

Hearings Commissioner

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WHANGAREI
DISTRICT COUNCIL

Notice of Meeting

A meeting of the Hearings Commissioner will be held
in the Whangarei Library, May Bain Room, Whangarei

Friday
11 June 2010
9.15 am

Application by
JP and KL Burgess

Commissioner

Robert Chan

Vision Statement

*To be a vibrant, attractive and thriving District
by developing sustainable lifestyles based around
our unique environment; the envy of New Zealand
and recognised world wide.*

Planner's Report and Recommendation to the Hearings Commissioner on a Resource Consent Application by:

JP and KL Burgess to establish and operate an early childhood learning centre in the Living 1 Environment, having a maximum of 25 children per day ranging in age from 3 to 5 years and a maximum of 3 staff, operating Monday to Friday (excluding public holidays) from 0800 to 1700.

Overall, the application is considered to be a Non-Complying Activity requiring consent under the rules of the Operative Whangarei District Plan relating to activities generally, traffic movements, signs and building setback.

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

Environmental Planner
(Consents):

_____ Date: _____
Amber Tsang

Team Leader
(Consents):

_____ Date: _____
Kelly Ryan

Resource Consent
Manager:

_____ Date: _____
Alister Hartstone

Resource Management Act 1991

Hearing By: The Whangarei District Council Hearings Commissioner of an application by JP and KL Burgess to establish and operate an early childhood learning centre in the Living 1 Environment, having a maximum of 25 children per day ranging in age from 3 to 5 years and a maximum of 3 staff, operating Monday to Friday (excluding public holidays) from 0800 to 1700.

Evidence By: Amber Tsang
BPlan (Honours)
Environmental Planner (Consent)
Whangarei District Council

File Ref: LU0900009 P049315.LU

Dated: 25 May 2010

1. The Proposal

1.1 The proposal is to establish and operate an early childhood learning centre, which is defined as a commercial activity under the Operative Whangarei District Plan (District Plan), at 1 Paranui Crescent in Tikipunga. In particular, the proposal involves the following:

- The proposed childcare facility will provide for a maximum of 25 children per day ranging in age from 3 to 5 years, involve a maximum of 3 staff and operate Monday to Friday (excluding public holidays) from 0800 to 1700.
- The proposed childcare facility will not be carried out in conjunction with a residential activity on the site.
- The proposed childcare facility will utilise the existing residential dwelling on the site, requiring minor internal and external alterations for its proposed purpose. In particular, the external alterations of the existing dwelling involve construction of a new deck and a new timber ramp locating to the south, east and west of the dwelling.
- It is anticipated that the proposed childcare facility will generate up to 112 traffic movements per day.
- 5 parking spaces including 1 accessible parking space will be provided onsite. It is proposed that the parking area will be sealed.
- Vehicle access to and from the site will be via an existing vehicle crossing off Paranui Valley Road; the existing crossing is proposed to be upgraded in accordance with the standards required by Council.
- A 2m² sign stating the name and service of the proposed childcare facility will be placed on a new fence which is to the east of the vehicle crossing.
- An outdoor play area will be located on the north eastern corner of the site.

1.2 A copy of the original application lodged with Council on 22 January 2009 is included at **Attachment 1**. The following further information has been provided by the applicant in support of the application:

- Correspondence from Kelly Burgess dated 10 March 2009 confirming compliance with the relevant rules of the District Plan and the licence agreement between JP and KL Burgess and the Whangarei District Council.
- An amended site plan by Suz Design titled "Proposed Early Childhood Centre Development for Jamie & Kelly Burgess at 1 Paranui Crescent Tikipunga" dated 26.09.08.

Note: The amended site plan shows 5 complying parking spaces and the associated manoeuvring spaces required on the site with no parking space being provided within 2m from the road boundary, and alterations to the proposed deck.

- An assessment of traffic effects by Northern Civil Consulting Engineers Ltd titled "Assessment of Traffic Effects – JP & KL Burgess, Early Learning Centre Paranui Crescent".
- An assessment of noise effects by Hegley Acoustic Consultants titled "Proposed Early Childcare Centre, 1 Paranui Crescent, Whangarei, Assessment of Noise Effects" dated June 2009.

The above information is also included at **Attachment 1**.

2. The Site and the Surroundings

2.1 The subject site is located on the corner of Paranui Crescent and Paranui Valley Road in the suburb of Tikipunga; both roads are classified as local roads with speed environments of 50 km/h.

2.2 The site gains access via an existing vehicle crossing off Paranui Valley Road. The existing crossing is located approximately 65m east of the intersection of Paranui Valley Road and Kiripaka Road; Kiripaka Road is classified as an arterial road with a speed environment of 50 km/h.

2.3 The site is legally described as Lot 9 DP 42818 and has a total area of 855m². The site also incorporates a licensed area of a road reserve owned by the Whangarei District Council. A copy of the licence agreement between the applicant and Council has been provided as part of the application to confirm that the applicant has legal rights to occupy the area.

2.4 The site is generally flat with a gentle rise to the north and is bounded by an existing fence of approximately 1.5m in height on three boundaries. There are several mature trees located on the western corner of the site and other vegetation and planting scattered within the site.

2.5 The site currently contains an existing residential dwelling and a detached garage. Council's file P17071 contains records of building permits dated 30/01/58 and 20/06/77 for the construction of the existing dwelling and garage. There is also an approval letter dated 22/09/77 on the Application for Variation of Bulk and Location and Off-Street Parking Requirements to erect a sundeck to the dwelling intruding into the front yard.

2.6 The surrounding area is made up of medium density residential housing in accordance with the Living 1 Environment of the District Plan.

2.7 An aerial photo and map showing the locality of the site is included at **Attachment 2**. GIS maps showing zoning and other resource area notations of properties in the area are provided at **Attachment 3**.

3. District Plan Requirements

- 3.1 The site is located within the Living 1 Environment of the District Plan and is not subject to any resource area notations.
- 3.2 The proposed childcare facility is defined as a commercial activity under Chapter 4 of the District Plan. Commercial activity as defined under Chapter 4 of the District Plan means the use of land and buildings for the display, offering, provision, sale or hire of goods, equipment or services, and includes shops, markets, showrooms, restaurants, take-away food bars, professional, commercial, and administration offices, service stations, motor vehicle sales, visitor accommodation, the sale of liquor and parking areas associated with any of the above.
- 3.3 Rule 36.3.1 Activities Generally states that commercial activities in the Living 1 Environment are permitted activities if:
- They do not operate or open for visitors, clients or deliveries before 0800 or after 1800 on any day; and
 - They are screened from view from roads and adjoining sites by fences, planting or buildings; and
 - They are carried out in conjunction with a residential activity on the site.
- 3.4 The hours of operation of the proposed childcare facility are from 0800 to 1700 Monday to Friday (excluding public holidays); hence they are within the permitted hours under the rule. However, the proposed childcare facility will not be carried out in conjunction with a residential activity on the site. Hence the proposal does not comply with Rule 36.3.1 and is a discretionary activity.
- 3.5 Rule 36.3.1 also requires commercial activities to be screened from view from roads and adjoining sites by fences, planting or buildings. However, the rule is not clear in terms of whether a complete screen is required. While it is arguable that the proposed activities including the outdoor play area and the parking spaces will be completely screened (depending on the height of the proposed planting and the orientation of the dwelling on the adjoining sites), the proposed activities will be largely screened by buildings, fences, the proposed planting and the planting already existing on the site.
- 3.6 Rule 36.3.4 Provision of Parking Spaces states that any activity is a permitted activity if parking spaces are provided in accordance with Chapter 47; and no formed parking space is constructed or provided within 2.0m of a road boundary.
- 3.7 Compliance with Rule 36.3.4 is confirmed by Northern Civil Consulting Engineers Ltd in their report titled "Assessment of Traffic Effects – JP & KL Burgess, Early Learning Centre Paranui Crescent" and shown on the site plan by Suz Design titled "Proposed Early Childhood Centre Development for Jamie & Kelly Burgess at 1 Paranui Crescent Tikipunga" dated 26.09.08.
- 3.8 In particular, Chapter 47 Road Transport Rules require parking spaces to be provided in accordance with Appendix 6A of the District Plan. Appendix 6A requires 1 parking space per employee plus 1 additional park for a childcare facility. In this case, the proposed childcare facility will have 3 staff; hence 4 parking spaces are required. Given that 5 parking spaces including 1 accessible parking space will be provided onsite as stated in the application, the proposal complies with the number of parking spaces required by the District Plan.
- 3.9 Rule 36.3.5 Traffic Movements states that any activity is permitted if it does not generate more than 30 traffic movements in any 24 hour period, excluding residential or temporary activities. It is anticipated that the proposed childcare facility will generate up to 112 traffic movements per day. Hence the proposal

- The existing streetscape/landscape and protection from road frontage domination;
 - Manoeuvring requirements;
 - Need for acceleration and deceleration lanes;
 - Type, frequency and timing of traffic;
 - Safety of pedestrians;
 - The availability of other roads for access for proposals leading onto arterial roads or state highways;
 - Traffic safety and visibility;
 - Effects on the amenity of the locality;
 - Effects of dust;
 - Need for forming or upgrading roads in the vicinity of the site;
 - Need for traffic control, including signs, signals and traffic islands; and
 - The additional matters listed in Chapter 2.3.3.
- 3.10 The proposal involves the placement of a 2m² sign on a new fence which is to the east of the proposed vehicle crossing. Given that the size of the proposed sign is bigger than the 1m² permitted, the proposal is a non-complying activity under Rule 36.3.7 Signs.
- 3.11 Rule 36.3.11 Noise states that any activity is a permitted activity if noise generated by the activity measured within the boundary of any other site in the Environment does not exceed 45 dBA L₁₀ or 60 dBA L_{max} between 0700 and 2200, and 35 dBA L₁₀ at any other time.
- 3.12 The applicant has provided an assessment of noise effects by Hegley Acoustic Consultants titled "Proposed Early Childcare Centre, 1 Paranui Crescent, Whangarei, Assessment of Noise Effects" dated June 2009 which concludes that the proposal complies with Rule 36.3.11.
- 3.13 Rule 36.4.4 Building Setbacks states that construction or alteration of a building is a permitted activity if the building is setback at least 4.5m from road boundaries, 1.5m from one side boundary and 3m from other side boundaries.
- 3.14 The proposal involves construction of a new deck which is attached to the western side of the existing dwelling and is setback within 4.5m from the road boundary of Paranui Crescent. Therefore, the proposal infringes Rule 36.4.4 and is a restricted discretionary activity, with Council's discretion restricted to:
- The existing streetscape/landscape and protection from road frontage domination;
 - The outlook and privacy of adjoining and adjacent neighbours;
 - Shading of adjoining properties;
 - Effects on natural character;
 - Effects on natural functioning of an ecosystem;
 - Effects on landscape values;
 - Effects on heritage values; and

- The additional matters listed in Chapter 2.3.3.
- 3.15 The proposal complies with all other relevant rules for a childcare facility in the Living 1 Environment.
- 3.16 Overall, the application is considered to be a **Non-Complying Activity** requiring consent under the rules of the District Plan relating to activities generally, traffic movements, signs and building setbacks.

4. Plan Change 96 Accessible Parking

- 4.1 Plan Change 96 sought to rectify the anomalies between the current rules in the District Plan relating to accessible parking (for the disabled), as compared to the requirements of the Building Act. In particular, it proposed to delete Rule 47.2.2 Parking for the Disabled of the District Plan and introduce a district wide policy which says:

Accessible Parking - To require accessible parking to be provided for every activity in accordance with NZS 4121:2001 to increase access to the community for parking permit holders.

Note: Amendment has been made to the original wording of the proposed policy as a result of the submission by CCS Disability Action Group, and the subsequent meetings and discussions between Council and the representatives of CCS Disability Group. The above wording of the proposed policy is the final confirmed version as agreed by both parties.

- 4.2 Plan Change 96 has already made significant advances through the public participation and decision making process. The decision to approve the plan change in accordance with Clause 17 of the First Schedule of the Resource Management Act 1991 has been approved by Council's Environmental Committee on 12 May 2010. The decision was publicly notified on 18 May 2010 and the Plan Change became operative on 25 May 2010.
- 4.3 Under Appendix 6A of the District Plan, the proposed childcare facility is required to provide 4 parking spaces onsite. Further to this, the proposed childcare facility is required to provide accessible parking in accordance with NZS 4121:2001 under the new policy; accessible parking shall be provided on the scale of 1 for up to 20 total parking spaces provided.
- 4.4 Given that 5 parking spaces including 1 accessible parking space will be provided onsite as stated in the application, the proposal is able to provide accessible parking in accordance with NZS 4121:2001.

5. Consultation, Notification and Submissions

- 5.1 Given that the application was lodged prior to 1 October 2009, the Resource Management (Simplifying and Streamlining) Amendment Act 2009 does not apply.
- 5.2 Pursuant to Section 93(1)(b) of the Resource Management Act 1991 (pre 1 October 2009), a non-complying activity resource consent application must be publicly notified unless the effects of the activity will be minor.

- 5.3 If notification is not required under Section 93(1) of the Act, Section 94(1) of the Act requires the Consent Authority to serve notice of the application on all persons who, in their opinion, may be adversely affected by the activity, unless the written approval of all persons considered to be adversely affected has been obtained pursuant to Section 94(2) of the Act.
- 5.4 On 15 March 2010, it was considered and determined under authority delegated to the Team Leader (Consents) of that Whangarei District Council pursuant to Sections 93(1)(b) and 94(1) of the Act that the application be subject to limited notification because any actual and potential effects of the proposed activity are considered no more than minor, but the written approval from all persons considered to be adversely affected by the proposed activity has not been obtained.
- 5.5 On 19 March 2010, notice was served upon the parties considered to be adversely affected by the proposed activity i.e. the owner and occupier of the properties marked with a star as shown on the following map.



- 5.6 A full assessment pursuant to Sections 93 and 94 of the Act has been undertaken in order to reach the conclusion as to whether the effects of the activity will be more than minor or minor, and who may be adversely affected by the activity. Copy of the assessment report is provided at **Attachment 4**. In summary, only the above parties were considered adversely affected because:
- The effects on traffic safety and efficiency have been assessed by Council's Senior Environmental Engineering Officer and are considered to be no more than minor. It is considered that the safe and efficient movement of people, vehicles and goods in the locality is unlikely to be compromised.
 - In terms of the effects on amenity, the properties locating further up along Paranui Crescent and further down along Paranui Valley Road are not considered adversely affected because the proposed facility is unlikely to be prominent when viewed from these properties given the distance of separation and the screening provided by the new fence and the existing and proposed vegetation. In addition, given that both roads are dead-end roads

and the majority of the traffic movements will be coming and leaving the proposed facility by way of the western section of Paranui Valley Road, the amenity currently enjoyed by these properties are not considered affected by the number of traffic movements generated by the proposed activity.

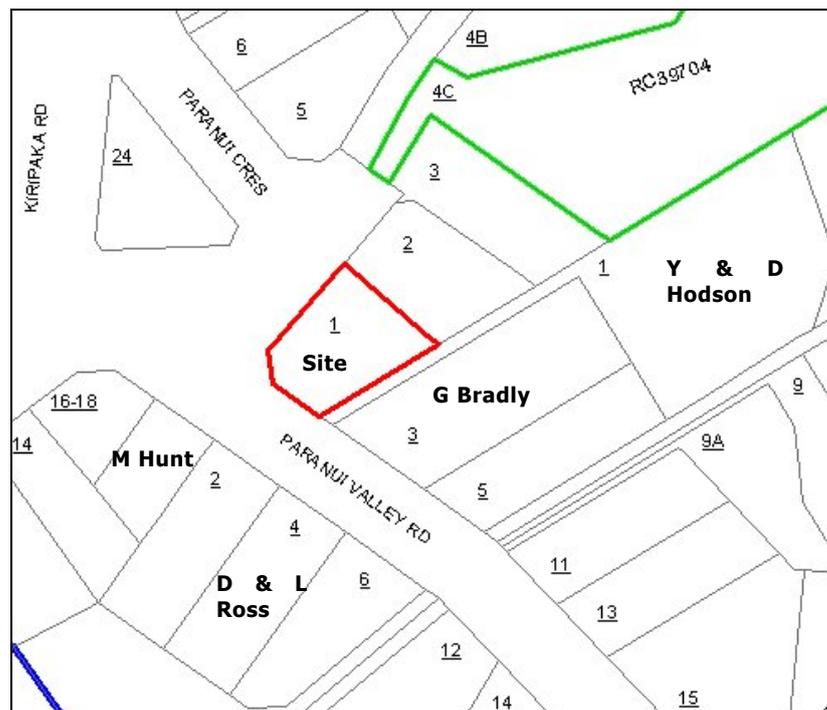
- The properties locating along Kiripaka Road are not considered to be adversely affected because there are long separation distances between the proposed childcare facility and these properties. In addition, it is considered appropriate to have regard to the existing effects associated with the busy arterial road that is located in proximity to these properties.

5.7 The time for lodging a submission ended on 19 April 2010. During the submission period, the application attracted 4 submissions with no late submissions received. A summary of the submissions is provided below:

Submitter	Issues and Relief Sought
<p>1. Gregg David Bradly</p> <p>Opposes</p> <p>Does not wish to be heard</p>	<ul style="list-style-type: none"> • Extra noise – this is a residential area. • Entry into Paranui Valley Road is difficult and dangerous. The camber on the uphill corner of the intersection with Kiripaka Road is awkward and forces turning traffic into the opposing lane. • Kiripaka Road is particularly busy during peak traffic hours which would coincide with the main drop off and pick up times at the proposed Child Care Centre. Turning traffic from Kiripaka Road is likely to cause congestion and accidents. • Paranui Valley Road is narrow. When two or more vehicles meet while travelling in opposing direction at a point where another vehicle is parked on this road, the moving vehicles need to take evasive action or one has to give way to the other. If vehicles are parked on both sides of the road, which is likely to happen during peak "drop-off" and "pick-up" times, a bottleneck will be formed. Traffic turning into Paranui Valley Road will find they have nowhere to go. The consequences of a vehicle turning across traffic in Kiripaka Road and being halted by stationary traffic in the entrance to Paranui Valley Road would be disastrous. • Believed that every resident of Paranui Valley Road and Paranui Crescent will be affected by this application, not just those in the immediate vicinity. • Relief sought: That Council to decline the application.
<p>2. Yvonne and David Hodson</p> <p>Support</p> <p>Do not wish to be heard</p>	<ul style="list-style-type: none"> • No issues raised or reasons given. • Relief sought: That Council approves the application.

Submitter	Issues and Relief Sought
<p>3. Merle Hunt</p> <p>Opposes</p> <p>Does not wish to be heard</p>	<ul style="list-style-type: none"> Concerned about the amount of extra traffic that will be trying to park/ turn around on road hampering those down street further trying to get to work. Relief sought: That Council to decline the application.
<p>4. Don and Lyn Ross</p> <p>Oppose</p> <p>Wish to be heard</p>	<ul style="list-style-type: none"> The property is too close to main road, which at times is very busy and as Parau Valley Road is narrow, it is going to create a dangerous bottleneck. When a car is parked on side of the road, it becomes a one way street. It is a residential area; do not want a commercial business opposite the road. It will make it harder to sell property. Relief sought: That Council to decline the application.

5.8 The following map shows the location of the four submitters with respect to the subject site.



5.9 Copy of the submissions is provided at **Attachment 5**.

5.10 The key issues raised in the submissions are summarised into the following aspects:

- Noise;
- Traffic safety and efficiency;
- Commercial activity within a residential area;
- Parties adversely affected by the proposed activity; and
- Effects on property sale.

- 5.11 In terms of the parties considered to be adversely affected by the proposed activity, a full assessment pursuant to Sections 93 and 94 of the Act has been undertaken in order to reach a conclusion as to whether the effects of the activity will be more than minor or minor, and who may be adversely affected by the activity. The reasons for the conclusion have been discussed in the report previously.
- 5.12 In terms of the effects on property values, there have been several Court decisions which have directed that this is a matter which falls outside the scope of the Resource Management Act 1991. Where there is evidence of adverse effects on property values this should not be considered as a separate adverse effect over and above effects on amenity; as this would lead to a 'double weighting' of the effects on amenity where a reduction in property values is a consequence of effects upon amenity values. It is also noted that although the economic effects of the proposal have to be considered, it is only to the extent that it affects the community at large, not the effects on the expectations of individual property owners or investors.
- 5.13 The other issues raised in the submissions will be addressed in the following sections of this report.

6. Statutory Context

- 6.1 Section 104 of the Resource Management Act 1991 (pre 1 October 2009) sets out those matters that, subject to Part 2, the 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.
- 6.2 Pursuant to Section 104B of the Act, after considering a non-complying activity resource consent application, the Consent Authority may grant or refuse the application, and if it grants the application, may impose conditions under Section 108 of the Act.
- 6.3 Pursuant to Section 104D of the Act, the Consent Authority may grant a non-complying activity resource consent application only if it is satisfied that either the adverse effects of the activity on the environment will be minor, or the activity will not be contrary to the objectives and policies of the relevant plan or proposed plan.
- 6.4 The following sections of this report address those matters considered relevant to this application, including an assessment of environmental effects, an analysis of the proposal against the objective and policies of the District Plan, and consideration of any other relevant matters, in order to reach a conclusion and recommendation as to whether the application should be granted or declined pursuant to Section 104B of the Act.

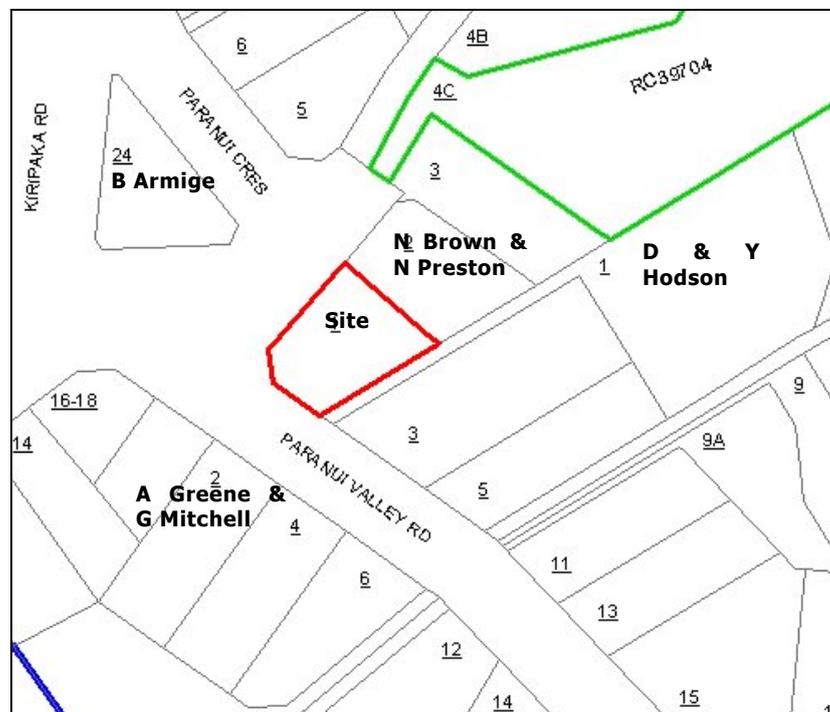
7. Assessment of Environmental Effects

- 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 2, have regard to any actual and potential effects on the environment of allowing the activity.

7.2 Section 104(3) of the Act requires the Consent Authority to disregard any effects on a person who has given written approval to the application. Those persons who have given their written approval to the application are listed in the following table. Any effects on these persons must be disregarded in undertaking this consideration.

Name	Owner/Occupier	Legal Description	Address
B Armige	Occupier	Pt Allot 17 Whangarei PSH	24 Kiripaka Road
N Brown and N Preston	Owner and Occupier	Lot 8 DP 42818	2 Paranui Cres
D and Y Hodson	Owner and Occupier	Lot 1 DP 187110	1 Paranui Valley Rd
A Greene	Owner	Lot 14 DP 42249	2 Paranui Valley Rd
G Mitchell	Occupier	Lot 14 DP 42249	2 Paranui Valley Rd

7.3 The following map shows the location of the persons who have given their written approval with respect to the subject site.



7.4 Written approval from Merle Hunt dated 31 July 2009 was provided in support of the application. However, Merle Hunt has then provided written confirmation dated 23 April 2010 confirming that she wishes to object to the proposed childcare facility and withdraw her written approval.

7.5 The Permitted Baseline

7.6 When considering any actual and potential effects of the proposed activity, Section 104(2) of the Act provides that Council may have regard to permitted baseline comparisons i.e. a comparison with the environment as it would exist if the land were used in a manner permitted as of right.

- 7.7 The permitted baseline approach to effects assessment enables Council to disregard any adverse effects on the environment if those effects are related to an activity or activities permitted by the District Plan. Existing activities and any activity which could be carried out as a permitted activity without being fanciful may be discounted as giving rise to any adverse effects.
- 7.8 In this case, the following activities are permitted as of right by the District Plan within the Living 1 Environment:
- Construction of residential units with connection to a reticulated sewerage system and a net site area associated with each residential unit being 500m² or above; provided that all the bulk and location requirements of the Plan are complied with.
 - Construction and alteration of accessory buildings; provided that all the bulk and location requirements of the Plan are complied with.
 - Commercial activities which are carried out in conjunction with a residential activity on the site; provided that the activities are operating between the hours of 0800 and 1800, and screened from view from roads and adjoining sites.
 - Activities generating up to 30 traffic movements in any 24 hour period; excluding residential or temporary activities.
 - Construction or placement of 1 sign; provided that the sign is static, no higher than 2m, no larger than 1m² and relates to goods and services available on site.
 - Activities generating noise not exceeding 45 dBA L₁₀ or 60 dBA L_{max} between 0700 and 2200, and 35 dBA L₁₀ at any other time, measured within the boundary of any other site in the Environment.
- 7.9 With the subject site being 855m² in size and with connection to a reticulated sewerage system, one residential unit could be permitted as of right on the site, provided that all other bulk and location requirements of the Plan were complied with. In this case, the proposal involves an existing residential dwelling, requiring minor internal and external alterations for its proposed purpose. The dwelling will continue to comply with the majority of the bulk and location requirements except for the 4.5m setback required from the road boundary of Paranui Crescent.
- 7.10 Each residential unit in the Living 1 Environment would be permitted to accommodate a commercial activity component, subject to a number of criteria designed to reduce the scale of development to levels compatible with the amenity of the locality. However, there is no restriction in terms of the gross floor area threshold of the residential and commercial components, the design or appearance of a residential or commercial development, the number of people employed, or the minimum site area associated with a commercial development. Therefore, while the proposed childcare facility will not be carried out in conjunction with a residential activity on the site, it is considered appropriate to take into account the permitted baseline in this respect.
- 7.11 A commercial activity in the Living 1 Environmental would be permitted to generate up to 30 traffic movements in any 24 hour period and residential activities are permitted to generate unlimited traffic movements. However, it is commonly accepted that a residential unit would only generate between 6 to 9 traffic movements in any 24 hour period. It is anticipated that the proposed childcare facility will generate up to 112 traffic movements per day.

- 7.12 Construction or placement of 1 sign would be permitted provided that the sign is static, no higher than 2m, no larger than 1m² and relates to goods and services available on site. The proposal involves the placement of a 2m² sign.
- 7.13 The proposal satisfies all other relevant permitted baselines under the District Plan including those for noise and provision of parking spaces.
- 7.14 The application and the submissions received were distributed to Council's Senior Environmental Engineering Officer (SEEO) and Council's Environmental Health Officer (EHO) for comments. In addition, the conclusions reached by Northern Civil Consulting Engineers Ltd in their report titled "Assessment of Traffic Effects – JP & KL Burgess, Early Learning Centre Paranui Crescent" have been assessed by Wes Edwards Consulting Ltd in their report dated 13 May 2010.
- 7.15 Copy of the report by Council's SEEO, Council's EHO and Wes Edwards Consulting Ltd is provided at **Attachment 6**. Their comments have been incorporated into the assessment of effects that follows.
- 7.16 The actual and potential effects arising from the proposed activity relate primarily to effects on traffic safety and efficiency, effects of noise, effects on amenity and character of the locality, and effects on services and hazards.

7.17 Effects on Traffic Safety and Efficiency

- 7.18 The site currently gains access via an existing vehicle crossing off Paranui Valley Road which is a 1.2km long no-exit local road with a speed environment of 50 km/h. The existing crossing is located approximately 65m east of the intersection of Paranui Valley Road and Kiripaka Road; Kiripaka Road is classified as an arterial road with a speed environment of 50 km/h.
- 7.19 Council's SEEO advised that the existing crossing will require minor upgrades i.e. widening to provide for better vehicle access to and off the site as well as vehicle manoeuvring onsite; this can be required under a condition of consent. On the other hand, while the existing crossing is able to achieve the minimum sight distances requirement, it is recommended by Wes Edwards that the planting adjacent to the crossing/driveway shall be kept to moderate height, ideally less than 600mm to ensure sufficient visibility for traffic and pedestrians on the footpath.
- 7.20 5 parking spaces including 1 accessible parking space will be provided onsite which is more than the number of parking spaces required by the District Plan. It is proposed that the parking area will be sealed.
- 7.21 Wes Edwards advised that given the scale of the proposed childcare facility and the number of the parking spaces provided onsite, there is some likelihood that one or two cars may need to park on the street at times. However, he also advised that given the low demand for on-street parking on the adjacent streets and the good visibility, the impact of one or two cars parking on the street for short durations is considered to be minor.
- 7.22 Wes Edwards also advised that the provision of one additional parking space onsite would improve the level of service for parents delivering or collecting children and reduce the incidence of on-street parking. Council's SEEO confirmed that while it is practical for one additional parking space to be provided onsite, the sixth parking space is unlikely to comply with the standards required by the District Plan. It is acknowledged that while it would be a desirable situation to have one additional parking space onsite, the proposal complies with the number of parking spaces required by the District Plan and the impact of any on-street parking is considered to be minor.

- 7.23 It is anticipated that the proposed childcare facility will generate up to 112 traffic movements per day which is 82 movements over the maximum traffic movements for a commercial activity as a permitted activity.
- 7.24 An assessment of traffic effects by Northern Civil Consulting Engineers Ltd titled "Assessment of Traffic Effects – JP & KL Burgess, Early Learning Centre Paranui Crescent" has been provided in support of the application. It is concluded in the assessment that the traffic effects will be no more than minor because:
- The anticipated traffic volumes are not high and are well distributed in time throughout the day;
 - The temporal distribution of the traffic reduces the concentration of vehicles and the likelihood of congestion; and
 - The location has the advantage of a convenient approach and departure route.
- 7.25 The conclusion by Northern Civil Consulting Engineers Ltd is concurred with by both Council's SEEO and Wes Edwards Consultant Ltd.
- 7.26 In addition, Wes Edwards advised that Paranui Valley Road is capable of safely and efficiently accommodating traffic volumes in excess of the volumes that are estimated to be on the road at present (i.e. the NZTA Crash Analysis System has an estimated traffic flow for the road as being 371 vehicles per day) or that would be present if consent were granted. On the other hand, while there may be some delays at the Kiripaka Road intersection at present the increase in delay as a result of this proposal would be minor.
- 7.27 Wes Edwards has commented on the crash record on Kiripaka Road. 4 crashes have been reported at or near the intersection of Kiripaka Road and Paranui Valley Road during the last 5 years (2005-2009). These 4 crashes include 2 southbound vehicles losing control on the bend in Kiripaka Road, 1 rear-end crash involving a vehicle slowing to turn left into Paranui Valley Road, and 1 crash involving a vehicle failing to give way when exiting Paranui Valley Road. Wes Edwards advised that the crash record is not unusual for this type of location and does not indicate that there is a crash problem of relevance to the assessment of traffic effects.
- 7.28 Taking into account the factors discussed above, the effects on traffic safety and efficiency are considered to be no more than minor.

7.29 Effects of Noise

- 7.30 An assessment of noise effects by Hegley Acoustic Consultants dated June 2009 has been provided in support of the application; the noise effects associated with the childcare facility as well as the anticipated traffic have been taken into account. It is concluded in the report that the proposal complies with the noise requirement under Rule 36.3.11 of the District Plan. Council's EHO has assessed the report along with the application and concurred with the report by Hegley Acoustic Consultants dated June 2009. Overall, the effects of noise from the proposed activity are deemed to be permitted by the District Plan.

7.31 Effects on Amenity and Character of the Locality

- 7.32 The site is located in the Living 1 Environment of the District Plan. As discussed in Section 2 of this report, the locality is made up of medium density residential housing in accordance with the Living 1 Environment.

- 7.33 The proposed childcare facility is located on a corner site and is bounded by Paranui Crescent to the north-west, Paranui Valley Road to the south-west and the driveway to the property on 1 Paranui Valley Road to the south-east. It is considered that the location of the site would allow for greater separation of the proposed activity from the neighbouring residential dwellings than that which would normally be achieved in a residential area.
- 7.34 The site will be bounded by a new fence of approximately 1.5m to 1.8m in height on three boundaries, replacing the existing fence. In addition, there are several mature trees located on the western corner of the site and other vegetation and planting scattered within the site. The applicant has proposed additional landscaping as indicated on the site plan prepared by Suz Design dated 26.09.08. It is considered that the new fence and the existing and proposed vegetation will provide screening to the proposed activity including the building, the outdoor play area and the parking area from Paranui Crescent and Paranui Valley Road, as well as the neighbouring properties.
- 7.35 While the proposed childcare facility will not be carried out in conjunction with a residential activity on the site, the proposal involves the use of a residential dwelling, requiring minor internal and external alterations for its proposed purpose. It is considered that the use of the existing residential dwelling would contribute to the maintenance of the residential character of the locality and the dwelling reflects the scale and design of residential dwellings in the vicinity.
- 7.36 The external alterations of the existing dwelling involve construction of a new deck which is setback less than 4.5m from the road boundary of Paranui Crescent. However, given the separation of a wide road reserve including the licensed area, the deck is setback at least 10m from the actual road formation. In addition, the new deck is located below the road level. Therefore, the new deck will not be visually dominant when viewed from the road or create any traffic safety problem as confirmed by Council's SEEO. The existing dwelling will continue to comply with all other relevant bulk and location requirements of the District Plan including building coverage and height.
- 7.37 The proposal involves the placement of a 2m² sign on a new fence which is to the east of the vehicle crossing. While the size of the proposed sign is bigger than the 1m² permitted, it is considered that any adverse effects generated by the proposed sign will be no more than minor given the scale of the proposed sign. Council's SEEO and the submitters have raised no concerns regarding the proposed sign.
- 7.38 The main concern in terms of effects on local amenity relates to the number of traffic movements; it is anticipated that the proposed childcare facility will generate up to 112 traffic movements per day. While the anticipated traffic movements will be over the allowed maximum traffic movements as a permitted activity, the effects on traffic safety and efficiency are considered to be no more than minor as discussed previously. In addition, it is considered that the sufficient amount of onsite parking and manoeuvring space, and the distribution of the traffic movements will help to mitigate the associated effects as a result of the anticipated traffic, particularly relating to vehicles entering and leaving the site as well as pick-ups and drop-offs adjacent and in proximity to the site.
- 7.39 The noise effects associated with traffic has been taken into account and assessed in the noise report by Hegley Acoustic Consultants dated June 2009. It is concluded in the report and by Council's EHO that the overall proposed activity complies with the noise requirement under Rule 36.3.11 of the District Plan. Hence, the noise effects associated with traffic are considered within those as permitted by the District Plan.

7.40 Taking into account the location of the site, the separation and screening provided by the new fence and the existing and proposed vegetation, the use of the existing residential dwelling, the maintenance of traffic safety and efficiency, the sufficient parking and manoeuvring space onsite, as well as the compliance with the noise requirement under the District Plan, the effects on amenity and character of the locality are considered to be no more than minor.

7.41 Effects on Services and Hazards

7.42 The site has existing connections to Whangarei District Council reticulation systems in terms of waste water and water supply. It is advised by Council's SEEO that the additional stormwater from the proposed development shall be attenuated onsite. No other concerns with regard to services have been raised by Council's SEEO. While the site is located within a High Stability Hazard Area, the proposal only involves minor alterations to the existing dwelling; any potential effects on hazards are considered to be no more than minor as confirmed by Council's SEEO.

8. Objectives and Policies of the District Plan

8.1 Pursuant to Section 104(1)(b) of the Act, when considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to any relevant provisions of the District Plan. The following objectives and policies of the District Plan are considered to be relevant in the consideration of this application:

8.2 Chapter 5 Amenity Values

Objective 5.3.1 The characteristic amenity values of each Environment are maintained and where appropriate enhanced.

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.

Policy 5.4.1 Effects on the Local Environment – To ensure that activities do not produce, beyond the boundaries of the site, adverse effects those are not compatible with the amenity values characteristic of the surrounding and/or adjacent environment unless such effects are authorised by a district plan, a designation, a resource consent, or otherwise. The following effects should be given particular consideration in this respect:

- Noise and effects;
- Shading;
- Glare;
- Light spill;
- Dust;
- Smoke;
- Odour;
- Vibration;
- Spray drift;

- Visual amenity.

Where internalisation of effects cannot be wholly achieved, the Council will consider a Best Practicable Option approach.

- Policy 5.4.2 Character and Timing of Activities – To allow activities where their nature, timing and duration do not result in adverse effect on amenity values beyond the extent compatible with the characteristics of the surrounding and/or adjacent Environment/s.
- 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.
- Policy 5.4.7 Intensity and Design of Subdivision and Development – To encourage that subdivision and development do not unduly compromise the outlook and privacy of adjoining properties, and to be appropriate to the Environment in which it is located. Particular regard should be had 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.
- Policy 5.4.12 Traffic – To encourage vehicle movements and parking demand, where it does not adversely affect the amenity values of the particular environment in which it is located, having regard to the characteristics of that environment and adjacent environments, and the range of activities for which it makes provision for.

- 8.3 The relevant objectives and policies of the District Plan relating to amenity values aim to balance the demand for residential and commercial development with the need to maintain the characteristic amenity values of the local environments. Specifically, commercial development within a living environment should be of a scale, design and location that either avoids adverse effects or adequately mitigates adverse effects, to maintain the residential amenity of the living environment.
- 8.4 The proposed activity is not considered contrary to the above provisions given the location of the site, the separation and screening provided by the new fence and the existing and proposed vegetation, the use of the existing residential dwelling, and the compliance with the noise requirements of the District Plan. The proposed activity is therefore considered appropriate to the locality and will be of a scale not out of character with the existing development or the anticipated patterns of development within the surrounding area.

- 8.5 In addition, given the sufficient parking and manoeuvring space provided onsite, the upgrade of the vehicle crossing, the condition and capability of Paranui Valley Road regarding traffic accommodation, and the distribution of traffic movements throughout the day, it is considered that the amenity effects associated with traffic will not be significantly greater than those associated with the existing activities or the permitted activities within the surrounding area.
- 8.6 Overall, given the scale and design of the proposed childcare facility along with the mitigation measures and the recommended conditions of consent, it is considered that the amenity values of the local environment can be maintained at an acceptable level.

8.7 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.

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.

Policy 8.4.1 Incompatible Land use Activities – To design and locate subdivision and development so as to avoid, as far as practicable, conflicts between incompatible land use activities.

Policy 8.4.7 Design and Location – To ensure subdivision and development is designed and located so as to avoid, remedy or mitigate adverse effects on, and where appropriate, enhance:

- Natural character of the coastal environment, indigenous wetlands, lakes and rivers and their margins;
- Landscape values;
- Ecological values;
- Amenity values and sense of place;
- Archaeological, cultural (including tangata whenua) and heritage features;
- Sites of Significance to Maori;
- Heritage areas of significance to Maori;
- The relationship of tangata whenua and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga;
- Infrastructure, particularly roads and the Airport;
- Water and soil quality;
- Versatile soils;
- Mineral resources;
- Business growth and development opportunities within defined Business Environments;

- Cross boundary coordination;
 - Human health and safety.
- 8.8 The relevant objectives and policies of the District Plan relating to development aim to ensure sustainable management of natural and physical resources whilst avoiding, remedying or mitigating adverse effects on the environment. The proposed activity is not considered contrary to the above provisions. It is considered that the proposed activity represents sustainable management of land resources by providing a childcare facility of benefit to the local community.
- 8.9 Given the scale, design and location of the proposed activity, the proposal is not considered detract from the character of the locality where commercial activities are permitted subject to compliance with requirements such as hours of operation, noise and traffic movements. While the proposed childcare facility will not be carried out in conjunction with a residential activity on the site and does not comply with the permitted traffic movements, these non-compliances have been assessed in Section 7 of this report and are considered to be no more than minor subject to the mitigation measures and the recommended conditions of consent.

8.10 Chapter 22 Road Transport

Objective 22.3.1 Establish and maintain a safe and efficient road transport network.

Objective 22.3.2 Avoid, remedy or mitigate any adverse effects of road transport activities on the surrounding environment.

Objective 22.3.3 Protect the road transport network from the adverse effects of adjacent land use, development or subdivision.

Policy 22.4.4 Ecological, Landscape and Amenity Values – To ensure adverse effects of road transport activities on ecological, amenity and landscape values should be avoided, remedied or mitigated to the extent practicable.

Policy 22.4.5 Location of Activities – To locate activities and developments in a manner that makes best use of the existing and proposed road transport infrastructure, and minimises adverse effects on traffic flows.

Policy 22.4.6 Pedestrian Safety – To ensure that cyclists and pedestrians, including vulnerable groups, such as the young, the elderly and the disabled, are safe from vehicles and other road traffic. Suitable facilities for cyclists and pedestrians should be provided in new developments and within the existing roading hierarchy, as appropriate.

Policy 22.4.7 Parking and Manoeuvring – To provide adequate parking, turning and manoeuvring space on every site, other than sites in the areas shown in Figures 6A.1 and 6A.2 to Appendix 6, to accommodate traffic generated by the activity, and to maintain the safe and efficient operation of the transport network; and to facilitate the provision spaces (owned by Council and/or private companies) in the areas shown in Figures 6A.1 and 6A.2 to Appendix 6, both on and off roads.

- 8.11 The relevant objectives and policies of the District Plan relating to road transport seek to maintain the safety and efficiency of the road transport networks. As discussed in Section 7 of this report, the safe and efficient movement of people, vehicles and goods in the locality is unlikely to be compromised. With the conditions of consent recommended by Council's SEEO, it is considered that the overall traffic effects of the proposed activity will be no more than minor. Therefore, the proposed activity is not considered contrary to the above provisions.
- 8.12 Overall, the proposal is not considered contrary to the objectives and policies of the District Plan, primarily those that relate to sustainable management of natural and physical resources, amenity values and road transport.

9. Other Matters

- 9.1 In terms of Section 104(1)(c) of the Act, the following matters are considered relevant in making an appropriate consideration of this application:

9.2 Precedent Effects

- 9.3 Precedent effect can be described as concern about the integrity and consistent administration of the District Plan, and are typically taken into consideration where consent may be granted to a non-complying activity. However, in this case, the proposal becomes a non-complying activity because the proposed sign is 1m² bigger than the size permitted. In addition, as discuss in Sections 7 and 8 of this report, the effects of the proposal are considered to be no more than minor and the proposal is not considered contrary to the objectives and policies of the District Plan.

10. Part 2 of the Resource Management Act 1991

- 10.1 The purpose of the Resource Management Act 1991, as outlined in Section 5, is to promote the sustainable management of natural and physical resources. The proposal is considered to represent sustainable management of land resources by providing a childcare facility of benefit to the local community. It is considered that the proposed activity is of a scale, design and location that adequately mitigates adverse effects and is not out of character with the existing development or the anticipated patterns of development within the surrounding area. Therefore, the proposal is considered consistent with the purpose of the Act.
- 10.2 Given that the site is located within an urban residential suburb with no heritage or significant features on the site worthy of protection, no matters of national importance, as outlined in Section 6 of the Act, are considered relevant to this application.
- 10.3 The proposal is considered to maintain the amenity values and quality of the local environment as discuss in Sections 7 and 8 of this report. Therefore, it is considered that the proposal is consistent with the relevant matters as outlined in Section 7 of the Act.
- 10.4 The site is not identified as being subject to any archaeological features or listed in the District Plan as being of significance to iwi. There is no knowledge or evidence of previous habitation or reference to cultural or environmental issues on this site. It is not considered that the activity associated with the proposed designation would impact upon the relationship of Maori and their culture and traditions with their ancestral lands, water, sites of waahi tapu and other taonga. Therefore, no matters pertaining to the Treaty of Waitangi, as outlined in Section 8 of the Act, are considered relevant to this application.

11. Conclusion

- 11.1 Pursuant to Section 104D of the Act, the Consent Authority may grant a non-complying activity resource consent application only if it is satisfied that either the adverse effects of the activity on the environment will be minor, or the activity will not be contrary to the objectives and policies of the relevant plan or proposed plan.
- 11.2 The proposal to establish and operate an early childhood learning centre in the Living 1 Environment for up to 25 children ranging in age from 3 to 5 years and 3 staff, operating Monday to Friday (excluding public holidays) from 0800 to 1700. Overall, the application is considered to be a Non-Complying Activity requiring consent under the rules of the Operative Whangarei District Plan relating to activities generally, traffic movements, signs and building setback.
- 11.3 In considering the matters discussed in Section 7 of this report, it is concluded that the proposal will have no more than minor adverse effects on the environment subject to measures outlined in the application and the recommended conditions. This includes the effects on traffic safety and efficiency, noise, amenity and character of the locality, and services and hazards.
- 11.4 In terms of matters discussed in Section 8 of this report, it is concluded that the proposal is not considered contrary to the objectives and policies of the District Plan, primarily those that relate to sustainable management of natural and physical resources, amenity values and road transport.
- 11.5 In terms of the matters discussed in Section 9 of this report, it is concluded that the proposal is consistent with Part 2 of the Act and the granting of the proposal will not undermine the integrity and consistent administration of the District Plan.
- 11.6 As the proposal will have no more than minor adverse effects on the environment and is not contrary to the objectives and policies of the District Plan, it is recommended that this application be granted.

Recommendation

Having considered the application against the relevant provisions of the Act and having taken into account matters raised in the submissions received, the reporting planner recommends that the Whangarei District Council **GRANTS** the application by JP and KL Burgess to establish and operate an early childhood learning centre in the Living 1 Environment, having a maximum of 25 children per day ranging in age from 3 to 5 years and a maximum of 3 staff, operating Monday to Friday (excluding public holidays) from 0800 to 1700.

This is subject to the following conditions outlined below:

1. That the proposal shall be undertaken in accordance with the details included within the application prepared by JP and KL Burgess including the approved site plan, floor plan and elevations by Suz Design titled "Proposed Early Childhood Centre Development for Jamie & Kelly Burgess at 1 Paranui Crescent Tikipunga" dated 26.09.08; except as amended below by more specific conditions.
2. That no childcare services shall be provided on public holidays or outside the stipulated hours of operation being 0800 to 1700 Monday to Friday.
3. That no more than a maximum of 25 children attend the childcare facility at any one time during the day.
4. That a landscape plan shall be prepared by a suitably qualified person and submitted to Council's Resource Consents Manager for approval within 3 months of the date of this decision. In this instance, the landscape plan shall be in general accordance with the site plan by Suz Design dated 26.09.08. In particular, any planting along the road boundary adjacent to the crossing/driveway shall be no higher 600mm to ensure sufficient visibility for traffic and pedestrians on the footpath. The plan shall include the following information:
 - i. The location, species and size of the existing vegetation; and
 - ii. The location, species and density (i.e. distance between plants) of the proposed vegetation; and
 - iii. The grade of plant stock at the time of planting; and
 - iv. The planting method of the proposed vegetation; and
 - v. The maintenance method of the existing and proposed vegetation.
5. Prior to the commencement of building works on the site:
 - i. The consent holder shall submit a detailed set of engineering plans prepared in accordance with WDC Environmental Engineering Standards. The engineering plans are to be submitted to Council's Senior Environmental Engineering Officer for approval. Plans are to include, but are not limited to:
 - a. Design details of the vehicle entrance crossing and five complying onsite parking spaces and the associated manoeuvring areas having adequate pavement and all weather surface in general accordance with the site plan by Suz Design dated 26.09.08 and Chapter 47 Road Transportation of the District Plan.
 - b. Design details of necessary stormwater control, inclusive reticulation, treatment, attenuation, disposal, and associated calculations in

accordance with Auckland Regional Council (ARC) TP10 and TP108 methodology for a 24 hour duration event, for the additional impervious area, to the approval of Council's Senior Environmental Engineering Officer.

- c. Certification of the engineering plans shall be by a Chartered Professional Engineer or IQP.
- ii. The consent holder shall notify WDC, in writing, of their intention to begin works, a minimum of seven days prior to commencing works. Such notification shall be sent to Council's Environmental Engineering Officer and include the following details:
 - a. Name and telephone number of the project manager or IQP.
 - b. Site address to which the consent relates.
 - c. Activities to which the consent relates.
 - d. Expected duration of works.

A copy of the approved engineering plans, conditions of consent and the above letter shall be held on site at all times. Note - Inspections will not be completed unless this information is on site.

- iii. Prior to the commencement of construction works within the WDC road reserve, the consent holder shall provide evidence of an approved road opening notice/traffic management plan for all works to be completed within the WDC road reserve to the approval of Council's Senior Environmental Engineering Officer.

6. Prior to the operation of the childcare facility:

- i. The consent holder shall provide suitable evidence by way of statement from an IQP that all works on the approved engineering plans in condition 5 have been carried out to the approval of Council's Senior Environmental Engineering Officer.
- ii. The consent holder shall submit a certified and dated "as built" plan of completed works and services prepared by a suitably qualified person in accordance with WDC Environmental Engineering Standards to the approval of Council's Senior Environmental Engineering Officer.
- iii. The consent holder shall provide suitable evidence by way of statement from a suitably qualified person that the proposed vegetation as per the landscape plan approved under condition 4 has been implemented on the site. The vegetation shall be retained on an ongoing basis to the approval of Council's Compliance Officer.
- iv. The consent holder shall reinstate and/or repair damage to the Whangarei District Council berm along the property roadside frontage similar to surrounding environment to the satisfaction of Council's Senior Environmental Engineering Officer or their delegated representative.

7. That pursuant to section 128 of the Resource Management Act 1991, Council may serve notice on the consent holder of its intention to review all or any of the conditions of the consent as granted, and amend, remove, or add conditions if it is determined that an adverse effect on the environment resulting from operation of the childcare facility is being generated.

Such a review is in order to deal with any adverse effect on the environment which may arise from the exercise of the consent and which is appropriate to deal

with at a later stage or for the other purposes described below in relation to potential traffic and noise effects. It will deal with any inadequacies or inconsistencies that may in the future be found in the information provided in support of the application. Any review will have particular regard by the Council to:

- i. The extent to which the activity is resulting in traffic volumes that may undermine traffic safety and efficiency in the immediate locality.
- ii. Noise.

Such reviews may be conducted after the first six month anniversary of the date of the childcare facility operating and annually thereafter for a period of five years.

Reasons for the Recommendation:

1. The adverse effects of the proposal on the environment in terms of traffic safety and efficiency, noise, amenity and character of the locality, and services and hazards will be no more than minor given the matters discussed in Section 7 of this report.
2. The proposal is not considered contrary to the objectives and policies of the District Plan, primarily those that relate to sustainable management of natural and physical resources, amenity values and road transport given the matter discussed in Section 7 and 8 of this report.
3. The proposal is consistent with Part 2 of the Act and the granting of the proposal will not undermine the integrity and consistent administration of the District Plan.

Advice Notes

1. This resource consent will expire five years after the date of commencement of consent unless:
 - i. It is given effect to before the end of that period; or
 - ii. 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.
2. 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. Further information regarding Councils Development Contributions Policy may be obtained from the Long Term Community Consultation Plan (LTCCP) or Councils web page at www.wdc.govt.nz.
3. The consent holder shall obtain all necessary building consents with associated code of compliance and completion certificates.
4. The childcare facility shall meet the Ministry of Education Codes and Standards and be registered with the Ministry of Education.
5. Compliance with this resource consent is a separate and independent process and is not associated with the building consent process or any statutory/licensing criteria for early childhood education and care centres.

6. 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.
7. Compliance with Council's specific practices shall be obtained prior to the commencement of any work to Council's roads and/or infrastructure in exercising the conditions of consent.
8. A copy of this consent and approved engineering plans shall be held on site at all times during the establishment and construction phase of the activity.
9. 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.
10. 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.
11. Section 357B of the Resource Management Act 1991 provides a right of objection in relation to the imposition of additional charges or recovery of costs.

Attachments:

1. Copy of the original application lodged with Council on 22 January 2009 including the following supporting information:
 - Correspondence from Kelly Burgess dated 10 March 2009 confirming compliance with the relevant rules of the District Plan and the licence agreement between JP and KL Burgess and the Whangarei District Council.
 - An amended site plan by Suz Design titled "Proposed Early Childhood Centre Development for Jamie & Kelly Burgess at 1 Paranui Crescent Tikipunga" dated 26.09.08.
 - An assessment of traffic effects by Northern Civil Consulting Engineers Ltd titled "Assessment of Traffic Effects – JP & KL Burgess, Early Learning Centre Paranui Crescent".
 - An assessment of noise effects by Hegley Acoustic Consultants titled "Proposed Early Childcare Centre, 1 Paranui Crescent, Whangarei, Assessment of Noise Effects" dated June 2009.
2. Aerial photo and locality map.
3. District Plan maps.
4. Notification assessment pursuant to Sections 93 and 94 of the Resource Management Act 1991 (pre 1 October 2009) dated 15 March 2010.
5. Copy of the submissions.
6. Copy of the report by Council's SEEO, Council's EHO and Wes Edwards Consulting Ltd.