

Hearings Commissioner

Notice of Meeting

A meeting of the Hearings Commissioner will be held in the Council Chamber, Forum North, Whangarei on:

**Friday
28 January 2011
9.00 am**

**Application by
Northland Athletics and Gymnastics Stadium Trust**

**Commissioner
Robert Chan**

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Report to the Hearings Commissioner on an Application By:

Northland Athletics and Gymnastics Stadium Trust Limited to construct an athletics grandstand, gymnastics facility and associated car parking adjacent to the existing all-weather athletics track and to realign a portion of Park Avenue, at Park Avenue, Kensington, Whangarei. The property is zoned largely Living 1 Environment, with a portion of the site identified as Local Road. The application is to be assessed as a Discretionary Activity.

This application was lodged by McAlley Consulting Limited on behalf of Northland Athletics and Gymnastics Stadium Trust Limited and was reported on by Kellie Roland (Consultant Planner).

This report was written and peer-reviewed by the following signatories:

Consultant Planner:



Date: 14 January 2011

Kellie Roland

Resource Consents
Manager:

Date: _____

Alister Hartstone

Resource Management Act 1991

Hearing By: The Whangarei District Council Hearings Commissioner of an application by Northland Athletics and Gymnastics Stadium Trust to construct an athletics grandstand, gymnastics facility and associated car parking adjacent to the existing all-weather athletics track and to realign a portion of Park Avenue, at Park Avenue, Kensington, Whangarei.

Evidence By: Kellie Roland
BRS (Environmental Policy and Planning)
Consultant Planner

File Ref: LU1000188

Dated: 14 January 2010

1. The Proposal

- 1.1 The proposal involves the construction of a building to house the facilities required to operate a dedicated gymnastics centre with the exercise floors and apparatus permanently in place, in addition to a first-class athletics venue able to serve the local as well as the regional community. The building will also house the Marist Rugby Club during the winter months.
- 1.2 The ground floor of the building comprises a 1,681m² gymnasium, which includes an associated first aid room and two offices. There is an additional ground floor area of 798m² that includes:
- i. An entry atrium, concourse and lobby;
 - ii. Two offices;
 - iii. A shop and café (canteen);
 - iv. Two changing rooms and toilets;
 - v. A cleaning/storage room;
 - vi. A first aid room; and
 - vii. Two storage areas below the grandstand seating area.
- 1.3 The first floor comprises the grandstand seating area of 288m² that provides 472 exterior seats. There is an additional first floor area of 433m² that includes:
- i. A mezzanine viewing area for the gymnasium;
 - ii. A concourse;
 - iii. Toilets;
 - iv. A lounge and associated kitchen;
 - v. Storage areas; and
 - vi. The announcer's box.
- 1.4 Overall the total building footprint is 2,490m² and the total floor area of the proposal is 3,200m².
- 1.5 Shared facilities able to be used by athletics, gymnastics, rugby or other users will include a lounge, kitchen and toilets on the upper level, changing rooms and

toilets on the first level and a canteen, interior storage room, first aid room and cleaning storage room on the ground level.

- 1.6 Specific athletics facilities planned include:
- i. 472 seat grandstand over-looking the athletics finishing straight (will also be used by rugby during the winter months)
 - ii. Photo finish facilities for the athletics track
 - iii. Athletics administration office
 - iv. Storage for athletics equipment under the grandstand
- 1.7 Specific gymnastics facilities planned include:
- i. Purpose built gymnastics facility featuring a 1,600m² activity area
 - ii. Spectator area on the mezzanine floor overlooking the gymnastics floor
 - iii. Gymnastic administration office, coaches office and first aid room
 - iv. Two toilets
- 1.8 The exercise floors in the gymnastics area will also be able to be used by a variety of different community groups including hip hop dance groups, martial arts, aerobics, trampoline and disability groups.
- 1.9 The hours of use of the proposed facilities will be in keeping with the existing use of the relevant facilities. In terms of athletics, the track and field season runs from October to April, but the track will also be used in winter by harriers and casual users. During the season, club nights are Tuesday and Thursday, 5.30 p.m. to 7.30 p.m. Trainings are on Monday to Thursday, 3.45 p.m. to 6:00 p.m. and Saturday mornings. In addition to these times there will be casual people using the track throughout the week.
- 1.10 For gymnastics, use is all year round during most days except Sundays, with the gymnastics facility predominantly catering for schoolchildren. There are gymnasium fun classes in the morning (around 9:00 a.m. to 11:00 a.m.) and then the gymnasium is generally fully occupied from 3:00 p.m. to 8:00 pm.
- 1.11 The Marist Rugby Club will use of the middle of the track for a rugby field and their season runs from the beginning of April to August. Use of the rugby field within the centre of the track will be on Tuesdays and Thursdays from 4:00 p.m. to 8.30 p.m. and Saturday from 9.00am to 4:00 p.m.
- 1.12 Overall the use of the facilities would be from 9 a.m. until 8.30 p.m. Monday – Saturday, with no programmed use for Sunday, but this could occur if championships or other events were scheduled.
- 1.13 The location of the building is determined by the location of the athletics track, which is already in place. The grandstand and the location for the office for the finish line umpire are dictated by the location of the track finish line. In addition, for the proposal to be economically feasible the two buildings must be built together.
- 1.14 The proposal includes the realignment of Park Ave, to enable the building to be located adjacent to the existing track. Park Ave is to be realigned rather than stopped to avoid creating a disturbance to the travel patterns of existing road users. The realigned road will be designed as a 'slow street' to continue the existing traffic calming mechanisms that are in place in Park Ave and to promote traffic and pedestrian safety and maintain the amenity of the area.

- 1.15 Ten dwellings, all in the ownership of Whangarei District Council, will be removed to make way for the new building and the associated car parking. The remainder of the site is within Whangarei District Council ownership and is used for reserve (but is not gazetted for that purpose). Post development, a small neighbourhood reserve will remain, accessed from Corns Street.
- 1.16 There will be the loss of some roadside car parking through the development of the site and the realignment of the road, however, when completed 247 car parking spaces will be provided, which more than adequately provides for the new facility use and the loss of existing car parking. Disabled car parking (more than is required) and ambulance parking is incorporated into the design, as well as bicycle parking as a means of providing an effective alternative to private vehicle use. Bus stops will also be provided to enable school children and visiting teams using the facilities to board and alight safely and Killen Street is to be narrowed to the width of a private accessway to avoid parking by facility/park users and to accommodate amenity planting and a possible stormwater pond.
- 1.17 In addition, the existing wastewater and stormwater services will require diversion around the new building footprint and it has been assessed that the relocation of these services will not negatively impact on the adequate provision of these services.
- 1.18 Onsite stormwater facilities will be capable of accommodating the predicted flows and will incorporate low impact technologies where practicable. A landscape proposal for the site has been created to incorporate the proposal into the already established park facilities, with sufficient landscaping provided to assimilate the new buildings into the surrounding existing built development. Some of the large trees on the existing reserve areas will have to be removed to enable the project to proceed. Where possible existing trees will be retained, however tree removal is considered to be offset by the landscaping proposed, which will be designed to work in conjunction with the stormwater management proposed.
- 1.19 It is noted that the Assessment of Environmental Effects and the appended Traffic Impact Assessment both state that the gymnasium and the outdoor areas will not be used at the same time. Upon enquiry, the Applicant has provided further information that confirms that both activities could occur at the same time. The application has been assessed on this basis.
- 1.20 Based on the information included with the application, resource consent is not required from the Northland Regional Council.
- 1.21 A copy of the application is included as **Attachment 1**.

2. The Site and the Surroundings

- 2.1 The subject site comprises a number of allotments located on or around Park Avenue. The site is bounded to the north and south by existing residential housing accessed from Park Avenue, Killen Street, and Corns Street. The Auckland Main Trunk railway forms the eastern boundary of the site, while the western boundary is formed by the existing athletics track. The site itself is comprised of a series of existing land uses including residential housing, public road, and a public park, being Kensington Park.
- 2.2 Whangarei District Council planning maps indicate that the land is zoned 'Living 1 Environment' and 'Local Road', with no applicable resource areas. There is a designation that applies to a very small portion of the site, being DW 123 (proposed reserve).

- 2.3 The Whangarei District Council hazards maps do not identify any areas of flood susceptibility at the site and the land proposed for development is classified as an 'area of low instability' with no recent or historic land instabilities identified on the site or on the surrounding land. The development area is approximately 1.7 hectares.
- 2.4 The predominant use of the existing site is residential with 10 dwellings occupying the development area. The topography of the site can typically be categorised as gentle to flat graded with a fall of approximately 1 in 90 to the south. The land is drained by means of an existing piped stormwater network and forms part of the Waiarohia Stream Catchment. An existing piped wastewater network services the site and drains south to Kensington Avenue.
- 2.5 An aerial photo and map showing the locality of the site is included as **Attachment 2**; GIS maps showing zoning and other resource area notations of properties in the area are provided as **Attachment 3**.

3. Consultation, Public Notification and Submissions

- 3.1 Pursuant to Sections 95A - 95F of the Act, a consent authority may, using its discretion, make a decision whether to notify an application for resource consent. In determining the notification decision the consent authority must firstly have regard to the likely adverse effects on the environment of the proposal and secondly whether any persons are considered to be adversely affected by the proposal.
- 3.2 If the consent authority decides that the adverse effects on the environment may be more than minor it must notify the application. If the decision has been made that the effects will not be more than minor, the consent authority must then identify any persons adversely affected by the proposal to determine whether limited notification is required.
- 3.3 Notwithstanding the above, if special circumstances exist in terms of Section 95A of the Act, if the applicant requests notification, or a rule in a Plan or Proposed Plan expressly provides that such an application should be publicly notified, then the application must be notified.
- 3.4 In respect to this application, the provisions of Section 95A prevailed on the basis that the Applicant has requested that the application be publicly notified.
- 3.5 The application was notified in the Whangarei Leader on Tuesday 23 November 2010 and attracted 67 submissions. All submissions, including a summary, are included as Attachment 4. The issues raised in submissions are addressed in detail in Section 7 of this report.

4. District Plan Requirements

- 4.1 The site is located mostly within the 'Living 1' Environment, although a portion of the site is identified as 'Local Road' (being that portion of Park Avenue which is to be built over) and is subject to the rules of this Environment. There is a designation that applies to a small portion of the site, being DW 123 (reserve). The Whangarei District Council hazard maps do not identify any areas of concern on the site, which comprises an area of approximately 1.7 hectare.

- 4.2 The application correctly assessed the proposed facility as a ‘**place of assembly**’, defined in Chapter 4 of the District Plan to be:

*“means any land or buildings used principally for public or private assembly of people, worship, educational, **recreational**, social, ceremonial and spiritual **activities**; for meditation **and functions of a community character**; and includes churches, church halls, church yards and marae complex” (emphasis added)*

- 4.3 With regard to the area of road reserve which is located on the subject site, this is considered to be ‘Living 1’ Environment, by virtue of the note that accompanies the definition of Road in Chapter 4 of the District Plan:

“Mapping of Roads: A road in the context of this Plan means the entire road reserve between the boundaries of adjoining parcels of land, not just the formed carriageway. Roads are generally represented without Environment colouring on the Planning Maps. Formed roads are marked with a line on a white background to provide orientation to map users and to provide a ready reference point to locate properties.

***Roads are in the same Environment as the land that surrounds them.** Where a road runs along the boundary between two Environments, the boundary of the Environments is the centre line of the road. Where the road runs beside the coast, the boundary of the Coastal Marine Area is mean high water springs, not the centre of the road, and therefore the entire road is in a land Environment” (emphasis added)*

- 4.4 **The proposal infringes the following rules of the District Plan:**

- **Rule 36.3.1 – Activities Generally.** The building is assessed to be a place of assembly. Whilst the buildings will not be open for use before 8am, the car parks may be, therefore the proposal is assessed to be a **discretionary activity**.
- **Rule 36.3.3 – Network Utilities Operations.** The realignment of Park Ave is assessed to be a **restricted discretionary activity**.
- **Rule 36.3.4 – Provision of Car Parking.** Car parking will not be provided in accordance with Chapter 47 of the District Plan and car parking will be provided within 2.0m of the road boundary, therefore the proposal is assessed to be a **restricted discretionary activity**.
- **Rule 36.3.6 – Traffic Movements.** The proposal will generate more than 30 traffic movements within a 24 hour period, therefore the proposal is assessed to be a **restricted discretionary activity**.
- **Rule 36.3.6 – Noise.** The proposed use of the site, specifically the use of the carpark, will potentially infringe the noise controls that relate to the Living 1 Environment, therefore the proposal is assessed to be a **restricted discretionary activity**.
- **Rule 36.3.12 – Construction Noise.** Even though it is likely that the construction of the main buildings will be able to comply with the requirements of Rule 36.3.11, the demolition of the dwellings and the construction of the road and infrastructure in the proposed carpark will not likely be able to comply with the controls that relate to the Living 1 Environment, therefore the proposal is assessed to be a **discretionary activity**.

- **Rule 36.4.2 – Height.** The proposed building is 10m high at its highest point, 2.0m higher than the 8m height limit that applies in the Living 1 Environment, therefore the proposal is assessed to be a **restricted discretionary activity**.
- **Rule 36.4.3 – Building Coverage.** Due to the underlying small existing lots, the proposed building will create more than 35% building coverage on some lots, therefore the proposal is assessed to be a **restricted discretionary activity**.
- **Rule 36.4.4 – Building Setbacks.** Due to the underlying small existing lots, the proposed building will create infringements of the required building setbacks on some lots, therefore the proposal is assessed to be a **restricted discretionary activity**.
- **Rule 36.4.9 – Daylight Angles.** Due to the underlying small existing lots, the proposed building will create infringements of the daylight angles on some lots, therefore the proposal is assessed to be a **restricted discretionary activity**.
- **Rule 36.4.11 – Landscaping.** Not all land within 2.0m of a road boundary will be landscaped; therefore the proposal is assessed to be a **restricted discretionary activity**.
- **Rule 59.2.2 – Removal of Trees.** Two of the lots that make up the subject site, being Lot 46 DP 38056 and Lot 47B DP 45852 are detailed on their titles as being reserves for recreation. Any tree greater than 6.0m in height or with a girth (measured 500mm above the ground) greater than 600mm located within a ‘reserve’ administered by the council is classified as a Heritage Tree, therefore the removal of any trees that meet the standards detailed above is assessed to be a **discretionary activity**.
- **Rule 59.2.2 – Activities Near a Heritage Tree.** Two of the lots that make up the subject site, being Lot 46 DP 38056 and Lot 47B DP 45852 are detailed on their titles as being reserves for recreation. Any tree greater than 6.0m in height or with a girth (measured 500mm above the ground) greater than 600mm located within a ‘reserve’ administered by the council is classified as a Heritage Tree. Any construction or alteration of any structure, excavation of land, or formation of new impervious surfaces within the dripline of a Heritage Tree is assessed to be a **restricted discretionary activity**.

4.5 Overall the application is assessed to be a discretionary activity.

5. Resource Management Act 1991

5.1 In considering this application, the purpose and principles set out in Part 2 are the primary point of reference. The purpose of the Act is set out in Section 5 as follows:

“5. Purpose—

(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.

(2) In this Act, “sustainable management” means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while—

- (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment."*

5.2 Section 5(2) has two components, one enabling and one regulatory. The enabling component contained in Section 5(2) makes provision for people and communities to use, develop and protect resources in any way they desire in their pursuit of well-being provided that the regulatory component of that subsection in paragraphs (a) – (c) are satisfied. In undertaking this assessment, Sections 6, 7 and 8 of the Act are also relevant.

5.3 In respect of Section 5(2) of the Act, the development of the land in the manner proposed will give rise to a world-class facility which will have significant positive social benefits, facilitating the use of the recently established athletics track. The principle issue is whether the regulatory component can be satisfied.

Section 5(2)(a): “Sustaining the potential of natural and physical resources... to meet the reasonably foreseeable needs of future generations”

5.4 The proposal seeks to establish an athletics and gymnastics stadium, incorporating associated infrastructure such as carparking and a grandstand. Although the application as sought exceeds the permitted level of development allowed in the ‘Living 1’ Environment (thus necessitating the need for resource consent), servicing requirements will be met in respect to roading, sewage and stormwater infrastructure in such a way as to ensure that the surrounding receiving environment is not compromised for its use by future generations.

Section 5(2)(b): “Safeguarding the life-supporting capacity of air, water, soil, and ecosystems”

5.5 The second regulatory matter concerns the safeguarding of the life supporting capacity of air, water, soil and ecosystems. It is considered that this development does not threaten any of the matters mentioned above since the natural resources have already been modified in the past. It is considered that this development will have no more of an impact on the soil, water and ecosystems than those land use activities that have preceded, if the proposal is carried out as intended.

Section 5(2)(c): “Avoiding, remedying, or mitigating any adverse effects of activities on the environment”

5.6 The third and final regulatory matter is associated with avoiding, remedying and mitigating adverse effects. Any change in land use will have an effect, but the test is whether those effects are adverse, and whether they can be remedied, avoided, or mitigated. The assessment of effects contained in this report concludes that any adverse effects would be no more than minor.

5.7 Section 7 of this report will discuss the effects of the proposed subdivision in relation to landscape and visual, traffic, stormwater and flooding effects.

Section 6 – Matters of National Importance

5.8 Section 6 of the Act lists matters of national importance. No matters of national importance, as outlined in Section 6 of the Act, are considered relevant to this application.

Section 7 - Other matters

- 5.9 The following matters as outlined in Section 7 of the Act are considered relevant to this application:
- (b) The efficient use and development of natural and physical resources;*
 - (c) The maintenance and enhancement of amenity values;*
 - (f) Maintenance and enhancement of the quality of the environment.*
- 5.10 The proposal seeks to establish a stadium and associated infrastructure within an established residential environment. The resources of the site will be utilised in a sustainable manner. Where appropriate, 'soft' engineering solutions will be utilised to manage stormwater on site. Wastewater will be disposed of directly to the reticulated system. Minor vegetation removal will be necessitated by the development, however it is contended that the remedial planting will offset this loss. The remedial planting will also be directly attributable to the amenity of the area. The building and surrounding site has been designed to be conducive with its surroundings. Where possible, the green, open space character of the surrounding area has been drawn through the site in various design elements. While the building itself results in some encroachments, in the context of the surrounding environment, it is considered that the effects will not compromise the amenity of others in the area, nor generate any dominance or loss of privacy effects.
- 5.11 Overall, it is considered that the development will not compromise the quality of the environment if undertaken in the manner proposed. The landscape and stormwater design initiatives that will be implemented as a consequence of the development will assist in integrating the stadium and associated infrastructure into the existing residential environment.

Section 8 – Treaty of Waitangi

- 5.12 Section 8 of the Act requires council to take into account the principles of the Treaty of Waitangi. Local Iwi including Te Parawhau Trust Incorporation, Te Taumata o Te Parawhau, Parawhau Ki Toetoe Otaika and Ngati Kahu O Torongare were served a copy of the application but no submissions were received regarding this application from these entities. It is therefore considered that through the course of processing this application, regard was had to the Treaty of Waitangi.

Section 104 – Consideration of Applications

- 5.13 As a discretionary activity the application is subject to the provisions of Section 104 and 104B of the Act.
- 5.14 Section 104 of the Act sets out those matters that, subject to Part II, a Consent Authority must have regard to when considering an application for resource consent. These matters include any actual or potential effects on the environment of allowing the activity, any relevant provisions of a Plan or Proposed Plan, and any other matter the Consent Authority considers relevant and reasonably necessary to determine the application.
- 5.15 Pursuant to Section 104B of the Act, after considering an application for resource consent, a Consent Authority may grant or refuse the application, and if it grants the application, may impose conditions under Section 108 of the Act.

- 5.16 An assessment against the relevant Section 104 and 104B matters is undertaken in the following sections of this report.

6. Objectives and Policies

- 6.1 Pursuant to Section 104(1)(b) of the Act, when considering an application for resource consent and any submissions received, the consent authority must, subject to Part II, have regard to any relevant provisions of the District Plan.
- 6.2 The Objectives and Policies of relevance to this application are contained in Section 5 (Amenity Values), Section 8 (Subdivision and Development), Section 14 Heritage Trees and Section 22 (Road Transport) of the District Plan.
- 6.3 The objectives and policies of relevance are concerned with the protection and enhancement of amenity values associated with the site and surrounds, that development is appropriate for its intended use and is not out of character with the surrounding environment and ensuring that the effects of development do not compromise road user and pedestrian safety. The relevant objectives and policies of the District Plan are detailed as follows:

Chapter 5: Amenity Values

Objective 5.3.1

The characteristic amenity values of each Environment are maintained and where appropriate enhanced.

Comment: The proposed development will lead to a change in the current neighbourhood character. It is noted that whilst a 'Living 1' Environment, the presence of Kensington Park and associated supporting infrastructure, creates a strong public infrastructure theme prevails within Park Avenue. The application is supported by a Landscape and Visual Assessment prepared by Littoralis Landscape Architecture. The report concludes that "*whilst creating a break in the residential neighbourhood that would be left to either side of the proposed site, the public, recreational nature of the development would continue to offer spatial connections within the neighbourhood*".

The comprehensive landscape concept plan submitted as part of the application identifies a number of integration and mitigation measures which assist in reducing the effects of the development on the environment. Overall, it is considered that the amenity values associated with this locality will be maintained.

Objective 5.3.2

Adverse effects on amenity values do not result in a reduction of amenity value below that which is desirable for people's health and safety.

Comment: The facility as proposed will not compromise people's health and safety. Information has been provided within the application which adequately demonstrates that stormwater can be managed on site. Wastewater will be disposed to the reticulated community system. Traffic safety measures have been proposed, which, subject to minor amendments, will ensure pedestrian and motorist safety will not be compromised.

Objective 5.3.5

The actual or potential effects of subdivision use and development is appropriately controlled and those activities located and designed, are to be compatible with existing and identified future patterns of development and levels of amenity in the surrounding environment.

Comment: It is considered that the actual and potential effects of the development can be appropriately managed through the recommended conditions of consent. It was correctly identified in the Traffic Peer Review conducted by Mr. Edwards, that a level of effect associated with the facility already exists given that the athletics track has for some time been utilised by the athletics fraternity of Whangarei. A Comprehensive Landscape Concept Plan has been prepared in support of the application which identifies a number of measures which will assist in integrating the development with the existing environment.

Policy 5.4.3 Activities in Living Environments

To ensure activities in Living Environments do not have adverse effects that are significantly greater than those associated with residential activities, whilst acknowledging that adverse effects of activities from outside the living Environments, e.g. the Airport, may not be avoidable altogether and may affect amenity values.

Comment: While the facility is to be located within a Living Environment, the Park Avenue environment, comprises a strong public, recreational focus. The proposed facility will see the construction of a relatively large stadium and associated infrastructure. However based on the existing environment, it is considered that the facility will be able to be integrated successfully into the Park Avenue environment, without generating adverse effects which are more than minor (or significantly greater than what is currently experienced in this locale).

5.4.7 Intensity and Design of Subdivision and Development

To ensure that subdivision and development do not unduly compromise the outlook and privacy of adjoining properties, and should be compatible with the character and amenity of the surrounding environment. Particular regard should be given to:

- *The layout and intensity of subdivision;*
- *The location, design and siting of buildings and structures except, where such buildings and structures provide a specific service for the surrounding environment. In the latter case, any building or structure shall be designed, laid out and located, so as to avoid, remedy or mitigate any adverse effects on the environment.*

Restrictions on density of development and subdivision size may be required to ensure new development does not increase population concentration in noise-sensitive areas.

Comment: It is considered that significant effort has been made by the Applicant to ensure that the facility can be integrated into the existing environment as much as possible. Low-impact stormwater design measures, coupled with extensive landscape planting throughout the site will assist in softening the overall effect of the building and associated infrastructure on the environment. The construction of the carpark necessitates the removal of some heritage trees, however, where possible, these trees will be retained.

It is considered that the extensive framework of new planting throughout the site however compensates for the loss of the few trees that do need to be removed.

Chapter 8: Subdivision and Development

Objective 8.3.1

Subdivision and development that achieves the sustainable management of natural and physical resources whilst avoiding, remedying or mitigating adverse effects on the environment.

Comment: The proposed development utilises the site in a sustainable manner without compromising the natural and physical resources of the environment or generating more than minor adverse effects. The reports contained within the application demonstrate that stormwater can be satisfactorily managed on site, before being disposed of to the public system. Specific traffic calming measures have been established to ensure that road user and pedestrian safety will not be compromised. An extensive framework of landscape planting is proposed throughout the site. It is considered that the landscape planting proposed will more than compensate for the loss of vegetation which needs to be removed to facilitate the development.

Objective 8.3.2

Subdivision and development that does not detract from the character of the locality and avoids conflicts between incompatible land use activities.

Comment: As above, it is considered that the development will result in a change to the existing environment. However, the mitigation proposed in the form of low-impact stormwater design measures, coupled with extensive landscape planting throughout the site will assist in softening the overall effect of the building and associated infrastructure on the environment. Conditions of consent will ensure that the proposal is carried out in accordance with the information contained within the application and applicable Council Standards.

Objective 8.3.3¹

Subdivision and development that ensures consolidated development in appropriate locations and avoids sprawling or sporadic subdivision and ribbon development.

Comment: It is considered that the development of the facility as proposed is not out of character or inappropriate for this location. The existing environment is characterised by public and recreational facilities already. The facility will support the established athletics track whilst facilitating other sporting codes in the region.

Objective 8.3.4

Subdivision and development that provides for the protection of, and where appropriate enhances, the District's:

- *versatile soils;*
- *mineral resources;*
- *water quality;*
- *nature features;*
- *landscapes (including coastal landscapes);*

¹ Introduced under Plan Change 92
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- *open spaces;*
- *significant ecological areas;*
- *biodiversity;*
- *public access to coast, lakes and rivers;*
- *historic, cultural and amenity values, including the cultural values of tangata whenua.*

Comment: The proposed development is located in an established Living Environment which has a strong focus on public and recreational space. Where possible, low impact stormwater and roading design has been utilised to ensure that the open space afforded to the area (through Kensington Park) is continued through the development. It is on this basis that the development does not compromise the character or amenity of the area to a more than minor degree.

Objective 8.3.6

The avoidance of subdivision and development in areas where the existing and potential adverse effects, in particular of, noise and natural hazards, cannot be avoided, remedied or mitigated.

Comment: The development as proposed does not meet the noise standards for the Living Environment. It is considered that this effect can be adequately managed through the conditions of consent proposed, specifically by restricting the hours of operation of the facility. While the proposal does not meet the noise standards for construction, it is considered that these effects are temporary in nature and can be managed so as to not generate a nuisance effect outside of normal working hours. In relation to flooding, the Applicant will be required to demonstrate the stormwater can and will be managed so as to not generate adverse off-site effects, including inundation, on neighbouring properties or the existing Council system, which appears to be under pressure during heavy rain events.

Objective 14.3

The protection and enhancement of trees that make a significant contribution to heritage values.

Comment: The plan notes that the damage and destruction of heritage trees can significantly affect the heritage, cultural, amenity and natural values of an area. Trees serve as reminders of past generations and their achievements, and provide a sense of continuity and identity for the community. As such, they are a significant component of the heritage and amenity values of the District.

The heritage, amenity and natural values associated with these trees makes many of them deserving of protection. The majority of these significant trees are located on private land. Several are located in roads and parks which are publicly owned. An important factor in maintaining the unique heritage character of the District is the continued and healthy existence of trees of heritage value.

In this instance, the subject trees are required to be removed to facilitate the construction of the carpark. Where possible, the trees will be retained, however consideration will need to be given to the viability of the trees once construction has commenced and vice versa, the impact the trees will have on the infrastructure if they are retained.

Due to the nature and species of the trees to be removed, it is considered that while they do contribute to the amenity of the area they have very limited heritage value. The extensive framework of new specimen planting throughout the site will compensate for the few trees that do need to be removed.

In spite of the above comments, on the basis that the removal of the heritage trees has been raised as a concern by several submitters, the Applicant may wish to discuss this matter further at the Hearing.

Objective 22.3.1

Establish and maintain a safe and efficient road transport system

Comment: Concerns have been raised by a number of submitters in relation to the safe and efficient operation of the road transport systems, once the facility as proposed is constructed. It is considered that the recommendations by both the Applicant and Council's Consultant Traffic Engineer will ensure that Park Avenue is re-developed in a manner which will support and encourage both pedestrian and road-user safety.

In terms of the Park Avenue / Kamo Road intersection, Council has identified a number of issues at this location and have commissioned a separate investigation of the intersection and possible treatments. As a result of the detailed Council-commissioned study the evaluation of effects at this intersection was not included within the Mr. Edwards review, and it is recommended that the results of this study, which should be available by the hearing date, be considered together with his report, with conditions included in the decision accordingly if it is found that this project has a more than minor impact on the intersection. The Applicant will be required to address this matter further at the Hearing.

Objective 22.3.2

Avoid, remedy or mitigate any adverse effects of road transport activities on the surrounding environment.

Comment: The proposal is considered to produce adverse effects on the operation of the roading network. With the changes recommended within the review conducted by Mr. Edwards, and given the intensity of those effects combined with the limited duration over which they are expected to occur, the overall effect of the proposal on the efficiency and safety of the network is considered to be no more than minor.

Objective 22.3.3

Protect the road transport network from the adverse effects of adjacent land use, development or subdivision.

Comment: As above, the application was supported by a Traffic Impact Assessment, prepared by Engineering Equilibrium, which was in turn assessed by Council's Consultant Traffic Engineer, Wes Edwards, a copy of which is included as **Attachment 5**. The proposal is considered to produce adverse effects on the operation of the roading network. As above, with the changes recommended within the review conducted by Mr. Edwards, and given the intensity of those effects combined with the limited duration over which they are expected to occur, the overall effect of the proposal on the efficiency and safety of the network is considered to be no more than minor.

Policy 22.4.6

To ensure that cyclists and pedestrians, including vulnerable groups, such as the young, the elderly and the disabled, are safe from vehicles and other traffic.

Comment: Provision has been made within the application to provide for pedestrian crossings and a footpath on the eastern side of Park Avenue. No additional cycling facilities are proposed. Mr. Edwards has reviewed the application and has made recommendations in relation to both the pedestrian crossings and a footpath. It is considered that if these recommendations are accepted, the proposal will not be contrary to the above-mentioned policy.

Policy 22.4.7

To provide adequate parking, turning and manoeuvring space on every site ... to accommodate traffic generated by the activity, and to maintain the safe and efficient operation of the transport network

Comment: The proposal seeks to provide 236 carparks, in addition to those which are available on Park Avenue. Bus parking is also to be provided on the site. It is considered that the majority of the parking demand that would be generated by the proposed athletics grandstand is likely to already occur or could already occur. The additional parking demand generated by the athletics use of the new building is considered to be relatively minor

The gymnastics and similar activities that are proposed to take place in the new gymnasium could generate significant new demand for parking. This demand will be met by the increase in parking supply associated with the proposal, with some surplus parking available to meet an increase in athletic demand.

After a review of the proposal, Mr. Edwards considers in his report that "*while the parking demand in the area is currently very high at some times this proposal is considered to have no significant effects at those times*".

- 6.4 Based on the above discussion, it is considered that the proposal is not contrary to the relevant Objectives and Policies of the District Plan.

7. Assessment of Environmental Effects

- 7.1 Pursuant to Section 104(1)(a) of the Act, when considering an application for a resource consent and any submissions received the consent authority must, subject to Part II, have regard to any actual and potential effects on the environment of allowing the activity.

- 7.2 On the basis that the application was notified and attracted a number of submissions, it is considered appropriate to address the matters raised as follows.

Roads and Traffic Effects

- 7.3 The application was supported by a Traffic Impact Assessment, prepared by Engineering Equilibrium. The report addressed specific traffic engineering issues including:

- The number of carparks proposed / required;
- Advice on car parking layouts, bus parking and the pedestrian linkages from the parking areas to the facilities;
- The traffic effects of the proposed use in conjunction with the other neighbouring uses that access Park Avenue;
- The proposed realignment of Park Avenue;

- Traffic and Pedestrian safety;
 - The impact of the proposal on the safety and efficiency of the intersections of Park Avenue with Kamo Road / Moody Avenue and Kensington Avenue; and
 - Advice on travel management plans.
- 7.4 The application, including the Traffic Impact Assessment has been assessed by Council's Consultant Traffic Engineer.
- 7.5 There were a number of submissions that raised concerns in relation to a number of roading and traffic effects including:
- Operating speed of Park Avenue
 - Effects of Increased Vehicle Movements
 - Kamo Road / Park Avenue Intersection
 - Pedestrian Safety including pedestrian crossings and adequacy of footpaths
 - Effects of increased vehicle movements
 - Parking
- 7.6 Each of the abovementioned concerns are addressed separately in the following section.

Operating speed of Park Avenue

- 7.7 Several of the submitters noted that the current speed environment, coupled with the roading configuration, make Park Avenue a relatively dangerous area for pedestrians, cyclists and motorists alike. The submitters contend that the proposal will exacerbate the current problems and generate additional adverse effects.
- 7.8 A potential solution to this problem, as suggested by the submitters, was to reduce the posted speed of Park Avenue to 35km/hr. It is noted that this was also mooted within the Traffic Impact Assessment, included with the application.
- 7.9 With respect to the issue of speed, Mr Edwards notes:
- "The design is based on an operating speed of 35km/hr. This is considered to be an appropriate design speed for this road. Current best practice for new local residential streets is to design the street to have low volumes of traffic and for that traffic to be moving slowly (30km/hr or less) to produce an environment that is pleasant and safe to live in. Park Avenue has the additional functions of operating as a through link and providing access to a significant recreational venue which produces higher traffic volumes. A speed of 35-40km/hr will produce a relatively safe environment for pedestrians and cyclists. Posting a speed limit below 50km/hr is not considered to be warranted in this case as the proposed design will moderate the speed".*
- 7.10 In spite of the comments above, in his conclusion, Mr Edwards rightly identifies that the matter of posted speeds and the altering of any such posted speed is outside the jurisdiction of this resource consent process and is a matter for Council to address independently of this application.

Effects of increased vehicle movements

- 7.11 While several submissions purport that the facility will result in a significant increase in vehicle movements, it is noted in Mr Edwards review that

“A significant proportion of the traffic generated from the site is likely to already be present as a result of the athletics track. The gymnastics activities will generate additional traffic. This traffic will increase delays at the intersections at each end of Park Avenue”.

- 7.12 It is considered that the measures proposed by the Applicant, including the introduction of a low-speed design, will assist in alleviating the effects of vehicle movements in and around Park Avenue.

Kamo Road / Park Avenue Intersection

- 7.13 A number of submissions state that the Kamo Road / Park Avenue Intersection, and to a lesser degree the Kensington Avenue / Park Avenue intersection, is a dangerous intersection, with the danger being exacerbated as a consequence of the development. As outlined in the preceding paragraphs, the proposal will undoubtedly increase delays at the intersections at each end of Park Avenue, which in turn increases the potential for drivers to make unsafe manoeuvres from these exit points.

- 7.14 However, Mr Edwards considers that the south end intersection of Park Avenue (Kensington Avenue end) is expected to operate at satisfactory levels of service for the majority of the time and the short durations of high demand are considered insufficient to justify additional mitigation measures such as a roundabout.

- 7.15 In relation to the Kamo Road intersection, Mr Edwards report states:

“At the north end of Park Avenue, the intersection with Kamo Road is more complicated and is understood to have some existing deficiencies. Council has commissioned a separate study of this intersection including potential mitigation measures and assessment of this intersection is therefore deferred to that study for consideration at the Hearing. For the purposes of this report, it is recommended that a condition of consent involving mitigation and review of this intersection could be included if this is considered necessary”.

- 7.16 I concur with the comments of Mr Edwards, noting that a review condition has been included in the decision to address future potential issues with the existing Park Avenue intersections if they arise. It is however understood that Council has recognised that there is an existing problem with the Park Avenue / Kamo Road intersection and has undertaken to remedy the situation in the near future. It is understood that a report will be available at the Hearing, which outlines a number of mitigations measures that could be implemented to alleviate the current problem.

Pedestrian Safety including pedestrian crossings and adequacy of footpaths

- 7.17 A number of the submissions received note that Park Avenue is not pedestrian friendly and that the proposed development will only exacerbate this problem. The design has sought to introduce a number of measures including a slow-speed environment (operating speed of 35km/hr), raised pedestrian platforms, removing the existing chicanes on Park Avenue in favour of raised platforms and the establishment of minimum footpath widths of 1.5 metres.

- 7.18 With respect to the location of the vehicle access points and pedestrian crossings, Mr Edward notes:

“..some poor sight distances have been identified, particularly for the proposed pedestrian crossing locations. In addition, some concerns have been raised with respect to the raised pedestrian crossings. It is recommended that the location of the southern driveway be changed to improve the sight distance and that the two proposed pedestrian crossings be replaced by one crossing in a different location which necessitates the relocation of the main carpark driveway. It is considered that these matters are also capable of resolution by changes to the design through a condition of consent”.

- 7.19 With respect to footpaths, it is noted that at present, Park Avenue has a footpath provided along both sides of the road. The proposed road design provides for a footpath on the western side of the road only. Given the nature of the road and the nature of the pedestrian traffic including school children, it is considered desirable for a continuous footpath to be provided along the eastern side of the road.
- 7.20 Both of the abovementioned suggestions (which have been included as conditions of consent) represent a change from what was originally proposed by the Applicant. It is considered appropriate that these two matters are addressed further by the Applicant at the Hearing.

Parking

- 7.21 As with traffic generation, it is considered that the majority of the parking demand that would be generated by the proposed athletics grandstand is likely to already occur or could already occur. The additional parking demand generated by the athletics use of the new building is considered to be relatively minor.
- 7.22 The gymnastics and similar activities that are proposed to take place in the new gymnasium could generate significant new demand for parking and this demand will be met by the increase in parking supply associated with the proposal, with some surplus parking available to meet an increase in athletic demand.
- 7.23 After a review of the proposal, Mr. Edwards considers in his report that “while the parking demand in the area is currently very high at some times this proposal is considered to have no significant effects at those times”.

Conclusion of Traffic Effects

- 7.24 The proposal is considered to produce some adverse effects on the operation of the roading network. With the changes recommended within the review conducted by Mr. Edwards, and given the intensity of those effects combined with the limited duration over which they are expected to occur, the overall effect of the proposal on the efficiency and safety of the network is considered to be no more than minor.

Landscape and Amenity Values

- 7.25 The application as sought will ultimately alter the environment as it exists at present. The application as sought results in the loss of a small reserve, which contains a number of semi-mature specimen trees, which afford local residents a certain level of amenity.

- 7.26 The Landscape and Visual Assessment included within the application rightly points out however that *“the progressive purchasing and removal of buildings in the facility has seen quite a rapid change in the neighbourhood character relating to Park Avenue from one where the road once had a predominantly residential atmosphere created by the houses lining either side of its corridor, through to the current position where much of the road relates to recreational and open space areas”*.
- 7.27 The Landscape and Visual Assessment goes on to note that the *“proposal represents a further step in that progression, with the recreation-related development extending through a portion of the neighbourhood to reach the rail corridor”* and *“does not represent a substantial intrusion upon the neighbourhood amenity of the area in a broader sense”*.
- 7.28 A number of initiatives have been implemented into the design of the facility to assist in integrating it into the surrounding environment and minimising the effects on the environment. Such initiatives include the use of a permeable reinforced grass product within the carparking area (which will extend the “green floor” throughout the site, provide for more sustainable stormwater management and break up the paved surfaces of the site to optimise amenity), planted medians between the ranks of parking spaces (to create a division of space), planted central swales (providing for further nutrient and sediment stripping, along with additional infiltration opportunities), small scale attenuation ponds and the use of rain gardens on road kerb lines.
- 7.29 One submitter raised concerns in relation to the loss of specimen trees, currently located on Council reserve, as a consequence of the development. The Landscape and Visual Assessment notes that while the trees provide a level of ambience and amenity, the location of these trees is such that most clash with the space that is required to meet parking volumes.
- 7.30 It is noted that there are three existing trees which have been marked on the concept plan which may be able to be retained as part of the development. While the protection of these trees is supported, it is noted that their protection should not come at the detriment of the layout or functioning of the proposed parking area. Consideration should also be given to the long term effects of retaining the trees, including the impact that their root system may have on the paving of the parking areas.
- 7.31 The Landscape and Visual Assessment concludes that “an extensive framework of new specimen planting throughout the project will more than compensate for the few trees that do need to be removed in order to provide for adequate parking”. I concur with this statement.
- 7.32 In spite of the above comments, the Applicant may wish to specifically address the matter of the removal of the Heritage Trees further at the Hearing and whether there are any alternatives that have been considered to retain them.
- 7.33 While the matter has not been specifically raised within the submissions, the application seeks consent for a number of minor building non-compliances [such a yard, setbacks, daylight angle requirements, building coverage and building height]. Due to the fact that the site comprises a number of allotments, it is generally difficult to avoid such non-compliances. However, the building as proposed does exceed the residential height limited by some 2-metres, which is obviously not directly attributable to the title configuration of the property. It is noted that if the lots are amalgamated, then this issue becomes null and void. The Applicant may wish to address this matter at the Hearing, and if agreeable, a condition requiring the allotments to be amalgamated could be included in the decision accordingly.

- 7.34 Whilst the building, being 10-metres in height will be a significant structure in context with the existing residential dwellings in Park Avenue, in context with the surrounding environment which is characterised by a number of large, bulky buildings, including the Whangarei Netball Centre building, the ASB Stadium (incorporating the recent alterations and additions), the Marist Clubrooms, the Whangarei Hockey Stadium and the Rescue Helicopter Base, it is considered that the building as proposed will not be out of character with the surrounding environment, nor will it dominate it. The landscape planting coupled with the open nature of Kensington Park will assist in assimilating the building with its surrounds.
- 7.35 As per the Preliminary Acoustic Considerations Report prepared by JP Styles Limited Acoustics and Vibration, while the proposed facility will not comply with the prescribed noise limited of the District Plan, the noise generated can be controlled to within reasonable noise levels at all times with careful design and selection of plant and equipment along with appropriate conditions of resource consent.
- 7.36 In conclusion, the proposal will ultimately change the character and amenity of the Park Avenue environment (incorporating both Corns Street and Killen Street). However, significant effort has been made to incorporate a number of design techniques which assist in improving the overall landscape quality of the site, whilst also provide an innovative means of managing stormwater on the site. Overall, it is considered that the recommended conditions of consent will adequately avoid, remedy or mitigate the adverse effects which will result as a consequence of this development.

Stormwater Treatment and Disposal

- 7.37 As a consequence of the development, there will be a significant increase in the area of impervious surfaces. Stormwater generated by the proposal will require treatment and attenuation. The Cook Costello engineering suitability report dated 9/11/2010 proposes a combination of wetland attenuation ponds and below ground attenuation structures (the latter to accommodate the gymnasium roof runoff), together with permeable paved parking areas and rain gardens to achieve the design objectives in accordance with the 2010 Environmental Engineering Standards.
- 7.38 In addition, existing reticulation will require re-routing to avoid the proposed buildings. Downstream reticulation may also require upgrading as a consequence of the proposal. Council's Consultant Engineer considers that "design details will need to be closely worked through with the Council's Waste and Drainage Manager to achieve the desired outcomes".
- 7.39 It is considered that the measures proposed by the Applicant with respect to the management of stormwater on site are innovative and will assist in providing a level of amenity that would not otherwise be achieved if conventional stormwater treatment and disposal methods were implemented.
- 7.40 The conditions of consent proposed will ensure that stormwater is managed on site so as to not generate any off-site adverse effects.

Flooding

- 7.41 Following on from the comments above in relation to stormwater, a number of submitters have identified that the subject site is subject to flooding and inundation. Efforts have been made by the Council in the past to remedy the existing situation however it appears that in some instances, residences in this location are still affected in heavy rain events.

- 7.42 While the proposed development introduces a significant increase in impervious surfaces, the Applicant must be able to demonstrate (through engineering design) that they are able to dispose of stormwater from the site in a manner which does not exacerbate effects on surrounding properties. In this instance, small stormwater attenuation ponds are proposed on site, which will assist in "holding" water in heavy rainfall events and then dispersing the contents accordingly.
- 7.43 It is also understood that the Applicant may consider the installation of underground water tanks to store excess water for use during the drier summer months. The final layout and type of the on-site system is subject to engineering design, however such measures are encouraged.
- 7.44 Council's Stormwater Asset Engineer has advised that Council is aware that there have been historic flooding problems particularly towards the Kensington Ave end of Park Avenue and noted that extensive works including upgrades to the stormwater system have been undertaken in the area within the last decade and this appears to have reduced the frequency of flooding in the area. No further works are proposed at this time.
- 7.45 Several submitters raised concerns about the 'railway drain. The drain is sited at the southern end of Park Ave well clear of the proposed development. The drain is maintained by Council and is an operational issue unrelated to the application.

Other Considerations

- 7.46 Several submitters have raised concerns which have not been specifically addressed under the headings above, however warrant a response under this section.
- 7.47 Several of the submitters have noted that the facility as proposed will encourage anti-social behaviour and be an attractant for vandals. This is a valid point and one which has perhaps been overlooked within the application. In respect to the proposed eastern parking area (adjacent to the railway line) it is suggested that a gate could be erected to restrict entry into the carpark outside of daylight hours.
- 7.48 Similarly, to afford some privacy to the property owners on the eastern side of the railway line, it is suggested that a close boarded fence is erected behind the proposed vegetation. Once the vegetation grows, this will hopefully act as a deterrent for 'graffiti-ers'.
- 7.49 A condition of consent has been included within the decision to address both of the above matters. The Applicant may wish to comment further on this recommendation at the Hearing.
- 7.50 Another submission sought to restrict any future liquor license to 8pm. It is noted that the liquor licensing process is outside the scope and jurisdiction of this application and as such cannot be dealt with through the resource consent process. Hours of operation have been stipulated as a condition of consent however as a means of addressing this submitters concerns.
- 7.51 Finally, a number of submissions have noted that the application and professional reports included therein have not taken into affect future projects or uses of sites within the immediate area. When assessing an application, the existing environment can be used as a baseline to assess an application against. The existing environment comprises existing, lawfully established activities but also includes any activity which consent has been granted however has not yet been established.

- 7.52 While it is pertinent to take into account what may happen in an area and design a development accordingly, the Applicant is not obliged to factor “potential” or “future” projects in their assessment of effects. Similarly, they are not obliged to demonstrate alternative locations for their development. Each resource consent application is assessed on its merits, with an assessment of the actual and potential environmental effects undertaken accordingly. It is considered that the Applicant has adequately factored all existing and consented developments into the consideration of this application.

Conclusion of Effects

- 7.53 Overall, it is considered that the effects of the development on the environment will be minor on the basis that the landscape planting and design will assist in integrating the development into the area, stormwater and wastewater can be adequately disposed of, parking as required by the District Plan can be accommodated on the site and the effects of traffic can be adequately managed through the design proposed. Conditions of consent have been recommended in respect to the abovementioned matters to ensure the development is carried out as proposed.

8. Other Matters – Section 104 (1)(c)

- 8.1 It is noted that the application seeks to realign a portion of Park Avenue to accommodate the proposed stadium. As a consequence of this realignment, the redundant portion of Park Avenue will need to be formally stopped under the provisions of Section 116 of the Public Works Act 1981. It noted that this process is outside the scope of the processing of this application, however it is understood that the process is currently being facilitated by Council’s Consultants.
- 8.2 It is considered that there are no other matters relevant to the consideration of this application.

9. Conclusion

- 9.1 The proposal is considered consistent with the objectives and policies of the District Plan on the basis that the development seeks to protect and where possible enhance the of amenity values associated with the site and surrounds, the development is appropriate for its intended use and is not out of character with the surrounding environment and that the effects of development do not compromise road user and pedestrian safety.
- 9.2 Having considered the application against the relevant provisions of the Act, it is recommended that this application be granted, subject to conditions (relating to engineering matters) which will avoid, remedy or mitigate any adverse effects of the activity on the environment.
- 9.3 The Kamo Road / Park Avenue Intersection needs to be considered at the Hearing, with conditions included in the decision accordingly if it is found that this project has a more than minor impact on the intersection.
- 9.4 Any actual or potential effects on the environment will be minor on the basis that the Plan allows for the proposed development as a discretionary activity and it can be demonstrated that the effects of the development on the environment will be minor.

Recommendation

(a) That pursuant to Section 104, 104B, and 108 of the Resource Management Act 1991, Council **APPROVES** the application by Northland Athletics and Gymnastics Stadium Trust Limited to construct an athletics grandstand, gymnastics facility and associated car parking adjacent to the existing all-weather athletics track and to realign a portion of Park Avenue, at Park Avenue, Kensington, Whangarei subject to the following conditions:

1. That the proposal shall be undertaken in general accordance with the application prepared by McAlley Consulting Group Limited, dated November 2010 and formally received by Council on the 15 November 2010 and including the following reports and plans:

- Engineering Suitability Report prepared by Cook Costello Limited, dated 9 November 2010 and referenced 11419;
- Traffic Impact Assessment prepared Engineering Equilibrium dated November 2010
- Landscape Report prepared by Littoralis Landscape Architecture, dated October 2010 and referenced 1068 REP 01
- Comprehensive Landscape Concept Plan, prepared by HB Architecture, Cook Costello Limited, McAlley Consulting Group, Littoralis Landscape Architecture and Engineering Equilibrium, dated October 2010 and referenced 1068.
- Preliminary Acoustic Considerations Report prepared by JP Styles Limited Acoustics and Vibration, dated 19 November 2010.
- Development Plans prepared by HB Architecture, Sheets RC01 – RC06 and Cover Page, dated 04 November 2010

except where modified by the following conditions of consent.

2. Prior to the commencement of construction works on the site, the consent holder must submit a detailed set of engineering plans prepared in accordance with the Whangarei District Council's (WDC) Environmental Engineering Standards (EES) 2010 Edition and generally in accordance with the design principles of the Traffic Impact Assessment Report, dated November 2010 and prepared by Engineering Equilibrium Limited and the Engineering Suitability Report, dated 9 November 2010 and prepared by Cook Costello Limited. The engineering plans are to be submitted to the SEEO for checking and be approved by the SEEO. (It is to be noted that certain designs may only be carried out by an Independently Qualified Person (IQP) or Chartered Professional Engineer (CPEng) working within the bounds of their assessed competencies. IQP's must have been assessed by WDC and hold a current status to submit design work).

Plans are to include but not necessarily be limited to:

- i. Design details of the construction of the Park Avenue re-alignment in accordance with the design parameters of Section 9 of the Traffic Impact Assessment Report, dated November 2010 and prepared by Engineering Equilibrium Limited (but noting Conditions ix to xiv below) including a typical cross section, long section, traffic calming devices, recessed parking, street lighting and overland flow paths.

Note: Sight lines from the existing vehicle crossing to No 36/1 Park Avenue should not be restricted or compromised by plantings.

- ii. Design details of the construction of new vehicle crossings for the development in accordance with Sheet 19 (2010 EES). Entrance crossings are to be designed and constructed in such a manner that will control stormwater run-off entering a property from the road, and that likewise prevent stormwater and detritus, including gravel, dirt and other materials, migrating onto the road reserve from a property.
- iii. Design details of the reconstruction of Killen Street to not less than a 3.0m carriageway width, a turnaround facility, stormwater control and with the footpath to be retained on the southern side.
Note: The base course metal and surfacing should conform to that of a public road.
- iv. Design details of the proposed carparking areas (3) in accordance with Section 3.4.18 (2010 EES) except that permeable paving and rain gardens may be incorporated in accordance with the low impact design philosophy of Sections 7 & 8 of the Engineering Suitability Report, dated 9 November 2010 and prepared by Cook Costello Limited.
- v. The southern and main carpark driveways are to be located to maximise sight distances, meeting the Austroads SISD standard for 35km/hr wherever possible.
- vi. Bends in the Park Avenue carriageway are to be of sufficient width to allow a Tour Coach design vehicle to negotiate the turns without crossing the marked centreline.
- vii. A footpath is to be provided along the eastern side of Park Avenue linking with the existing footpaths to the north and south of the project area.
- viii. Pedestrian crossing points are to be designed to comply with NZTA Traffic Note 2 and are to be located to have sight distances complying with Austroads Crossing Sight Distance requirements. Pedestrian crossing points shall be located at least 20m away from carpark driveways.
- ix. Planting on the inside of bends in Park Avenue and near vehicle access and pedestrian crossing points shall be kept to a maximum height of 500mm, or with a clear trunk below a canopy at least 1.8m high to ensure that adequate sight lines for traffic and pedestrians are maintained.
- x. The location of any rubbish collection area (for refuse skip or similar) shall be marked on the plans.
- xi. Design details of the re-routing of the existing sewer reticulation and new connections (including calculations) to the requirements of the Council's Waste and Drainage Manager. Pipelines to be made redundant shall be clearly identified.
Note: The option of replacing the existing 150mm dia pipeline on the western side of Park Avenue with a 250mm dia pipeline is to be also considered in lieu of the pipeline following the new road alignment.
- xii. Design details of the re-routing of the existing water reticulation inclusive of valves, hydrants and new connections (including calculations) to the requirements of Council's Water Supply Manager. Pipelines to be made redundant shall be clearly identified.
- xiii. Design details of stormwater control and management to the requirements of Council's Waste and Drainage Manager and generally in accordance with the design philosophy of Section 8 of the Engineering Suitability Report dated 9 November 2010 prepared by Cook Costello Ltd inclusive of any upgrades to the existing reticulation, re-routing of pipelines, sumps, manholes, treatment devices, detention structures and connections necessary to service the development and achieve a low impact design outcome.

Pipelines to be made redundant shall be clearly identified. The design is to

include evidence that:

- a) The existing public reticulation is capable of receiving the additional flows; and
- b) The new system is capable of receiving stormwater from further upstream development (where applicable); and
- c) That the impact of the development will not exacerbate or create any adverse downstream effects; and
- d) The off-site discharge of stormwater will not exceed (and preferably reduce) the pre-development flows

Note: Stormwater discharges across Public Reserve will require specific approval in writing from the controlling authority prior to submission of engineering plans.

3. Prior to the commencement of construction works on the site, the consent holder is to submit a site specific Traffic Management Plan (TMP) for approval compiled by a qualified Site Traffic Management Supervisor (STMS) for all works to be carried out within the WDC Road Reserve to the approval of the Roding Manager.
4. Prior to the commencement of construction works on the site, the consent holder is to submit a Road Opening Notice application for all works to be carried out within the WDC Road Reserve to the approval of the Roding Manager.
5. Prior to the commencement of construction works on the site, the consent holder is to submit a Contract Construction Management Plan (CMP) in accordance with WDC EES 2010 to the approval of the SEEO.
6. Prior to the commencement of construction works on the site, all work on the approved engineering plans in **Condition 4** is to be carried out to the approval of the Senior Environmental Engineering Officer (SEEO) or their delegated representative.

Note that:

- All work needing design/certification by a WDC approved IQP/CPEng will require completion of a producer statement (construction).
 - All staged details of construction works (e.g. road construction) shall be accompanied by the necessary test results in accordance with WDC EES 2010 Edition requirements and good engineering practice, to the approval of the SEEO.
 - All works that are to be vested in WDC require the presence of the SEEO or their delegated representative at all inspections/testing.
 - Failure to comply with these requirements may result in the work not being accepted as complying with the RC conditions/EES 2010 Edition (as applicable).
 - No construction works are to commence onsite until the engineering plans required in **Condition 4** have been approved and all associated plan inspection fees have been paid.
7. Prior to the commencement of construction works on the site, the consent holder shall notify Council, in writing, of their intention to begin works, a minimum of seven days prior to commencing works. Such notification shall be sent to the Senior Environmental Engineering Officer (SEEO) and include the following details:
 - i. Name and telephone number of the project manager.
 - ii. Site address to which the consent relates.
 - iii. Activities to which the consent relates.

- iv. Expected duration of works.
8. A copy of the approved engineering plans and a copy of the resource consent conditions and the above letter are to be held onsite at all times during construction.
9. The hours of operation for the facility shall generally be between 9.00am – 8.30pm, seven days per week.
10. Prior to the operation of the facility, the consent holder shall provide written confirmation from power and telecommunications utility service operators of their requirements in accordance with the WDC EES 2010 Edition and show any necessary easements on the legalisation and/or survey plan (if required) to the approval of the Subdivision Officer.
11. Prior to the operation of the facility, the consent holder must create any necessary easements over services and overland stormwater flow paths (1%AEP +20%) to the approval of the Senior Environmental Engineering Officer (SEEO). Note that overland flow paths are to be assessed in accordance with Section 4.9 WDC EES 2010.
12. Prior to the operation of the facility, a detailed Landscape Plan shall be prepared and submitted to Council for approval by Council's Consents Manager. The plan shall be based on the Comprehensive Landscape Concept Plan, prepared by Littoralis Landscape Architecture et al. and submitted with the application and shall address the following issues:
 - i. The number, position, spacing, stock size and species of all proposed integration planting.
 - ii. The planting techniques to be utilised, as well as a planting programme (i.e. timeframe).
 - iii. Details of proposed staking and mulch, where appropriate.
 - iv. The on-going maintenance of all plantings, including mulching and a plant replacement programme for a period of not less than 5 years.
 - v. Provision of a close boarded fence or similar along the eastern boundary of the site (between the carpark and the railway corridor).
 - vi. Provision of a lockable gate to the eastern carpark.
13. Prior to the operation of the facility, evidence shall provided from an appropriately qualified person be submitted to the Manager of Resource Consents for approval confirming that the planting required in relation to the landscape plan approved in **Condition 12** has been completed and associated maintenance infrastructure implemented.
14. The consent holder shall submit written confirmation from power and telecommunications utility services operators that their requirements for this development have been satisfied in accordance with the WDC EES 2010 Edition to the approval of the SEEO.
15. That any damage to the existing infrastructure (including footpaths, berms and services) caused by the construction works associated with the development shall be reinstated at the expense of the consent holder and to the satisfaction of the SEEO.
16. The consent holder must submit a certified and dated "as built" plan of completed works and services, and 'RAMM" data prepared by a suitably qualified person in accordance with the WDC EES 2010 Edition to the approval of the SEEO.
17. The construction works shall be restricted to the hours of 0700 – 1800 (Monday –

Friday), 0800 – 1600 (Saturdays) and no works on Sundays or Public Holidays.

18. A construction Noise Management Plan shall be prepared and submitted to the Manager of Resource Consents for approval and adopted prior to works commencing. The Plan as a minimum shall address the following matters:
 - i. The final methodology for demolition and construction activities including equipment to be used and predicted noise levels; and
 - ii. The regime for noise monitoring for the duration of the works likely to approach or exceed the relevant noise limits; and
 - iii. Specific noise mitigation measures [such as, but not limited to) screening or alternative equipment etc] where noise levels are predicted or demonstrated to approach or exceed the relevant limits; and
 - iv. A procedure for the receipt and management of complaints regarding noise that arises during the works. The procedures should specify the person(s) responsible for maintaining a complaints register as well as the standard procedure to be followed to resolve the complaints and how this will be reported to Council.
 - v. A list of person(s) and their contact details on the site that is responsible for overseeing the works, monitoring and complaint receipt and responses.
19. The design and installation of any PA system/s shall be overseen by a suitably qualified acoustic consultant to ensure that the design specifications are met and the system can be used effectively without exceeding the relevant noise limits at the proximate receivers.
20. Prior to the lodgement of the Building Consent Application, evidence shall be provided to Council's Resource Consent Manager from an appropriately qualified person that **Condition 20** has been completed and any PA systems have been installed appropriately and in accordance with any recommendations by the said suitably qualified acoustic consultant.
21. The design and installation of all mechanical ventilation systems shall be overseen by a suitably qualified acoustic consultant to ensure that the design specifications are met and the system can be used effectively without exceeding the relevant noise limits at the proximate receivers.
22. Prior to the lodgement of the Building Consent Application, evidence shall be provided to Council's Resource Consent Manager from an appropriately qualified person that **Condition 22** has been completed and any mechanical ventilation systems have been installed appropriately by the said suitably qualified acoustic consultant.
23. Prior to the occupation and use of the facility, the consent holder must ensure all fees have been paid.
24. The performance of the Kamo Road / Park Avenue intersection shall be reviewed by a qualified traffic engineer prior to the opening of the facility and again one year later, with times to include a weekday evening peak period and a Saturday morning. Should this review show a significant degradation in the performance of the intersection possible mitigation measures shall be investigated and presented to Council.

Note: It may be possible to delete or amend this condition following receipt of the report presenting the findings of the Council-commissioned study of this intersection.
25. In accordance with Section 128 of the Resource Management Act 1991, Council may undertake a review of the conditions of this consent on an annual basis or

any other time it considers necessary for any of the following purposes:

- i. To deal with any adverse effects of noise, traffic movements or adverse effects on local amenity (including but not limited to traffic effects, noise and dust nuisance) that may arise from the exercise of this consent and which is appropriate to deal with at a later stage; or
- ii. To require the consent holder to adopt the best practicable option to remove or reduce any adverse effect on the environment of those nuisances listed above.

Reasons for Recommendation

Pursuant to Section 113 of the Act the reasons for the decision are:

1. Any actual or potential effects on the environment will be minor because:
 - (i) The development as proposed is not considered to be out of character with the surrounding environment on the basis of the extensive planting and design features that will be implemented as part of the application; and
 - (ii) The proposed development can be adequately serviced in terms of wastewater, stormwater, utility services and access. Safe and complying access and parking can be provided to the site so as to ensure that road user and pedestrian safety will not be compromised.
2. The proposal is considered consistent with the objectives and policies of the District Plan because:
 - (i) The building and associated infrastructure will result in no more than minor effects on amenity and no more than minor visual effects;
 - (ii) The development is considered to be in keeping with the surrounding existing environment;
 - (iii) The proposal does not compromise road-user or pedestrian safety on the basis that the conditions of consent satisfactorily mitigate and adverse effects.

Advice Notes

1. Pursuant to Section 102 of the Local Government Act 2002, the Whangarei District Council has prepared and adopted a Development Contributions Policy. Under this Policy, the activity to which this consent relates is subject to Development Contributions. You will be advised of the assessment of the Development Contributions payable under separate cover in the near future. It is important to note that the Development Contributions must be paid prior to commencement of the work or activity to which this consent relates or, in the case of a subdivision, prior to the issue of a Section 224(c) Certificate. Further information regarding Council's Development Contributions Policy may be obtained from the Long Term Community Consultation Plan (LTCCP) or Council's web page at www.wdc.govt.nz.
2. The Consent Holder shall pay all charges set by Council under Section 36 of the Resource Management Act 1991, including any administration, monitoring, inspection and supervision charges relating to the conditions of this resource consent. The applicant will be advised of the charges as they fall.
3. Any works carried out within the WDC road reserve will require an approved road opening notice / traffic management plan.

4. Building Consents may be required for any retaining structures.
5. Council policy prohibits the building of any structure over an existing water, sewer and/or stormwater reticulation main.
6. All earthworks are required to comply with Section 32.2 (Environmental Standards for Earthworks) of the Northland Regional Council Regional Water and Soil Plan for Northland noting Erosion & sediment control and dust suppression requirements.
7. The consent holder must take into account the recommended building and foundation restrictions identified in the Engineering Suitability Report, dated 9 November 2010 and prepared by Cook Costello Ltd when preparing detailed plans of the grandstand and gymnasium for building consent purposes.
8. The construction of the gymnasium will require sufficient water volume, pressure and flows to be provided in accordance with "NZFS Fire Fighting Code of Practice SNZ PAS 4509:2008" and that this water supply be accessible by emergency vehicles for fire fighting purposes.
9. Access to properties is to be maintained to all properties at all times where practicable.
10. Continuity of supply / availability of services (power, telecommunications, water, sewer and stormwater) is to be maintained at all times unless specifically exempted by the relevant supply authority in consultation with those affected.
11. Spoil from the site must be controlled by the contractor and not be tracked out onto the WDC roading network.
12. Dust nuisance must be controlled onsite (by use of a watercart or similar) by the contractor so as not to cause "offensive or objectionable" dust at or beyond the boundary of the development.
13. It is the consent holder's responsibility to obtain any resource consents required from the Northland Regional Council. All earthworks are subject to the provisions of the Regional Water and Soil Plan for Northland, of particular note are: Section 22 (Rules for Stormwater Discharges and Diversions From Roads and Land Disturbance Activities), Section 32 (Environmental Standards for Land Disturbance Activities) and Section 33 (Rules for Land Disturbance Activities). The consent holder is advised that the relevant environmental standards in Section 32 of the Regional Water and Soil Plan must be met when undertaking permitted land disturbance activities.
14. This resource consent will expire five years after the date of commencement of consent unless:
 - (a) It is given effect to before the end of that period; or
 - (b) Upon an application made prior to the expiry of that period (or such longer period as is fixed under Section 37 of the Resource Management Act 1991), the council fixes a longer period. The statutory considerations which apply to extensions are set out in Section 125 of the Resource Management Act 1991.
15. Section 120 of the Resource Management Act 1991 provides a right of appeal to this decision. Appeals must be in writing, setting out the reasons for the appeal, and lodged with the Environment Court within 15 working days after the decision has been notified to you. Appellants are also required to ensure that a copy of the notice of appeal is served on all other relevant parties. A copy of this consent should be held on site at all times during the establishment and construction phase of the activity.
16. All archaeological sites are protected under the provisions of the Historic Places Act 1993. It is an offence under that act to modify, damage or destroy any archaeological site, whether the site is recorded or not. Application must be made to the New

Zealand Historic Places Trust for an authority to modify, damage or destroy an archaeological site(s) where avoidance of effect cannot be practised.

Attachments:

1. Copy of the Application
2. Aerial photo and Locality of the Site
3. District Plan Planning Maps
4. Submission Summary and Submissions Received
5. Traffic Assessment prepared by Wes Edwards, dated 13 January 2011
6. Engineering report prepared by Council's Consultant Senior Environmental Engineering Officer, John Smith, dated 07 January 2011.