

Hearings Commissioner

Notice of Meeting

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

**Thursday
26 March 2015
9:30 am**

**Application by
Valleys Little Treasures Limited**

**Commissioner
Mr Alan Withy**

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Report to Hearings' Commissioner Allan Withy on a Resource Consent Application

This land use consent application was lodged by Brendon White and Amy Griffiths and was reported on by Council's Senior Specialist (Consents), Ueli Sasagi.

The proposal involves the use of the existing dwelling on the property at 2 Paranui Crescent for a day care centre for children of up to 3 years old. The day care centre is for 20 children operating between the hours of 7.45am to 5pm Monday to Friday. The property is legally described as Lot 8 DP 42818.

The proposal site is located within the Living 1 Environment of the Whangarei Operative District Plan. The proposal is assessed as a discretionary activity. The District Plan Rules breached by the proposal include:

- Living 1 Environment – Rule 36.3.1: *Activity General*, Rule 36.3.4 *Provision of Parking Spaces* Rule 36.3.6: *Traffic Movements*,
- Road Transport – Rule 47.2.1: *Parking and Loading*



Ueli Sasagi – Senior Specialist (Consents)

13 March 2015

Date

This report was peer reviewed by the following signatory:

Murray McDonald – Principal Planner (Consents)

Date

Statement of staff qualification and experience

Ueli Sasagi – Senior Specialist (Consents)

My name is Ueli Sasagi. I hold the qualifications of Master of Regional and Resource Planning, a Bachelor of Science (Forestry) and a Diploma in Agriculture. I am a full member of the New Zealand Planning Institute. I have been working in resource management and planning matters throughout New Zealand since 1996. I am currently employed as a senior specialist planner for the Whangarei District Council, and have worked for the Council since May 2013. I have been working in a wide range of statutory and policy planning functions, including all stages of the resource consent process in Local and Central Governments, the Private Sector and the Environment Court.

Vladimir Rozov – Senior Environmental Engineering Officer

I am a civil engineer employed by Whangarei District Council in the Resource Consents department. I have the title of Senior Environmental Engineering Officer. I qualified from a Polytechnic University (in former USSR) in 1981 with a Bachelor degree in Industrial and Civil engineering and I am a graduate member of the Institute of Professional Engineers New Zealand Inc. I have many years experience in roading/drainage/earthworks/civil construction and I have worked for the Whangarei District Council as Environmental Engineering Technician, Support Officer, Officer and Senior Environmental Engineering Officer since 1999. My position within the Resource Consent department requires me to assess all engineering aspects of resource consent applications using my technical knowledge and oversee construction works to ensure compliance with Council Standards.

The above staff are familiar with the Environment Court's 'Code of Conduct' for expert witnesses and agree to comply with the Code of Conduct in presenting hearing evidence to the Commissioner.

Section 42A Hearing Report

Hearing By: Hearings' Commissioner Allan Withy of a discretionary landuse proposal by Brendon White and Amy Griffiths to use the existing dwelling on the property at 2 Paranui Crescent for a day care centre for children of up to 3 years old. The day care centre is for 20 children operating between the hours of 7.45am to 5pm Monday to Friday.

The site is located at 2 Paranui Crescent, Tikipunga being legally described as Lot 8 DP 42818.

Evidence By: Ueli Sasagi, MRRP, BSc (Forestry), Dip (Agr), MNZPI

File Refs: LU1500004, P049314 TRIM15/20100

Dated: 13 March 2015

1.0 The Proposal & Background

1.1 The proposal

- 1.1.1 The proposal is to establish and operate a day care centre (the Centre) for 20 children of up to 3 years old using the existing dwelling on the property at 2 Paranui Crescent (see layout in Figure 1 below).

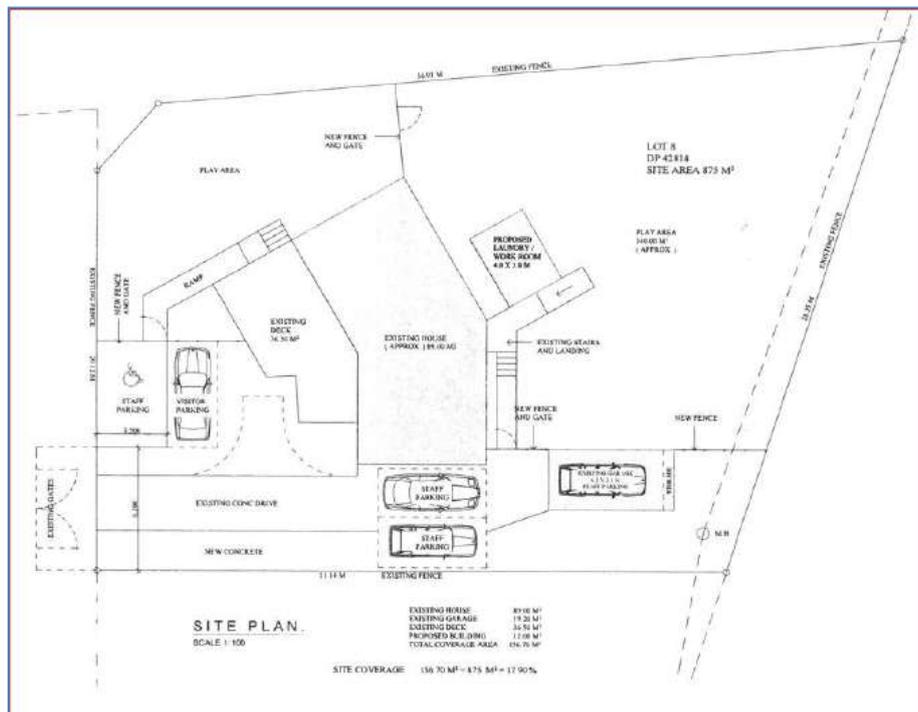


Figure 1: Site Plan

- 1.1.2 The Centre will open for business from 7.45am until 5pm Monday to Friday excluding public holidays. Minor refitting of the dwelling is required to provide for necessary spaces and amenities for children.
- 1.1.3 Four staff members will work at the facility. There are 5 parking spaces provided onsite with the site being acoustically fenced. Access into the site is via a right of way off Paranui Crescent which also serves 5 other users. The full application is in **Attachment 1** including

specialist report prepared by Marshall Day Acoustics and Cook Costello Engineers in support of the application. These include "Traffic Assessment Report, 2 Paranui Crescent Tikipunga, Whangarei" by Cook Costello Engineers reference 12451, Revision A dated 20 January 2015 and "Valleys Treasures Preschool Assessment of Noise Effects" by Marshall Day Acoustics reference Rp 001 2014682A, dated 19 December 2014.

1.2 Background

- 1.2.1 The application was lodged as a non-notified application on 22 December 2014 but was loaded into Council's system on 8 January 2015.
- 1.2.2 A meeting between staff and the applicant was held on 19 January 2015 to clarify certain aspects of the application. Following the meeting the following actions and clarification were sought:
- Signed acoustic report;
 - Written approval of owner and occupier of 4C Paranui Crescent, and Housing NZ for 7 Paranui Cr;
 - Describe the activity in full;
 - Assess District Plan Rules;
 - Assessment of Effects; and
 - Assessment of Objectives and Policies of the District Plan
- 1.2.3 Except for the written approval of the owner/occupier of 4C Paranui Crescent, all other information was provided satisfactorily.
- 1.2.4 On 2 February 2015, the applicant advised Council that the owner and occupier of 4C Paranui Crescent will not be providing his written approval. As such, the application was considered to be processed as a limited notified application.
- 1.2.5 The owner and occupier of 4C Paranui Crescent, Mr Price was served with the application as an affected party on 9 February 2015. Submission on the application was closed on 6th March 2015.

2.0 Site and Surrounds Description

2.1 Zoning, resource areas and other notations

- 2.1.1 The subject site is located in Living 1 Environment of the Whangarei Operative District Plan.



Figure 2: Living 1 Environment in blue with the site identified in orange/black dotted lines

2.1.2 The site is affected by high stability hazard rating according to the District Plan Resource Maps.

2.2 Site Description

2.2.1 The subject site is located on 2 Paranui Crescent, Tikipunga. It is legally described as Lot 8 DP 42818 held in Computer Freehold Register NA1347/48. It is 875m² in total area.

2.2.2 The subject site contains an existing dwelling which is currently used as a residential unit. It also contains a separate garage with a deck at the front of the building.

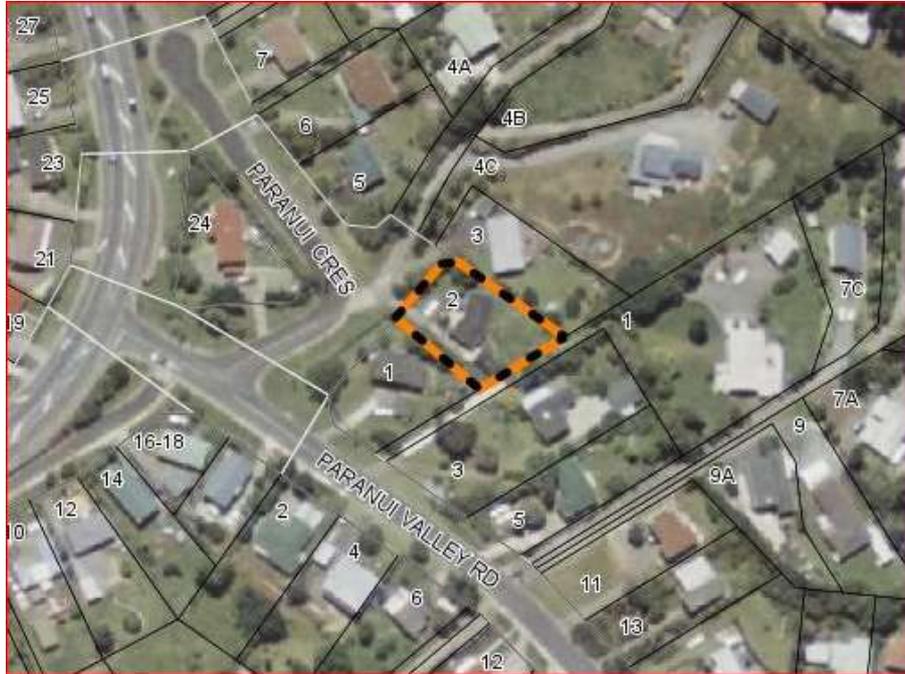


Figure 3: Site in the surrounding environment

2.2.3 There is no existing resource consent associated with the subject site. The property on 1 Paranui Crescent has an existing childcare centre for 3 to 5 year olds which was legally established through a landuse consent granted on 11 June 2010.

2.3 Surrounding Environment

2.3.1 The property at 1 Paranui Crescent is occupied by a childcare centre while the majority of properties in the neighbour are used for residential purposes. The neighbourhood is therefore considered to be predominantly residential in character.

2.3.2 It is noted that there has been records of complaints lodged with the Council regarding flooding affecting properties at 1, 2 and 3 Paranui Crescent caused by stormwater generated upstream at 4, 4A, 4B, and 4C Paranui Crescent.

2.3.3 Council has conducted an investigation on this matter and concluded that:

“This appears to be pretty much a private matter and not something that WDC would get involved in. Definitely not a WDC reticulation system issue. It is probable that the work done on the properties will be that of the owners (not necessarily the current ones) as there are no records of WDC assets or works there.

All the water is natural flow and the lower properties must accept.

Nothing has changed in the catchment (especially the properties who have contacted WDC (1, 2 and 3 Paranui Crescent)) in a long time e.g. water has always taken the

existing route. We have given them some options to work with but I believe any further development of solutions/engineering is with the affected parties.”¹

3.0 District Plan Assessment

3.1 Reasons for consent

- 3.1.1 The site is located within the Living 1 Environment of the Operative District Plan.
- 3.1.2 The proposed day care centre is defined as a commercial activity under Chapter 4 (Meaning of Words) of the Operative District Plan. Commercial activity 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.
- 3.1.3 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.
- 3.1.4 The hours of operation of the proposed childcare facility are from 7.45am to 5:00pm Monday to Friday (excluding public holidays); hence they are not within the permitted hours under the rule. 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.
- 3.1.5 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.
- 3.1.6 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.
- 3.1.7 Compliance with Rule 36.3.4 is assessed by Cook Costello Ltd in their report titled “Traffic Assessment Report” reference 12451, Revision B and dated 20th January 2015. The proposed parking spaces do not meet the rule and is considered to be a restricted discretionary activity.
- 3.1.8 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 4 staff; hence 5 parking spaces are required. Given that 5 parking spaces space will be provided onsite as stated in the application, the proposal complies with the number of parking spaces required by the Operative District Plan, however it does not meet the design as required by chapter 47.
- 3.1.9 Rule 36.3.6 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.

¹ Council’s Stormwater Asset Engineer, Mr Conal Summers’ email to City Living Group Manager, Mr Paul Dell dated 6/07/2010 – see **Attachment 3**

It is anticipated that the proposed day care facility will generate up to 88 traffic movements per day. Hence the proposal does not comply with the rule and is a restricted discretionary activity, with Council's discretion restricted to:

- 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.

3.1.10 The proposal complies with all other relevant rules for a childcare facility in the Living 1 Environment.

3.1.11 Overall, the application is considered to be a **Discretionary Activity** requiring consent under the rules of the District Plan relating to activities generally and traffic movements.

4.0 Notification, Submissions and Written Approvals

4.1 Notification

4.1.1 The application was limited notified. The full application was served on Mr Michael Price on 9 February 2015 who was considered by Council as an affected party by the proposal but was not willing to give his written approval.

4.2 Submissions

4.2.1 The period for submissions opened on 9 February 2015 and closed on 6 March 2015.

4.2.2 Council received a submission from Mr Price via email on Friday 6th March 2015 at 5.27pm. Mr Price's submission opposed the proposal and is in **Attachment 2**. It is summarised below

Submitter	Issues and Relief Sought
Mr Price	<p>Issue: Opposed the proposal because of the health and safety that the stormwater problem in the area can have on children attending the day care centre. Therefore, the submitter requested the applicant to:</p> <ul style="list-style-type: none"> (a) Provide an easement on the private stormwater drain pipe running through the applicant's site, and (b) Enter into an agreement to indemnify the submitter against any flood damage. <p>Relief sought: Decline the application</p>

4.2.3 The applicant argued that the submission by Mr Price arrived Council via email at 5.27pm was late because Council closed business at 4.30pm on Friday 6th March 2015. This stemmed from the fact that the applicant was advised by Council's staff that the deadline for a submission would be at close of business on 6th March 2015.

- 4.2.4 Council has obtained verbal legal advice from its solicitor who clarifies that the Resource Management Act 1991 does not specify a cut-off time of the day for submission to be lodged. Therefore the submission by Mr Price is considered to be lodged with the Council on time and is a valid submission.
- 4.2.5 The Commissioner shall decide as to whether or not the substance of the submission as summarised above is relevant to the proposal.
- 4.2.6 The issue is whether or not the substance of the submission is relevant to the proposal? The submitter sought two outcomes that if the applicant agreed, then he would not oppose the proposal. These are:
- Provide an easement on the private stormwater drain pipe running through the applicant's site, and
 - Enter into an agreement to indemnify the submitter against any flood damage.
- 4.2.7 As background to the stormwater problem in the area, I have attached in **Attachment 3** all relevant correspondences including email expressing the view of the Council. In summary, Council considered that the stormwater is a civil matter amongst affected properties and those affected are responsible to solve the issue.
- 4.2.8 I have forwarded the submission to the applicants and they commented as follows:
1. *Storm Water - On the issue of storm water his storm water is his problem as we do not have a storm water drain through our properties you can see there is no council record of a storm water drain. There is though a natural water course consisting of a covered and uncovered creek. This is in no way a storm water drain.*
 2. *Health and Safety - There has never been any concern for the young children who lived there before us or the child care centre next door that this creek runs through. If it is unsafe for child care then it is unsafe for a home and it has not been condemned so there fore it is safe. There is nothing in the resource consent application concerning Health and Safety.*
 3. *Flooding - There is nothing in the LIM for 2 Paranui Cres concerning flooding. Flooding was removed from the agenda in the resource consent application for the 1 Paranui Valley Rd child care centre hearing that this same creek runs through. There is nothing in the resource consent application concerning natural flooding.*
 4. *Easement and Liability - Michael Price wanted an easement so he can turn a natural water course into a storm water drain instead of attenuating his captured storm water on his own property. In gaining an easement because of the wording in clause he becomes "liable" for the easement. He then required us to make him "not liable". From any legal point of view you can not have it both ways so our hands were tied and we can not go ahead with either request. Again this has nothing to do with our resource consent application this is a private matter.*
 5. *Summary:*

There is nothing he has presented that shows us breaking any of the clauses in the resource consent application therefore the hearing is not needed.

-There is nothing in the resource consent application that says we need to control natural rain fall and natural water flow.

-There is nothing in the resource consent application that says we need to provide our neighbours storm water system.

-There is nothing in the resource consent application that says we need to provide a health and safety report for the business we plan to run in the commercial building.

We are not capturing any more storm water than the existing house ourselves. So the whole Storm water Flooding health and Safety submitted objection has no grounds for consideration.

4.2.9 Having considered the above, it is my view that the submission is irrelevant to the proposal on the following reasons:

- The proposal will not involve earthworks or any built-development that will create additional stormwater discharge which is also confirmed by Council Senior Environmental Engineering Officer's report in **Attachment 4**;
- The effects of the proposal as assessed in section 6 of this report is considered to be less than minor;
- The issue of stormwater is not new and the applicant is well aware of it. The applicant has considered that the effects of stormwater will not create risk to children in the day care centre; and
- The issue is a civil matter and those affected have to deal with it.

4.2.10 Please refer to Figure 4 below showing the location of the submitter's property (blue star) and those who gave written approval (in red stars)



Figure 4: Written approvals (red stars), submitter (blue star)

4.3 Written Approvals

4.3.1 Table 1: List of parties that have provided their written approvals.

Name	Owner/Occupier	Address
Merryl O'Hagan	Owner	6 Paranui Cres
Chris Jensen	Owner	4B Paranui Cres
Carina Tacor	Owner	66 Ngunguru Rd
Evania Hazel Wilcocks	Occupier	24 Kiripaka Rd

R Tuakana, K Tuakana and J Tuakana	Owners	3 Paranui Cres
Laura Diamond	Occupier	7 Paranui Cres
Patricia White	Owner	8 Paranui Cres
Bridget Ina Green	Occupier	9 Paranui Cres
Greg Bradley	Owner	3 Paranui Valley Rd
Renee Manuel	Occupier	4B Paranui Cres
Keith McIntyre	Owner	10 Paranui Cres
Kelly Burgess	Owner	1 Paranui Cres
Elizabeth Littlehales	Owner	11 Paranui Cres
Leanne Finlayson	Owner	4A Paranui Cres
David Hodson	Owner	1 Paranui Valley Rd
Richard Taylor	Owner and occupier	5 Paranui Cres
C Hayes	Owner	4 Paranui Cres
Terry Corr on behalf of Housing NZ Ltd	Owner	7 Paranui Cres
Craig Fraser	Owner	9 Paranui Cres

5.0 Resource Management Act 1991- Statutory Considerations

5.1 Section 104

5.1.1 Section 104 provides the matters, subject to Part 2 of the Act that Council must have regard to when considering and application for resource consent and any submissions received. These matters are:

- (a) *any actual and potential effects on the environment of allowing the activity; and*
- ~~[(b) any relevant provisions of—~~
 - ~~(i) a national environmental standard:~~
 - ~~(ii) other regulations:~~
 - ~~(iii) a national policy statement:~~
 - ~~(iv) a New Zealand coastal policy statement:~~
 - ~~(v) a regional policy statement or proposed regional policy statement:~~
 - ~~(vi) a plan or proposed plan; and]]~~
- (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

5.2 Section 104B

5.2.1 Section 104B outlines Council's powers when making a determination on a discretionary or non-complying activity. Section 104B states that:

After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority—

- (a) *may grant or refuse the application; and*
- (b) *if it grants the application, may impose conditions under [section 108](#).*

6.0 Actual and Potential Effects on the Environment (s104(1)(a))

6.1 Definition of Effect

6.1.1 Section 3 of the Act defines the term ‘effect’ as including –

- (a) any positive or adverse effects; and
- (b) any temporary or permanent effect; and
- (c) any past, present or future effect; and
- (d) any cumulative effect which arises over time or in combination with other effects – regardless of the scale, intensity, duration, or frequency of the effect, and also includes-
- (e) any potential effect of high probability; and
- (f) any potential effect of low probability which has a high potential impact.”

6.2 Permitted Baseline

6.2.1 In terms of determining whether the adverse effects of the proposal are more than minor, section 104(2) of the Act provides that Council ‘may’ have regard to the permitted baseline in order for effects on the environment that are permitted under the Plan (or by way of resource consent) to be disregarded.

6.2.2 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.

6.2.3 In this case, the following activities are permitted as of right by the Operative 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 45dBA L₁₀ or 60dBA L_{max} between 0700 and 2200, and 35dBA L₁₀ at any other time, measured within the boundary of any other site in the Environment.

6.2.4 With the subject site being 875m² in size and with connection to a reticulated sewerage system, one residential unit is permitted as of right on the site, provided that all other bulk and location requirements of the Operative District Plan are complied with. In this case, the proposal involves an existing residential dwelling, requiring minor internal alterations for its proposed purpose. The dwelling will continue to comply with the majority of the bulk and location requirements.

6.2.5 A residential unit in the Living 1 Environment is 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 day care centre 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.

- 6.2.6 A commercial activity in the Living 1 Environment is 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 will only generate between 6 to 9 traffic movements in any 24 hour period. It is anticipated that the proposed day care centre will generate up to 88 traffic movements per day.
- 6.2.7 The proposal satisfies all other relevant permitted baselines under the Operative District Plan including those for noise and provision of parking spaces.

6.3 Effects on Amenity Values and Character

- 6.3.1 The site is located in the Living 1 Environment of the Operative District Plan. As discussed in Section 2 of this report, the character of the locality is predominantly residential with an existing childcare centre operating on the adjoining property.
- 6.3.2 The proposed day care centre will be located on a site immediately adjoining an existing childcare centre and is frontage by Paranui Crescent to the north-west. As such, it is considered that the location of the site will allow for separation of the proposed activity from the neighbouring residential dwellings than that which would normally be achieved in a residential area.
- 6.3.3 The site is surrounded by an existing fence of approximately 1.8m in height. In addition, there are several mature trees located on the northern and southern corner of the site and other vegetation and planting scattered within the site. It is considered that the fence and the existing and existing vegetation will provide screening to the proposed activity including the building, the outdoor play area and the parking area from Paranui Crescent, as well as the neighbouring properties.
- 6.3.4 While the proposed day care centre 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 alterations for its proposed purpose. It is considered that the use of the existing residential dwelling will continue to 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.
- 6.3.5 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 88 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 below (see section 6.4). 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.
- 6.3.6 The noise effects associated with traffic has been taken into account and assessed in the noise report by Marshall Day Acoustic Consultants. It is concluded in the report that the overall predicted noise generated by the 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 Operative District Plan (see further comments in section 6.5 below).

6.3.7 Taking into account the location of the site, the separation and screening provided by the existing fences and 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.

6.4 Effects on Traffic Safety and Efficiency

6.4.1 The site will continue to use the existing vehicle entrance crossing on the right of way (shared with 5 other users) from Paranui Crescent.

6.4.2 Cook Costello Engineers provided a report titled "Traffic Assessment Report, 2 Paranui Crescent Tikipunga, Whangarei" reference 12451 Revision A, dated 19th December 2014 in support of the application (see **Attachment 1**). It concludes in the assessment that "The traffic generated by the day-care activity is within acceptable standards, only minor improvements are recommended. The impact on the surrounding road environments is minimal."

6.4.3 Council Senior Environmental Engineering Officer reviewed the report and commented on traffic issues as outline below (see full report in **Attachment 4**):

- He noted the recommendation for the removal of vegetation on the opposite side of the road. He commented that is not necessary after discussing the matter with Mr Monteith, Council Senior Roding Engineer. Council's Senior Roding Engineer considered that removing vegetation on the opposite side of the road will not make any significant change to the current situation. Therefore, it will be a waste of money to undertake any vegetation removal that may result in no change to the current situation.
- The no-parking lines shall be clearly marked.
- The existing vehicle entrance crossing has to be upgraded. The upgrade includes an extension of the new concrete driveway into the site, mark the 'No Parking' road marking on the opposite side of Paranui Crescent, and 2 metre hot mix asphalt joining to the existing drive used by neighbours (see details in Figure 2 page 6 of the Traffic Assessment report by Cook Costello Engineers.
- If stacked car park spaces will be used by the staff members only, the level of the non-compliance will be reduced.

6.4.4 Council's SEEO advised that the traffic effects of the proposal will be considered as less than minor if the above are included as conditions of any consent. It is further noted that the applicant has offered to remove vegetation on the opposite side of the road from the site. However, Council SEEO and SRO considered that as unnecessary as discussed in 6.4.3 above.

6.4.5 Taking into account the factors discussed above, the effects on traffic safety and efficiency are considered to be no less than minor.

6.5 Effects of Noise

6.5.1 An assessment of noise effects by Marshall Day Acoustic Consultants dated 19 December 2014 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.

6.5.2 It is noted in the report there are gaps in the fence and some parts are below 1.8m high which will not completely mitigate noise emission from the outdoor playing area for children and the parking area. Therefore the fence needs upgrading in order to fully mitigate noise emission in compliance with the Operative District Plan standards.

6.5.3 The report concluded that the predicted noise generated by the proposal complies with the noise requirement under Rule 36.3.11 of the District Plan if the upgrade is undertaken as required by the consent condition. Overall, the effects of noise from the proposed activity are deemed to be permitted by the District Plan.

6.5.4 Moreover, it is noted that the report by Marshall Day Acoustics has also recommended a condition which sets out a standard of 50dB L_{Aeq} between 7.00am to 10pm to be imposed if required.

6.5.5 I consider the imposition of this recommended condition as not required for the following reasons:

- Allowing noise level of 50dB L_{Aeq} may have ramification on effects that are permitted under the 45dB L10 as set out in the Operative District Plan; and
- Immediate neighbours have given their written approvals.

6.6 Effects on Services and Hazards

6.6.1 The site has existing connections to Whangarei District Council reticulation systems in terms of waste water and water supply and the proposal will not alter this.

6.6.2 Council's SEEO commented on stormwater issues that:

- *It is considered that no attenuation or treatment will be required as the proposal will not change the existing situation and only very minor additional stormwater amount will be generated.*
- *It is noted that further to notification the owner of the property located at 4C Paranui Crescent made opposing submission based on "health and safety issues around stormwater". Further to some research and investigation it is my understanding that any "stormwater issues" mentioned in a submission are strictly private matter in this case.*
- *It is also noted that the property at 4C Paranui Crescent is located upstream of the subject property and that proposal to establish and operate childcare centre at 2 Paranui Crescent will create only very minor amount of additional stormwater which can potentially affect downstream properties (not in this case) but will not be able to affect upstream site in terms of stormwater.*

6.6.3 As such, stormwater is not an issue given that there will be very minimal (if any) additional stormwater generated by the proposal.

6.6.4 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 internal alterations to the existing dwelling; any potential effects on hazards are considered to be less than minor as confirmed by Council's SEEO.

6.7 Cumulative Effects

6.7.1 *Dye v Auckland Regional Council [2002] 1 NZLR 337* is regarded as the leading case on cumulative effects. In considering the characteristics of cumulative effects, the Court stated:

6.7.2 *"A cumulative effect is concerned with things that will occur rather than with something that may occur, that being the connotation of a potential effect... The concept of cumulative effect arising over time is one of a gradual build up consequence.*

6.7.3 *The concept of combination with other effects is one of effect A combining with effects B and C to create an overall composite effect D. All of these are effects which are going to happen as a result of the activity which is under consideration."*

6.7.4 Having regard to the above, the following assessment considers whether the residual effects of the proposed activity (after mitigation by conditions) will give rise to an unacceptable increase in cumulative adverse effects that are beyond the carrying capacity of the receiving environment, including supporting infrastructure and the amenity and character values that define the locality.

6.7.5 For a cumulative effect to be significant, it must breach a threshold or 'tip the balance'. In this instance, the proposal is for a commercial activity in an area which is predominantly residential in character. However, there is a similar activity adjoining the subject site. It

therefore raises a question of whether or not the additional day care activity will incrementally change the character of the area.

- 6.7.6 I have assessed the effects of the proposal on the amenity values and the character of the area which was concluded as minor because there will be no physical change to the site. I have also assessed the noise and traffic effects of the proposal to be less than minor. As such, it is my view that the cumulative effects are no more than minor.

6.8 Effects summary

- 6.8.1 Overall I am satisfied that the effects will be acceptable considering the above assessment because:

- The separation and screening provided by the existing fence and 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 Operative District Plan will have minor effects on the amenity values and character of the locality.
- There will be minimal additional stormwater created by the proposal and will not alter the existing situation.
- Cumulative effects are considered minor as the proposal will not tip the balance as the proposal will have effects that are minor and will not alter the existing character of the locality.

7.0 Relevant Policy Statements, Plans or Proposed Plans (s104(1)(b))

7.1 Statutory Consideration

- 7.1.1 The following sections assess whether the proposal will be contrary to the relevant objectives and policies of the relevant plans for the subject site- being the Operative Whangarei District Plan and Northland Regional Policy Statement (both the operative and proposed). Don't forget NZCPS and National Policy Statements

7.2 Northland Regional Policy Statement

- 7.2.1 The Regional Policy Statement for Northland (RPS) was made operative in July 2002; however in October 2012, a new Proposed Regional Policy Statement for Northland (PRPS) was publicly notified, which will (in its final form) supersede the 2002 document. These documents contain high level policy guidance for the development of lower order statutory documents, including the Regional Soil and Water Plan, and the District Plan. The Resource Management Act 1991 requires that district plans must "give effect to" the regional policy statement of a region and must "not be inconsistent" with regional plans.

- 7.2.2 The content of the RPS is reflected in and given effect to through the provisions of the Whangarei District Plan and as such the relevant matters are considered further in subsection 7.3.

- 7.2.3 On 17 September 2013 the Northland Regional Council formally adopted the Independent Hearings Commissioners' recommendations on provisions and matters raised in submissions on the PRPS as a decision. The document has not been declared as operative at this point in time (hearing of appeals was undertaken in April 2014 with no decision made to date) so full weighting cannot be given to the provisions at this time, however it is considered to more accurately reflect the current issues relating to subdivision and development than the RPS which was prepared in 2002. Therefore, in terms of controlling the effects of development, Policy 5.1.1 *Planned and Co-Ordinated Development* of the PRPS seeks to ensure that:

Subdivision, use and development should be located, designed and built in a planned and co-ordinated manner which:

- a) *Is guided by the 'Regional Form and Development Guidelines' in Appendix 2;*

- b) *Is guided by the 'Regional Urban Design Guidelines' in Appendix 2 when it is urban in nature;*
- c) *Recognises and addresses potential cumulative effects of subdivision, use, and development, and is based on sufficient information to allow assessment of the potential long-term effects of development;*
- d) *Is integrated with the development, funding, implementation, and operation of transport, energy, water, waste, and other infrastructure;*
- e) *Should not result in incompatible adjacent land uses in close proximity and avoids the potential for reverse sensitivity; and*
- f) *Ensures that plan changes and subdivision to / in a primary production zone, do not materially reduce the potential for soil-based primary production on land with highly versatile soils, or if they do, the net public benefit exceeds the reduced potential for soil-based primary production activities; and*
- g) *Maintains or enhances the sense of place and character of the surrounding environment except where changes are anticipated by approved regional or district council growth strategies and / or district or regional plan provisions.*

7.2.4 As previously discussed within Section 6.0, the proposal is not considered to change the amenity and the character of the locality. It will also not creating any cumulative effects that are considered more than minor. As such, the proposal is not considered to be inconsistent with both the RPS (as given effect to through the Whangarei District Plan) and PRPS, as required to be considered under Section 104(b)(v).

7.3 Operative Whangarei District Plan

7.3.1 The relevant objectives and policies in the Operative Whangarei District Plan ('the plan') for the proposed subdivision are located in Chapters 5 – Amenity Values, Chapter 6 – Built Form and Development, Chapter 8 – Subdivision and Development, and Chapter 22 – Road Transport (a copy of these chapters is included in **Attachment 5** of this report).

7.3.2 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, 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.
- 7.3.3 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.
- 7.3.4 The proposed activity is not considered contrary to the above provisions given the location of the site, the separation and screening provided by the existing fence and the existing vegetation, the use of the existing residential dwelling, and the compliance with the noise requirements of the Operative 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.
- 7.3.5 In addition, provided the consent holder complies with the condition of consent on parking and manoeuvring, the upgrade of the right of way, 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.
- 7.3.6 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.
- 7.4 Chapter 6 – Built Form and Development**
- Objective 6.3.2 Subdivision and development that ensures consolidated development in appropriate locations and avoids sprawling or sporadic subdivision and ribbon development patterns in the coastal and rural environment.
- Policy 6.4.2 Consolidated Development

To consolidate urban development by:

- Further develop within existing built up areas, so as to avoid sporadic or sprawling subdivision and ribbon development patterns, particularly in rural areas and along the coast.
- Directing rural lifestyle and rural-residential development to appropriate locations adjacent to existing settlements, rather than allowing sporadic development throughout rural and coastal areas

7.4.1 The proposed activity is not considered contrary to the above objective and policy given the location of the site being next door to a similar activity, and not tipping the balance in terms of cumulative effects. 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.

7.5 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.

7.5.1 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.

7.5.2 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 day care centre 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.

7.6 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.

- 7.6.1 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.
- 7.6.2 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.

8.0 Other Matters

- 8.1 **There are no other matters relevant to the proposal site that can be considered.**

9.0 Part 2 Matters

9.1 Section 5 – Purpose

- 9.1.1 Part 2 of the Resource Management Act 1991 details the overarching purpose and principles of the Act
- 9.1.2 In terms of Part 2 of the Act, the proposed activity must meet the purpose of the Act set out in section 5 which is "*to promote the sustainable management of natural and physical resources.*" As outlined in section 5(2), "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 well being 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.”

- 9.1.3 The purpose of the Resource Management Act 1991, as outlined in above, 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.
- 9.1.4 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.
- 9.1.5 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.
- 9.1.6 The site is not identified as being subject to any archaeological features or listed in the Operative 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.

10.0 Conclusion & Recommendation

10.1 Conclusion

- 10.1.1 The proposal to establish and operate a day care centre in the Living 1 Environment for up to 20 children ranging in age from 0 to 3 years and 4 staff, operating Monday to Friday (excluding public holidays) from 7.45am to 5pm. Overall, the application is considered to be a Discretionary Activity requiring consent under the rules of the Operative Whangarei District Plan relating to activities generally, traffic movements, and engineering standards.
- 10.1.2 In considering the matters discussed in Section 6 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.
- 10.1.3 In terms of matters discussed in Section 7 of this report, it is concluded that the proposal is not considered contrary to the objectives and policies of the Regional Policy Statement (both operative and proposed) and the Operative District Plan, primarily those that relate to sustainable management of natural and physical resources, amenity values and road transport.
- 10.1.4 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.

- 10.1.5 Having considered the application against the relevant provisions of the Act, it is therefore recommended that this application be granted.

10.2 Recommendation

THAT pursuant to sections 104, 104B and 108 of the Resource Management Act 1991, it is recommended to **grant** consent to Brendon White and Amy Griffiths (LU150004) to undertake a day care centre for 20 children of up to 3 years old with 4 staff utilising the existing dwelling on the subject site located in Living 1 Environment as a Discretionary Activity pursuant to Rule 36.3.1 Activity Generally, Rule 36.3.4 Provision of Parking Spaces, Rule 36.3.6 Traffic Movements, and Rule 47.2.1. Parking and Loading.

Recommended Conditions

- 1 The activity shall be undertaken in general accordance with the site plan prepared by Architectural Services Northland Services titled "Proposed Child Care at 2 Paranui Crescent, Tikipunga" reference 1452 dated 15 December 2014 and the application by Brendon White and Amy Griffiths dated 21st January 2015 including the following specialist report:
 - Traffic Assessment Report by Cook Costello reference 12451 dated 20th January 2015;
 - Valleys Little Treasures Preschool Assessment of Noise Effects by Marshall Day Acoustics reference Rp0012014682A dated 19 December 2014.
- 2 Prior to starting any on-site works the consent holder must submit a Road Opening Notice application or Corridor Access Request for all works to be carried out within the Whangarei District Council Road Reserve in accordance with Whangarei District Council Environmental Engineering Standards to the approval of the Senior Environmental Engineering Officer (refer advisory clauses below).
- 3 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 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.
- 4 Prior to commencement of the activity on the site the consent holder must ensure that right of way and vehicle entrance crossing to the site shall be upgraded and the small portion of the wooden fence to the south (from the crossing) is removed to provide better access, plus 'no-parking' line provided (to be arranged with Council's Roading department at the consent holder's expense) on the opposite side of Paranui Crescent as shown on a Figure 2 of the Traffic Assessment Report ref: 12451 compiled by Cook Costello Limited dated 19 December 2014 and submitted with the application.
- 5 Prior to commencement of the activity on the site the consent holder shall construct and at all times ensure the provision and maintenance of five (5) on-site parking stalls (with existing garage to be marked for staff parking only) in accordance with Architectural Services Northland Ltd site plans ref: 1452 dated 15 December 2014 which have been provided with the application and in general accordance with Whangarei District Council's Environmental Engineering Standards 2010 Edition.
- 6 Prior to commencement of the activity on the site the consent holder shall construct and at all times ensure the provision and maintenance of the acoustic fence around the outdoor play area on the south boundary of the site in accordance with Appendix D of the Assessment of Noise Effects Rp 001 2014682A prepared by Marshall Day Acoustics and dated 19 December 2014 which has been provided with the application.
- 7 The applicant shall ensure that spoil from the site must not be tracked out onto Council Road formations to the approval of the Senior Environmental Engineering Officer.
- 8 Dust nuisance must be controlled onsite (by use of a watercart or similar) by the applicant so as not to cause "offensive or objectionable" dust at or beyond the

boundary of the development.

- 9 That all damage to the street footpath, stormwater kerb and channel, road carriageway formation, street berm and urban services by the demolition and construction works associated with the land use activities shall be reinstated at the expense of the consent holder.
- 10 Prior to the operation of the activity all works as per conditions 2 – 9 of the resource consent is to be carried out to the approval of the Senior Environmental Engineering Officer or their delegated representative.

Reasons for the Recommendation:

1. That pursuant to section 113 of the Resource Management Act 1991 the reasons for this decision are as follows:
2. In considering the matters discussed in Section 6 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.
3. In terms of matters discussed in Section 7 of this report, it is concluded that the proposal is not considered contrary to the objectives and policies of the Regional Policy Statement (both operative and proposed) and the Operative District Plan, primarily those that relate to sustainable management of natural and physical resources, amenity values and road transport.
4. 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.

Advice Notes

- 1 The applicant shall pay all charges set by Council under Section 36 of the Resource Management Act 1991. The applicant will be advised of the charges as they fall.
- 2 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
- 3 A Corridor Access Request (CAR) is defined in the new “National Code of Practice (CoP) for Utilities access to the Transport Corridors“. This CoP has been adopted by the Whangarei District Council and will be phased in. It provides a single application for TMP/RON applications. Enquiries as to its use may be directed to WDC’s TMC on 430-4230 ext 8258.
- 4 The consent holder shall obtain all necessary Building Consents which may be required for the propped activity.

11.0 Attachments

1. The application (as lodged)
2. Submission by Mr Price
3. Council’s file records of stormwater issues affecting the site
4. Council’s SEEO report
5. Relevant Provisions of the District Plan