provisions.**

None applicable

**Plan Provisions.****Partly Operative District Plan 2000****High Density Residential Zone**

Objective 8.3.2.

Policy 8.4.5.

**Transportation**

Objective 21.3.4

Policy 21.4.8

**Other Documents.**

Vision Rodney - A non-statutory document produced by The Rodney District Council (described as "A strategy for the District's future").

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**PREAMBLE**

The Whangaparaoa Baptist Church sought consent on behalf of the Lighthouse Counselling Trust to convert an existing residential dwelling into a counselling facility. The counselling activity was intended to provide intervention and support to people suffering from various conditions or stresses which affected their mental health and well-being. It was proposed that it would operate 4 consulting rooms and would be open six days a week with the occasional Sunday usage. Hours of operation would be from 8.00 a.m. to 9.00 p.m. Monday to Friday and 9.00 a.m. to 5.00 p.m. Saturday, and Sunday (occasionally). A 2m x 1m sign will be erected on the property. The site would provide 4 onsite car-parking spaces, including a disabled parking space and a space only suitable for staff use. This would leave two onsite parking spaces for general visitor use. The applicant proposed to share use of an additional 6 spaces at the Whangaparaoa Baptist Church, located two properties away. Submitters were generally in support of the proposal but submitter Mr Field and the Council reporting officers were concerned about the potential adverse effects of the traffic and parking arrangements proposed.

**SITE VISIT**

The Hearing Panel visited the site on 19 March 2010.

**PROCEDURAL MATTERS**

During the site visit the Panel noted that there appeared to be sufficient space in the front yard of the site to accommodate more car parks than had been shown on the site plan accompanying the application. The hearing had been adjourned prior to the site visit, and could have been re-convened to enable further evidence regarding rearrangement of the proposed parking layout. However to avoid the delay and cost of reconvening the hearing the Panel determined to issue a request to the traffic engineer for the applicant and the traffic engineer for the Council to consider whether additional parking could be provided on the front part of the site through an appropriate rearrangement and to advise the Panel in writing of their findings. (This request included consideration of the suggestion of Mr Field, a submitter, who advised the Panel that the parking could be improved by paving the whole of the existing lawn area on the northern side of the driveway and locating the car parking much closer to the existing building). After the two traffic engineers had considered our request, we were provided with an amended site plan which provided for a staff car park in the existing driveway together with three client car parks, plus a disabled car park in the front yard of the site. The amended site plan and the comments of the two traffic engineers was circulated to the applicant and the parties who had attended the hearing and they were given 10 working days (closing date 23 April 2010) to respond in writing to the additional material. The Panel received a letter in response from Dr Peter Hall, Chairman of Lighthouse Counselling Trust. The hearing was closed on 26 April 2010.

**THE PRINCIPAL ISSUES THAT WERE IN CONTENTION:**

The principal issues that were in contention were as follows:

1. Whether the grant of consent to the application would result in adverse effects on neighbouring properties as a result of additional vehicle movements on the narrow upper level roadway and the inability of the applicant to accommodate generated parking demand on its own site.
2. Whether shared parking arrangements combined with some limitations on the extent and timing of counselling activities would enable sufficient accommodation of the parking demands generated without resultant adverse effects on the amenity of neighbouring properties and those using the upper level roadway.
3. Whether the proposal was consistent with the purpose and principles of the RMA, as set out under Part 2 of that Act.

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**SUMMARY OF THE EVIDENCE HEARD:****SUBMISSIONS AND EVIDENCE ON BEHALF OF THE APPLICANT****DR PETER HALL ON BEHALF OF THE APPLICANT:**

Dr Hall said that 4 Wade River Road had been chosen as the counselling centre because of its location and easy access. The Trust consisted of local counsellors, pastors, and medical and legal professionals. The Trust aimed to provide a high quality counselling service which would result in an improvement in community health. The Trust would bring subsidised counselling to the community and had established a joint venture with the church with favourable terms of occupancy. Dr Hall said that he had been a General Practitioner in the area for the last 20 years and he was tired of patching people up and giving them anti-depressants. His genuine intention was to bring a high level of counselling to improve mental health with a highly professional, business-like, and community based approach. Dr Hall said that there was wide community support for the proposal. He said that he had consulted with neighbours and amendments had been made to the proposal in order to address their concerns. Dr Hall said that the issues raised by the Council were fair and there had been several meetings with Council officers and the Council's Traffic Engineer. Dr Hall said that he had no doubt the traffic/parking aspect could be managed safely, especially for the wellbeing of clients. With regard to the load on the service lane, Dr Hall said that 400-500 people attended church on Sunday mornings and so far had done so without mishap and what the Trust proposed would be nowhere near that amount of use. The Trust had made arrangements for overflow parking and there was also a commercial parking facility within 100 yards. He envisaged the Trust's clients would usually be able bodied and appointments would be carefully staggered; it was not like a usual consultancy situation and hence was different to the usual Council parking requirements. Dr Hall believed that there were plenty of opportunities for overflow parking and that the Trust would provide information in this respect at every portal where communication was initiated with clients. That would include its website, in correspondence, and when people phoned to make enquiries. He thought some compromise in regard to the parking situation would be perfectly manageable. Dr Hall said that it had taken 2 years of work and upwards of \$50,000 in research and development to get the project to this point. He said that there were many people in the community with needs and he sought an active solution to sort out the parking problem.

In response to questions from the Panel, Dr Hall said that:

- With regard to the doctors' surgery, the doctors owned the building and there was no prospect of them moving from their premises in the foreseeable future.
- The doctors completed consulting at 6.00 p.m.
- There was a mortgage company at 6 Wade River Road and an empty section at 8 Wade River Road which was currently on the market.
- He described the area as residential but quasi commercial; it was zoned high density residential.
- There was a close relationship between the Trust and the Baptist Church. Essentially the Baptist Church was the applicant as the church owned the property and consent would go with the land. Lighthouse Counselling Trust had taken over the application in technical terms.
- At the rear of the site was a steep slope which would be difficult and expensive, from an engineering perspective, to turn into parking. The doctors had the same contour on their own property and had investigated providing parking in that area and found the cost to be prohibitive.
- He expected the clientele of the counselling centre to be mostly local people although the quality of care and range of services might attract people from out of the district.

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- There was excellent public transport in the area with a bus stop about 100m away, and traffic light sequencing allowed pedestrians to safely cross the road. He believed some people would come by public transport.
- A considerable number of the doctors' surgery staff parked at the back of The Warehouse. There was always capacity for parking behind The Warehouse; he had never known it to be full.
- The Trust could provide a travel plan for staff.
- He accepted the constraints outlined in Mr Hebner's evidence.
- Dr Hall said that for the foreseeable future he and his partners had committed to the project. He would accept limiting the number of counsellors to three at a time.

### **JACQUELINE NADWORNY**

Ms Nadworny supported Dr Hall in advocating a safe and fair solution so that this much needed service could be made available to the community. She tabled a letter in support of the proposal by Dr Chong Hong How of Family Doctors Associates.

### **MR ERIC HEBNER – TRAFFIC ENGINEER FOR THE APPLICANT**

Mr Hebner addressed the key traffic-related components of the application. He summarised the restrictions on parking spaces which might be unavailable at certain times of the day or be unsuitable for some users. Mr Hebner said that he did not believe Whangaparaoa Mall parking would be needed given the availability of parking in the immediate vicinity of the subject site, and provided some restrictions were placed on the operation of the counselling centre. The minimum amount of day parking available for the counselling centre consisted of 3 client spaces and 1 staff space on the subject site, 3 staff spaces at the church and 2 spaces in the road reserve – a total of 9 spaces minimum (3 client spaces, 4 staff spaces, plus 2 spaces for either client or staff). Mr Hebner said that given the minimum number of available spaces during the day he believed it was warranted to limit the operation of the counselling centre so that there were only 3 counsellors accepting sessions at any one time during the week days. Mr Hebner discussed the available parking spaces in detail and commented on the parking availability at the nearby doctors' practice. He also commented on aspects of the planning officer's report.

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Mr Hebner said that he had based his assessment on slower speeds and vehicles backing out; visibility was a key factor and Mr Field's hedge restricted visibility. The disabled space might be difficult in terms of visibility but was not an issue in terms of manoeuvring.

He said that 3 spaces for staff of the counselling facility on the church site would free up the on-site spaces for visitors.

### **SUBMISSIONS AND EVIDENCE ON BEHALF OF THE SUBMITTERS**

#### **MR RICHARD FIELD SUBMITTER IN SUPPORT**

Mr Field said that he lived at 2 Wade River Road and that he had lived on the Hibiscus Coast for 40 years. He was not opposed to the counselling facility but did have concerns regarding traffic and speed. Mr Field noted that cars travelling at speed became airborne over judder bars and he would like to have the traffic speed reduced. A traffic survey done 6 years ago calculated 67 vehicles used the access lane on average but he believed a lot more vehicles used the lane now. The problem was speed and he believed there should be a limit of 20 km/ph. Mr Field noted that the church focused on youth, but youths often had fast cars and that was a problem. Many years ago he had initiated the

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installation of yellow lines and judder bars. Mr Field said that he was worried that if someone backed out of the counselling centre there might be an accident; he did not want people to back out on to the road. His primary concern was the issue of safety. Mr Field noted that in the last 5 years the population of the area had grown and so too had the congregation of the church. He said that people used the slip lane on wet days and he had observed cars backed up to The Warehouse at the Whangaparaoa Plaza. He also noted that the slip lane was used by courier vehicles. Mr Field advised that he did not want to cut his hedge down and that he did not want to see additional parking down the side of the building as his daughter's bedroom was on that side of the house.

In response to questions Mr Field said:

- He was comfortable the parking issues could be resolved as he thought the counselling service was a good idea. Although he had concerns with parking he was sure they could be managed.
- He questioned whether the whole front yard could be concreted with marked parking hard against the house.
- He did not want people pulling into his driveway.
- There needed to be safeguards for the future.

#### **TREVOR DONNELL, RETIRED PASTOR ON BEHALF OF WHANGAPARAOA BAPTIST CHURCH - SUBMITTER IN SUPPORT**

Mr Donnell said that he had lived on the Whangaparaoa Peninsula since 1953 and been associated with the Baptist Church since 1963. Mr Donnell declared strong support for the vision and concept of the Lighthouse Counselling Trust and said that the church would do what it could to enable the proposal. The Baptist Church vision statement included making a positive difference and he noted that there were a number of trusts working with local schools, clubs and families. The church had over 1000 people on its database and had a good understanding of the needs of the community. Mr Donnell noted that on the Whangaparaoa Peninsula there was no professional counselling service and the church supported the vision and establishment of the Trust.

In regard to the effects of sharing parking on the church site, Mr Donnell said that this was an ongoing issue that could be effectively managed. He noted that some of the church staff used the parking area at The Warehouse and he believed the arrangement regarding the access lane was as good as they could manage. Mr Donnell said that the current use of the lane had so far been accident free; there were two primary users - the church themselves and Mr Field. Mr Donnell agreed the speed limit should be 20 km/ph and said that the church would be agreeable to an improvement in the effectiveness of the judder bars to slow traffic down. He did not think there would be any benefit in making the lane one way. He believed the shared parking arrangement would work as they had a good relationship with the counselling people. Mr Donnell thought it might be possible to offer some angled parking space off the access way; outside 8 Wade River Road there was a parking bay on the verge which would hold 6 cars. He believed there might be 20 carparks in total available on the verge.

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

- The church had a parking plan that required staff to park off site or in the second lower parking area behind the shops in Wade River Road below the church property.
- They had consulted with the owners of the dairy and fishing shop regarding parking and they regularly informed their congregation they should not park in front of those shops. He didn't think the proposal would cause a nuisance to the shop owners. There was also a sign on the footpath saying 'no church parking'.
- With regard to the arrangement between the Lighthouse Counselling Trust and the Baptist Church he agreed to have a sign on the church site designating 3 parking spaces for the use of the Trust. The sign could also have the operating hours of the counselling centre.

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- The information regarding the Lighthouse Counselling Trust arrangements could be incorporated in the church's policy manual.

## **THE EVIDENCE OF COUNCIL OFFICERS**

### **SECTION 42A REPORT - PREPARED BY MICHELLE CARMINE COUNCIL PLANNER**

The Section 42A report included Ms Carmine's planning evaluation of the application together with a summary of comments from:

- Council Development Engineer, Ray Smith;
- Council Consultant Traffic Engineer, David Mitchell.

Their detailed assessments of the relevant parts of the application were annexed to and formed part of the Section 42A report.

Ms Carmine's conclusion was that having considered the potential adverse effects on the environment and on the amenity values of adjoining properties arising from the vehicle access and parking arrangements she was not satisfied that the potential adverse effects had been satisfactorily avoided, remedied or mitigated. She assessed the application against the objectives and policies of the Partly Operative District Plan and concluded that the grant of consent would not be consistent with those objectives and policies. She also assessed the application against the wider criteria of section 104 and Part II of the Resource Management Act 1991 and considered that the application did not meet those criteria and that grant of consent would be inconsistent with the purpose and principles of the RMA. She recommended that consent be refused.

After the evidence of the applicant and submitters had been presented, Ms Carmine said that she had a few concerns with the issues raised in regard to alternative parking spaces. She said that the parking area outside 8 Wade River Road could not be relied upon. She also noted that the parking proposed at the doctors' facility at 10 Wade River Road would probably need its resource consent to be altered to accommodate additional parking after hours and that could be an issue. At the moment the doctors' surgery had consent for parking from 8.00 a.m. - 5.00 p.m. and two late nights until 8.00 p.m. Any additional parking there had not been assessed and it was also in a residential zone.

Ms Carmine said that she was not aware what issues there were in regard to parking at the Plaza but she didn't feel the applicant could rely on those parking spaces to be included and taken into account at this stage. With regard to the additional parking spaces at the church which had been offered, she said that she had concerns in relation to a formal parking easement but this could be overcome by a review condition. She said that the erection of signage at the church could not be conditioned nor could it be relied upon that signage would remain. Ms Carmine said that she also had concerns regarding conditioning the appointment schedule and how that could be enforced especially as there would be a high level of confidentiality. In conclusion Ms Carmine said that her concerns had not been satisfied and she remained of the opinion that consent should be refused.

In response to questions in regard to the integration of parking if all the parking was not provided on the site, Ms Carmine said that parking needed to be well integrated to provide for an activity and parking a large distance away did not provide a reasonable level of service for a commercial activity. She said that if any adverse effects were to arise they should become a major issue within a 12 month period but it depended on the level of people using the facility, especially as this could increase over time. She felt a 12 month review would be better than 6 months, however there was potential that adverse effects could be created within a 12 month period if the counselling facility became established and busy.

### **MR DAVID MITCHELL CONSULTING TRAFFIC ENGINEER**

Mr Mitchell's view of the proposed application was that the arrangements for parking were unsatisfactory and would result in conflict with other users of the upper level roadway and a reduction in the amenity for existing users of the roadway. He was concerned that vehicles seeking parking at 4 Wade River Road, entering the upper level roadway from its southern end and finding that there was no available parking on the subject site, would not be able to easily access the angled parking spaces on the church site as these were angled to enable access for vehicles approaching from the northern

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end of the roadway. He was concerned that this arrangement could lead to inappropriate manoeuvres as the drivers of such vehicles attempted to access the church parking spaces.

After the evidence of the applicant and submitters had been presented Mr Mitchell said that there could potentially be illegal parking on the lane or adjacent to the other sites. He also noted the potential for people to turn into driveways and associated extra manoeuvring.

In response to questions from the Panel, he said that it was possible the church parking spaces could be an issue, although he did not envisage serious traffic complications, with likely potential effects being characterised by one or two people parking illegally from time to time.

## **THE MAIN FINDINGS ON THE PRINCIPAL ISSUES THAT WERE IN CONTENTION:**

### **BASIS**

The main findings by the Hearings Panel on the principal issues that were in contention that have led to the above decision and the reasons for that decision are as follows. They have been reached after visiting the site and locality, considering the application, 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.

### **TRAFFIC AND PARKING EFFECTS**

The Panel has considered the evidence regarding potential traffic issues arising from the shortfall in car parking that could arise from time to time. The conditions of consent require that no more than three counsellors are on site at any one time up until 5.00 p.m. on any day. The conditions also require that counselling sessions are scheduled to allow 30 minutes between clients of any one counsellor. We note that the revised parking layout provides for three client spaces to be available on site plus a further disabled parking space. In addition there are three parking spaces which the applicant and the representative of the Whangaparaoa Baptist Church agreed to provide on the Wade River Road frontage of the Baptist Church site together with the staff car park on the subject site. We are accordingly satisfied that this arrangement would provide sufficient car parking for usual needs. Furthermore we note that there are large public carparks located in close vicinity that could be used in the event of some unforeseen overlap in parking demand arising.

Mr Mitchell was concerned that clients visiting the counselling facility, approaching the site from the southern end of the split-level road, and unable to park on the site, would attempt to manoeuvre into the angled car parking on the church site, which would be difficult and could create inconvenience or safety concerns for other vehicles. However we are satisfied, as we have indicated above, that the conditions of consent which we have imposed should ensure that car parking for clients is usually available on the site and this would generally ensure that the potential problems envisaged by Mr Mitchell, would not occur with any significant frequency.

### **POSITIVE EFFECTS ARISING FROM THE PROPOSED ACTIVITY**

The evidence presented by the applicant and by those supporting the application satisfied us that the proposed facility would provide a high quality subsidised counselling service which would result in an improvement in community health. This type of service was not otherwise available on the Whangaparaoa Peninsula.

### **CONCLUSION AS TO FINDINGS**

We accordingly find that the grant of consent to the application would enable people and the community to provide for their social well-being and for their health and safety while appropriately avoiding, remedying or mitigating any adverse effects of the activity on the environment.

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**CONDITIONS****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.

**General Conditions**

- 1) (general) The development shall proceed in general accordance with the application submitted, and the plans and drawings submitted as signed by Michelle Carmine dated May 2010 including the following:
  - Amended site plan drawn by Long Term Design Ltd, dated December 2009 Rev B 14.09.09 numbered 1 of 8 as submitted by Eric Hebner by email dated 26 March 2010; and
  - elevation drawings and floor plans drawn by Long Term Design Ltd, dated December 2008, numbered 2-5 of 5.

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.
- 2) (notification of commencement) At least 7 days prior to the work commencing the resource consent holder shall notify the Council's RMA Compliance Administrator by telephone (0800 426 5169) the expected date of work commencing.
- 3) (resource consent and monitoring charges) The resource consent holder shall pay to the Council within one month of the issue of this consent or prior to the activity commencing (whichever is earlier) the cost, including specialist services, staff time and administration for the processing of this application together with initial charges for the following inspections:
  - Environmental protection 3 x site visit(s).
  - Monitoring deposits will be invoiced by the Council together with the consent processing charges.
  - Should further monitoring be required to ensure compliance, the Council will recover the actual and reasonable costs that are incurred for this monitoring as set out in the Council's Schedule of Fees and Charges.
- 4) (availability of Parking at the Whangaparaoa Baptist Church) The activity may not commence until three of the angled parking spaces adjacent to Wade River Road on the Whangaparaoa Baptist Church site have been marked, by suitable signage, as set aside for the use of visitors to the Lighthouse Counselling Trust at 4 Wade River Road between the hours of 8.00 a.m. to 5.00 p.m. Mondays to Fridays and 9.00 a.m. to 5.00 p.m. on Saturdays.
- 5) (parking spaces) PRIOR to the commencement of the activity the consent holder shall provide five (5) onsite car parking spaces in the location shown on the Council stamped approved site plan.

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- 6) (access/parking) All access, parking and manoeuvring areas shall be formed, drained and finished with a permanent dust free surface and marked in accordance with the Council's "Standards for Engineering Design and Construction". Construction of the parking area shall be completed PRIOR to the commencement of the Activity and shall be to the satisfaction of the Environmental Protection Officer.

*Advice Note: Metal or Gobi Blocks are not considered a permanent dust free surface.*

- 7) (stormwater) All stormwater discharges from new paved areas shall be controlled and discharged through an approved system such that there is no uncontrolled stormwater crossing the site boundaries. The stormwater drainage system shall be approved by Council PRIOR to commencement of the activity.

*Advice Note: Building Consent and/or Engineering Works Approval will be required for the stormwater drainage of the formed paved parking area.*

- 8) (parking to be marked out) PRIOR to the commencement of the activity the parking space located on the existing driveway shall be clearly marked as 'Staff Only'. This shall be to the satisfaction of the Environmental Protection Officer, and shall be maintained for the duration of the activity.

- 9) (staff parking) PRIOR to the commencement of the activity the consent holder shall provide to the Environmental Protection Officer a copy of a written memorandum directing all staff associated with the activity that, (with the exception of the singular 'staff only' parking space), staff are not permitted to park on the subject site. The Memorandum shall further advise that car parks have been allocated for staff parking purposes at the Whangaparaoa Baptist Church. The Memorandum shall be signed by all staff members associated with the activity.

- 10) (signage) PRIOR to the commencement of the activity the consent holder shall erect signage within the subject site advising clients that additional parking is provided at the Whangaparaoa Baptist Church. The signage shall be located in a clearly visible position to traffic travelling in both directions along the service lane and shall be clearly visible when the car parking facility is full and shall be to the satisfaction of the Environmental Protection Officer.

- 11) (operating hours) The activity shall be restricted to operating between the hours of:

(i) Monday to Friday – 8.00 a.m. to 9.00 p.m.

(ii) Saturday – 9.00 a.m. to 5.00 p.m.

(iii) Sundays and all public holidays – Operation of the activity shall be a maximum of 6 hours in any one month, between the hours of 9.00 a.m.- 5.00 p.m.

- 12) (Intensity) The consent holder shall ensure that no more than three (3) consultants shall operate on the site Mondays to Saturdays between the hours of 8.00 a.m. to 5.00 p.m., and no more than two (2) consultants at any time on Sundays.

- 13) (Intensity and appointment structure) The consent holder shall ensure that no more than 20 appointments in total are undertaken per day. The consent holder shall ensure an appointment structure providing for at least 30 minutes between appointment times is set up and maintained for the entire duration of the activity. A log of the appointment schedule shall be provided to the Environmental Protection Officer upon request.

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- 14) (review condition) Pursuant to Section 128 of the Resource Management Act 1991, the Council may, 12 months after the commencement of the operation of the activity, serve notice on the consent holder of its intention to review conditions of this consent relating to parking and intensity, for the purpose of ensuring the effects of the parking shortfall and traffic safety associated with the access to the service lane, do not have an adverse effect on the environment that are more than minor.

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

**Advice note**

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

**Carried**

CONFIRMED AS A TRUE AND CORRECT RECORD THIS 8TH DAY OF JULY 2010

MAYOR

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