

# APPLICATION FOR RESOURCE CONSENT

Pursuant to Section 88 of the  
Resource Management Act 1991

**FOR** PRESERVE PIHA

**AT** 20 SEAVIEW ROAD  
PIHA



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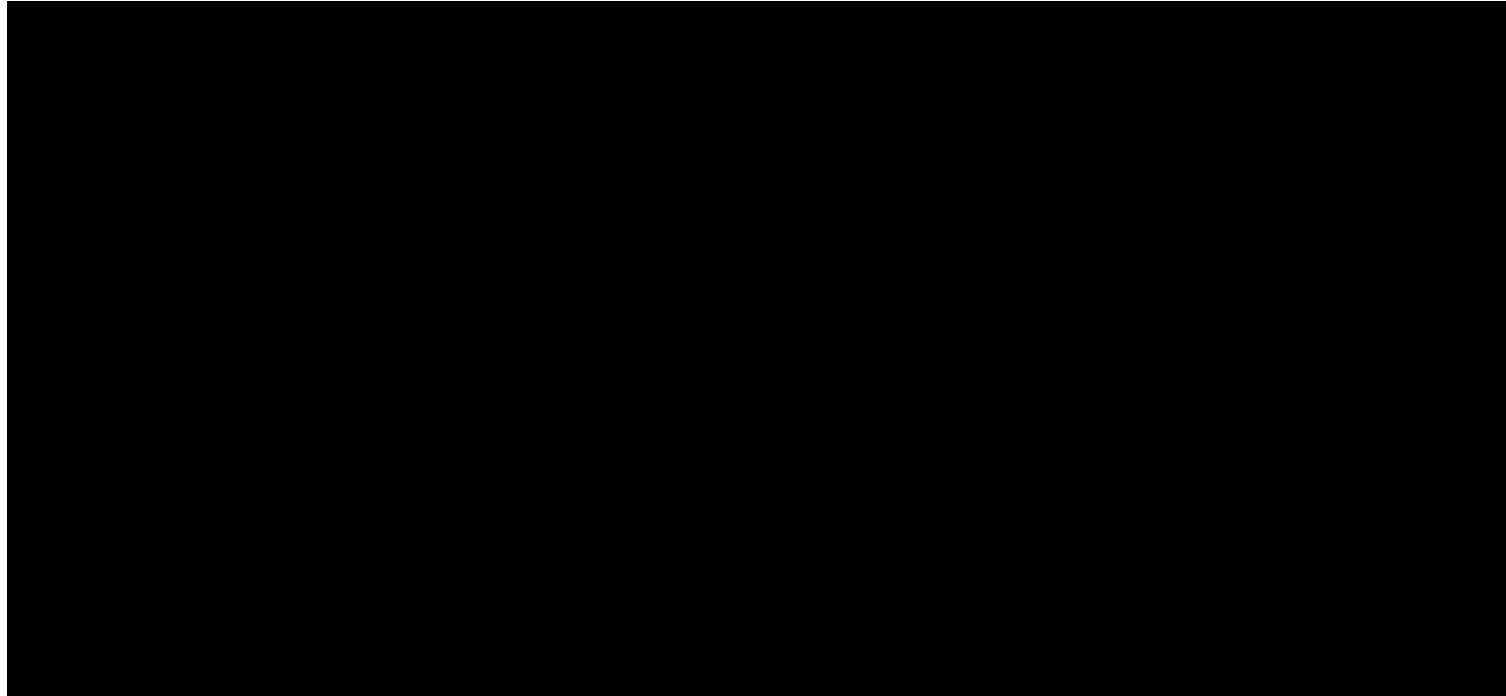
## 1.0 INTRODUCTION

This application seeks a non-complying activity consent for a café at the site of the former telephone exchange on Seaview Road, Piha.

The key features of this proposal are:

- Maintaining an intensity and scale of development compatible with the character and amenity of the surrounding area;
- Ensuring the overall level of development does not unduly dominate the surrounding environment;
- Maintaining a suitable level of on and inter-site amenity through appropriate and sensitive landscaping
- Providing safe and efficient access to the site, sufficient provision of carparking, and easy manoeuvring within the site;
- Effective disposal of stormwater and wastewater, minimising potential adverse effects on the landform and water system;
- Ensuring appropriate management of site works, retaining sedimentation and runoff wholly within the site

The key issues raised by the proposal, and the manner in which they are intended to be addressed are:



## 2.0 APPLICATION DETAILS

**Applicant:** Preserve Piha

**Site Location:** 20 Seaview Road  
Piha

**Legal Description:** Lot 6 DP 40332

**Certificate of Title:** NA75C/745

**Zoning**     - **Human Environment:** Coastal Village  
              - **Natural Environment:** Coastal

**Special Features:** Designation: Telephone exchange

**Roading Hierarchy:** Local Road

**Site Area:** 842m<sup>2</sup>

### **Address for Service:**

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## 3.0 SITE DESCRIPTION

### 3.1 Location and Area

The site is located on the northern side of Seaview Road at the Garden Road intersection, and presently contains two buildings, one of which was previously used as a telephone exchange, and the other as a former postal/mail branch. The site has a total area of 842m<sup>2</sup> and is rectangular in shape.

### 3.2 Adjoining Properties

The “Piha Shop”, a general store serving the local area, is located to the east of the subject site, with the Piha camping ground located on the opposite side of the road.

### 3.3 Wider Area & Services

The area is characterised by coastal residential properties of various size and shape. Access to Piha beach is approximately 200m from the subject site.

### 3.4 Topography

The site rises from Seaview Road to the centre of the property, then remains flat to slightly undulating.



Photograph 1: Current view of site from Seaview Road

## 4.0 BACKGROUND

### 4.1 Past Consents and Site History

There are no Council records for any previous resource consents at the subject site.

The site is designated for use as a telephone exchange. The present post office building was used as an automatic telephone exchange building from the late 1960's until 1987 when Telecom built a new exchange at the rear of the site. The local residents & ratepayers association has run a post office service from the original building at the front of the site from 1987 until present.

In 2004 the telephone exchange service was upgraded, and the site became surplus to Telecom requirements. The present owners purchased the site in 2006 with the intention of establishing a café on the site.

The current application for resource consent to operate a cafe from the site was originally lodged at Waitakere City Council on 13<sup>th</sup> February 2007. The application has been amended to address matters raised by various specialists in the original assessment, including noise, odour, signage and lighting.

### 4.2 Legal Restrictions

The property is held in Certificate of Title NA75C/745 and is subject to the following legal restrictions:

- Subject to Part IV A Conservation Act 1987. This is not relevant as this part refers to the sale of land by the Crown. The property is currently in private ownership.
- Subject to Section 27B State-Owned Enterprises Act 1986. See Section 9 of this report with discussion regarding the Treaty of Waitangi.
- Subject to a right (in gross) to convey telecommunications over part marked A on DP 350858 in favour of Telecom New Zealand Limited created by Easement Instrument 6813321.1. This easement is located in the front of the site, and the proposed landscaping works will not affect this easement.

## 5.0 PROPOSAL

It is proposed to establish and operate a cafe on the subject site. The café will be designed to accommodate 30-35 people at dining tables. However, due to the proximity of the site to the beach and camping ground, it is envisaged that many of the patrons will take-away their food.

The objective of the applicants is to develop a vibrant café offering high quality fare with emphasis on organic ingredients including a fresh juice bar. The café will cater for the local residents, tourists in the camping ground and day visitors to the Piha area. Internet facilities will also be provided from the site.

The café will operate from 7am until 7pm throughout the year.

The two existing accessways to the site will be replaced by a newly formed access, with this generally located in the position of the existing paved and extensively grassed driveway adjacent to the eastern boundary. The balance of the area between the road and the rear building will be cleared to provide significant on-site car parking and manoeuvring areas. Ten carparks are proposed, including one reserved for staff carparking, and one mobility park.

The café building itself will be located toward the rear of the site and will be approximately 108m<sup>2</sup>. Outdoor decking is proposed proximate to the western boundary, and a sandpit will be provided for the use of younger patrons.

Appropriate landscaping has been designed to ensure the development is consistent with the existing coastal character of the area.

Stormwater will be disposed to the kerb through a swale and landscaping at the west of the site to facilitate onsite soakage. The carparking and access areas will be formed in permeable paving to restrict peak flows. A comprehensive wastewater system has been designed to treat and dispose of wastewater without contamination of the stormwater. A water bore is proposed at the rear of the site to top up water supply when collected rainwater is not sufficient.

## 6.0 RELEVANT RULES

### 6.1 Operative District Plan

RULE	REQUIREMENT	STANDARD
<b>Coastal Village Human Environment</b>		
4	Building Height	Maximum average – 6.0 metres Maximum elevation (ie any one side of a building) – 10.0 metres <i>Complies</i>
5	Height in relation to boundary recession planes	Southern boundary – 2.5m + 35° East and Western – 2.5m + 45° Northern boundary – 2.5m + 55° <i>Complies</i>
6	Yards	Building is located 0.5m from the western side boundary for a length of 1.4m. <i>Discretionary</i>
7	Building coverage (excluding decks under 1.0m)	15% of the site area or 300m <sup>2</sup> , whichever is lesser, provided that no single building may exceed a building coverage of 200m <sup>2</sup> Building coverage = 117.17m <sup>2</sup> = 13.9% Rule requires that 20m <sup>2</sup> for a covered carparking space be included in the calculation. The total building coverage is therefore 16.6% and requires consent. <i>Limited Discretionary</i>
8	Non-residential activities	<i>Non-complying</i>
9	Traffic Generation	No more than 20 vehicle movements per day or 1% of the road's daily traffic volume, whichever is greater <i>Non-complying</i>
10	Carparking and Driveways	<i>Limited Discretionary</i>
11	Noise	Will exceed 45dBA between 7am – 10pm Sundays and Public Holidays <i>Discretionary</i>
12	Air discharges, Lighting, Odour	<i>Will comply (detailed in the AEE)</i>
13	Signage	Sign will be 1200mm x 400mm x 50mm and will therefore be less than 1.5m <sup>2</sup> . However, it is proposed to have backlights onto the sign during the evening hours of operation. The sign is therefore a <i>Non-complying Activity</i>
15	Infrastructure	Water tank will be 0.9m above ground level, and will be 30m <sup>2</sup> in area <i>Discretionary</i>
<b>Coastal Natural Environment</b>		
2	Vegetation Alteration	Removal of existing vegetation is required as shown on the landscaping plan <i>Discretionary</i>
3	Earthworks	Earthworks more than 100m <sup>3</sup> (being 128m <sup>3</sup> over an area of 483m <sup>2</sup> ) <i>Non-Complying</i>
4	Impermeable Surfaces	Up to 10% of the net site area, or 250m <sup>2</sup> , whichever is the greater Total 445m <sup>2</sup> = 52.8% <i>Limited Discretionary</i>

Overall the application is considered to be a *Non-complying Activity*

## 6.2 Permitted Baseline

Reference is made to Sections 94A(a), 94B(3) and (for clarity) 104(2) of the RMA. The Environment Court and the Court of Appeal have established that the Council must have regard to a "Permitted Baseline" when considering adverse effects on the environment; affected persons; and actual and potential effects. When determining what makes up the "Permitted Baseline", the Council:

1. **Must** have regard to the effects of the existing lawfully established environment; and
2. **May** have regard to the effects from any approved but unimplemented resource consents; and
3. **May**, at its discretion, disregard an effect if the Plan permits an activity with that effect.

### 6.2.1 Existing Environment

The site and environment has been discussed in Section 3 of this report. It must be considered a benchmark against which new adverse effects introduced by this application are to be measured. The existing environment comprises the following:

- 2 buildings, with a total building coverage of 96m<sup>2</sup>
- Total impermeable surface coverage of approximately 108m<sup>2</sup>
- Non-residential use of the site (currently a post office)

It is considered that relevant effects arising from the existing environment include the following:

- Visual effects from the existing building coverage
- Stormwater flows from the existing impermeable surface coverage
- Existing traffic movements associated with the post office

### 6.2.2 Unimplemented Resource Consents

There are no approved but unimplemented resource consents affecting this site.

### 6.2.3 Permitted Activities

Permitted Activities include a single residential dwelling that complies with all bulk and location requirements of the Coastal Village zoning. The effects of shadowing and dominance of a single building structure should be considered as part of the permitted baseline.

## 6.3 Auckland Regional Council Consents

An Auckland Regional Council wastewater discharge consent is required for this proposal. This has been applied for by Ormiston Associates.

A water bore application is also required. This has been made to Auckland Regional Council.

## 6.4 Table of Rules

Relevant Rule	Relevant objectives and policies	Relevant Assessment Criteria
Coastal Natural Rule 2	1.5, 1.6, 1.7, 1.8, 1.9, 1.14, 1.20, 2.4, 2.8, 2.10, 3.2, 3.4, 3.5, 5.1, 6.2, 7.2, 7.3, 8.4, 8.6, 8.7, 9.6, 9.7, 9.10, 9.11, 9.12, 9.14, 10.27, 10.28, 11.7, 11.32	Coastal Natural Area 2(a) – 2(p)
Coastal Natural Rule 3	1.5, 1.6, 1.7, 1.8, 1.9, 1.14, 1.20, 2.4, 2.8, 2.10, 3.2, 3.4, 3.5, 5.1, 6.2, 7.2, 7.3, 8.4, 8.6, 8.7, 9.6, 9.7, 9.10, 9.11, 9.12, 9.14, 10.27, 10.28, 11.7, 11.32	Coastal Natural Area 3(a) – 3(r)
Coastal Natural Rule 4	1.5, 1.6, 1.7, 1.10, 1.20, 2.10, 5.1, 7.2, 7.3, 8.4, 9.6, 9.7, 9.10, 9.11, 9.12, 9.14, 10.27	Coastal Natural Area 4(a) – 4(k)
Coastal Village Rule 4	1.15, 9.4, 9.5, 10.5, 11.3, 11.8, 11.26	Coastal Village 4(a) – 4(d)
Coastal Village Rule 6	1.15, 9.4, 10.5, 10.6, 10.27, 11.3, 11.8	Coastal Village 6(a) – 6(d)
Coastal Village Rule 7	9.4, 10.4, 10.5, 10.6, 10.17, 10.27, 11.3	Coastal Village 7(a) – 7(b)
Coastal Village Rule 8	1.2, 1.3, 1.18, 4.1, 4.7, 9.8, 10.1, 10.3, 10.14, 10.27, 11.8, 11.10, 11.17, 11.18, 11.30, 11.31	Coastal Village 8(a) – 8(d)
Coastal Village Rule 9	10.14, 10.27, 11.12, 11.30, 11.31	Coastal Village 9(a)
Coastal Village Rule 10	10.11, 10.16, 10.27, 11.10	Coastal Village 10(a) – 10(d)
Coastal Village Rule 11	10.2, 10.15, 10.27, 11.13	Coastal Village 11(a) – 11(d)
Coastal Village Rule 13	10.3, 10.27, 11.8, 11.11	Coastal Village 13(a) – 13(c)



Photograph 2: View from rear of site. The proposed access will be at the left of this photo.

## 7.0 ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

### 7.1 Section 104(1)(a)

#### 7.1.1 Assessment of Adverse Effects

##### 7.1.1.1 *Flora/Fauna*

The site is currently largely in grass and low level scrub, with some generally protected vegetation located at the front of the existing Post Office (including coprosma, astelia, phormium and cordyline), and adjacent to the western boundary. It is proposed to remove vegetation in accordance with the proposed landscaping plan. New landscaping will introduce native coastal vegetation to the site, including coprosma, wharariki, whau and coastal astelia. A pohutukawa tree is proposed towards the front of the site. The site is not currently a significant link in the green network, and the existing vegetation on the site has largely been planted for landscape amenity purposes. The trees could be retained, however this would not be in keeping with the overall design of the site. It is considered the proposed planting will adequately mitigate the removal of the existing vegetation and will result in a coherent visual appearance that is in keeping with the Piha character. It is proposed to submit and carry out a weed management plan to enhance the natural quality of vegetation on the site. It is considered overall, the effects of the proposal on flora and fauna will be de minimus.

##### 7.1.1.2 *Landform and Water system*

The development will largely follow the existing contours of the site, with minor cut and fill required to provide safe carparking areas on the existing slope. The site currently contains two buildings and there do not appear to be any stability issues, therefore it is considered the site is structurally sound for the proposed building work.

The general design of the earthworks is governed by the need to sheet flow the carpark and driveway area onto the western vegetated area to minimise the effects of stormwater. The levels have been determined from the car park levels, which require cutting in the western portion. The final levels are shown

on the earthworks plan. The alternative would be to not cut this area and have walls at the western end of the carpark and also have the need to provide reticulate drainage with cesspits, which is not the desired effect. Another alternative would be to slope the car park back towards the east which would result in the water running directly to the road. It is considered the design of the earthworks will achieve the best result in terms of minimising the effect on landform and stormwater flows. Earthworks will also be required to provide a level access to the water bore, for occasional maintenance. This slope will be battered to minimise retaining walls at the rear of the site. Excavation is also required for the installation of the water tank. A detailed earthworks plan is provided at Appendix E. No earthworks are required in the road reserve.

The total cut area will be 438m<sup>2</sup>, with a total volume of 128m<sup>3</sup>.

A small area of fill will be required to level the site. The total area of fill will be 80m<sup>2</sup>, with a total volume of 5m<sup>3</sup>.

The total area of cut to fill will be 518m<sup>2</sup>. The excess volume of cut will be 123m<sup>3</sup>. This will be removed from the site and disposed of at an approved clean fill facility.

As shown on the cross sections attached at Appendix E, retaining walls are not considered necessary for the accessway and carparking areas. There are locations on both boundaries where there will be reasonable batters in the landscaped areas (approximately 1:2 max). The only retaining wall will be at the north of the site, adjacent to the proposed water bore.

As the earthworks shall be undertaken within one metre to the external boundaries it is proposed to construct silt fences along the western and southern boundaries to ensure no sediment laden run-off enters the road or neighbouring site. A stabilised entranceway will be constructed to ensure no spoil is tracked onto Seaview Road or the surrounding road network. Maintenance checks will be performed by the earthwork contractors on all sediment and erosion measures regularly and prior to any forecast rainfall and following rainfall during the earthworks period. This check will consist of a visual inspection to ensure that all devices are constructed as detailed and are working as specified. All problems will be remedied immediately.

The duration of the earthworks is expected to be approximately three days, depending on weather conditions. The average traffic movement per day is 1 to 2 per day and the overall traffic movement is approximately 4 heavy vehicle trips for the earthwork activity. Therefore the earthwork activity will be temporary in nature, and when considered in terms of the duration of proposed

development of the site, will have negligible effects on the amenity of the surrounding residential sites.

'Grassrings' plastic grid or similar paving will be used for the access and carparking areas. As well as contributing to the visual amenity of the site, these blocks will allow permeability of the paved area to minimal sheet flow of stormwater. The entire access and carparking area has been designed to slope towards the west of the site, to the landscaped area. Consultation with Shelley Renkema of EcoWater has confirmed that Council is satisfied with this proposed method of stormwater disposal (See Appendix I).

A comprehensive wastewater treatment system has been designed to effectively dispose of the wastewater from the café whilst minimising environmental effects. The carparking areas will be constructed in 'grassrings' plastic grid or similar, to increase the permeability of the ground surface. The infiltration of stormwater into the wastewater treatment area will be low, therefore, contamination will be minimal. Full details of the wastewater treatment and disposal system is attached at Appendix D, which includes the original report, and responses to requests for further information. The details of the proposed dishwasher to be installed are enclosed at Appendix K. Overall, it is considered the effects of the development on the water system will be no more than minor.

#### 7.1.1.3 Infrastructure

Details of the wastewater disposal system, including a detailed assessment of environmental effects, is attached at Appendix D.

Water for the café will be supplied by roof rainwater catchment and stored in large rainwater tanks. A single 25,210 litre water tank will be installed at the rear of the site. Water will be obtained from the proposed water bore should supplies run low. Drinking water is likely to exceed more than 1,500 person days each year, and the water supply will therefore be required to meet the Drinking Water Standards New Zealand. This will involve regular monitoring to ensure compliance with the microbiological, chemical and radiological standards, and records will be kept under section 6 of the standards. It is recommended that a condition of consent require a detailed water supply system design and management plan be submitted to Council prior to operation of the café.

The water tank will be located 2m below, and 0.9m above ground level, and will be 3.5m in diameter. To reduce the visual effects, low level planting is proposed around the base of the tank, as detailed in the landscaping plan.

#### 7.1.1.4 People and Built form

The proposed building complies with the bulk and location requirements of the District Plan zoning provisions, with the exception of the furniture store and the rear of the building which will infringe the 3m setback to the western boundary. The building coverage infringement is a technicality only, as there is no intention or perceived requirement to provide a covered carparking space for this facility. The actual building coverage proposed will comply with the maximum 15%. There will be no adverse effects on the immediately adjacent properties with regard to shadowing or dominance. The nearest residential dwelling is over 20m from the proposed building extensions.

The building will be a single level only and will not obstruct any views from residential properties. The building exterior will consist of stained black rough sawn weatherboards. The roofing will be constructed with galvanised steel. The appearance of the building will therefore be consistent with the coastal character of the site location.

The effects from the yard setback infringement to the western boundary on the neighbouring property will be de minimus. This is because existing and proposed vegetation will screen the building from the neighbouring site; the part of the neighbouring site adjacent to the infringement is in vegetation and access use; and the neighbouring dwelling and outdoor living court is a significant distance from the proposed café building. There will be no effects on shading, privacy or physical dominance as a result of the yard infringement.

#### 7.1.1.5 Character and Amenity

"Amenity values" is defined in the RMA as:

*"...those natural and physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes".*

The amenity values and neighbourhood characteristics of an area can therefore be said to be those special qualities, in particular natural and physical characteristics that make an area unique or different. In this case, the café will be located within the Piha coastal settlement. It is considered that the Piha landscape is one where natural landform, vegetation patterns and the expansive waterscape elements visually dominate over built-form and human settlement patterns. The attraction for residents and visitors to Piha is the 'wildness' of the environment, in contrast to urban and landscaped beaches such as Mission Bay and Long Bay. Development in Piha is therefore expected to reflect and maintain the village character, and not urbanise it with

unsympathetic materials and intensified development patterns. The building materials and landscaping for the proposed cafe has been designed to integrate with the existing village, including the proximate camping ground, village shop, surf shop, and beach. The design will incorporate design elements common in the Piha area. A visual impact assessment has been prepared and concludes that the design will be consistent with the visual amenity of Piha, and is attached at Appendix C.

It is also acknowledged that commercial activities in Piha could potentially contribute to a cumulative change in the character of the area. The cafe is proposed to be a low-impact activity that will provide a facility to the residents and visitors already coming to the area. The history of the site provides a uniqueness amongst the coastal village zoned sites, in that it has not been used for residential purposes. The location of the site also lends itself for the purpose of a cafe, due to the proximity of the camping ground and the regional park. It is considered that the sensitive design and limited intensity of the proposed use will not detract from the uniqueness of the Piha settlement.

#### 7.1.1.6 Traffic Generation and Vehicle Movements

A comprehensive traffic and parking assessment has been prepared by team ltd following consultation with Waitakere City Council's Senior Transport Engineer, Mr John Carroll. Ten carparking spaces will be provided, including one space reserved for staff and one disabled parking space. Adequate onsite manoeuvring space will be provided. It is envisaged that a large percentage of patrons will attend the café on foot, either from the local neighbourhood, the proximity holiday camp or from Piha beach. Additional traffic movements associated with the proposed development is not expected to create any operational problems either entering/leaving the site or on the road. A semipermeable path is proposed to create an adequate pedestrian linkage between the road and the café building. The full traffic report is attached at Appendix G.



Grassrings Plastic Grid permeable paving system

Overall it is considered the adverse effects of the café on the safe and efficient operation of the transport system will be no more than minor.

#### 7.1.1.7 Solid Waste/Odour

An area at the rear of the building has been dedicated as a holding space for rubbish. Rubbish will be contained in a trellised area to ensure it does not spread. Refuse bags will be stored in a covered, lockable bin to contain odour. The rubbish store is located 3.6m from the eastern boundary. Discussions with Waitakere City Council indicate that the rubbish could be collected weekly during the residential collection, and charged at commercial rates. An email from the Solid Waste department confirms Council would be willing to trial this collection, with a long term contract depending on the number of rubbish bags collected weekly (see Appendix J). Rubbish will be minimised by reducing packaging of food and using washable cutlery and crockery.

#### 7.1.1.8 Lighting

Following discussions with Council, there will be no external lighting. The cafe facility will operate during daylight hours only. The only external lighting will be sensor security lights, and uplights to the sign. This will minimise potential adverse effects of lighting on the characteristic darkness of the coastal environment.

#### 7.1.1.9 Noise

A restrictive noise control applies in the Coastal Villages Environment in recognition of the characteristic degrees of quietness found in these areas. A detailed noise impact report has been completed for the proposal and has found that these restrictive noise limits will be exceeded for, Sundays and public holidays. The report concludes however, that the proposed revised noise limit of L10 50dBA for the proposed cafe will be entirely appropriate in a coastal environment such as this, where the relatively high ambient background noise levels are dominated by wave action and sea breezes. Noise mitigation is proposed including acoustic fencing and low noise surface for the carparking areas (of which the proposed 'grassrings' plastic grid will be). The cafe will not operate between the hours of 7pm and 7am, allowing sufficient hours of quiet for sleep. The full noise impact assessment is attached at Appendix H.

#### 7.1.1.10 Signage

The sign will be 1200mm x 400mm x 50mm and will be in timber construction, with a design that is in keeping with the character of the proposal. The sign will be located at the front of the site as shown on the site plan. The height of the sign will not dominate the neighbourhood or nearby structures. The sign will contain only the name of the cafe, and will therefore be clear and not cause

confusion to motorists. The sign is proposed to be backlit for a maximum of three hours each evening, during the hours of operation only. It is considered the sign will be in keeping with the character of the activity and surrounding environment.

#### 7.1.1.11 Precedent and Cumulative Effects

The café development is located on a site that is unique in its location and town planning history. The site, although it is zoned for residential use, has been used as a telephone exchange and post office in the past. The post office continues to operate as a non-residential activity. In addition, the site has specific locational aspects, including proximity to an existing shop, holiday park and public beach access. Due to these site specific and unique circumstances, it is considered no precedent will be set, as other coastal village zoned sites do not have these characteristics.

#### 7.1.1.12 Conclusion

Overall, having regard to the permitted baseline, the adverse environmental effects of the proposed activity would be no more than minor, subject to the imposition of conditions of consent.

## 7.2 District Plan Objectives and Policies (s104(1)(b))

The relevant Objectives and their supporting Policies are located in the Policy Section of the District Plan.

The following policies of the Operative District Plan are considered to be of particular relevance to this application: .

- 1.7, 1.10 - Stormwater disposal has been investigated by Cato Bolam Consultants Ltd in consultation with Shelley Renkema of Ecowater. 'Grassrings' plastic grid paving over the carparking and manoeuvring areas of the site will increase permeability. The contour of the site has been designed so that any sheet flow is directed towards the landscaped area at the west of the site.
- 1.8 - The proposal has been designed to retain the existing shape of the site. Earthworks will be supervised and an erosion and sediment control plan will be implemented to prevent sediment flows affecting the road and/or neighbouring properties.

- 1.14 - Detailed wastewater treatment and disposal has been designed by Ormiston Associates Limited to ensure that any potential contamination of soils or the water table will be avoided or minimised.
- 9.6, 9.4 - The driveway will be formed in grassring plastic grids. This will minimise the visual impact the driveway will have on landscape amenity. No kerbing, channelling or footpaths are proposed in association with this proposal.
- 9.4 -The building exterior will consist of stained black rough sawn weatherboards. The roofing will be constructed with galvanised steel. The appearance of the building will therefore be consistent with the coastal character of the site location. Full details of the visual character of the activity are provided in the visual impact assessment.
- 9.5, 10.5, 11.8 - The proposed building complies with the relevant bulk and location requirements of the District Plan, with the exception of a side yard requirement. The separation of the site from the neighbouring dwelling will result in minimal adverse effects from this infringement.
- 4.1, 9.8, 10.14 – A detailed traffic assessment has been prepared that concludes the additional traffic movements created by the proposed café will not result in any more than minor adverse effects.
- 11.10 – The proposed café has been designed to be in keeping with the Piha environment. This includes the landscaping of the site and the building materials used for the external appearance.

Overall it is considered the proposal is not inconsistent with the relevant Objectives and Policies of the District Plan.

## 7.3 District Plan Assessment Criteria

Matters specifically raised in district plan assessment criteria which are relevant to this application are located in the Coastal Villages Human Environment and Coastal Natural Area chapters of the District Plan. The assessment of environmental effects in Section 7.1 of this report has comprehensively considered all issues that are raised by the relevant assessment criteria. Of particular relevance to this application are the following:

## Coastal Villages

### Rule 7: Building Coverage:

*7(a) The extent to which the scale of buildings detract from the natural landscape*

A comprehensive visual impact assessment and landscaping design has been prepared to ensure the materials and planting proposed is consistent with the coastal, natural character of Piha.

### Rule 8: Non-Residential Activities:

*8(a) The extent to which the character, scale and intensity of Non-Residential Activities are compatible with amenity values, neighbourhood character, and the natural landscape*

*8(b) The extent to which Non-Residential Activities complement the visual amenity of the neighbourhood*

*8(c) The extent to which non-Residential Activities create adverse effects on water quality, native vegetation and fauna habitat*

*8(d) The extent to which Non-Residential Activities created adverse effects on the residential coherence and the safety of residents of the neighbourhood*

Potential effects on amenity values and the visual landscape have been detailed in the visual impact assessment. The proposal has been designed to be consistent with the character of the area. Effects on water quality, native vegetation and fauna habitat will be minimal as wastewater and stormwater disposal has been designed for best possible environmental outcomes. With regard to residential coherence and the safety of residents, it is noted that this site has a history of non-residential use and is located proximate to other non-residential activities.

### Rule 9: Traffic Generation (Non-Residential Activities)

*9(a) The effects of traffic generation on:*

- *The characteristic level of noise in the area*
- *The capacity of road giving access to the site, having regard to the road's function in the Rooding Hierarchy*
- *The safety and efficiency of road intersections*
- *The safety and road users, including cyclists and pedestrians*
- *The reduction of overall levels of traffic and encouragement of other, less polluting forms of transport such as walking, cycling and public transport*

A detailed traffic report has been prepared to assess the effects of the proposal. It is anticipated the cafe will be visited by residents and those people who already visit the Piha area. As the cafe will be located proximate to the beach,

camping ground, and is within walking distance of most of the Piha township, it is anticipated that a lot of people will walk to the site. It is unlikely the establishment of the cafe will result in significant increases of traffic movements to and from Piha.

### Rule 10: Carparking and Driveways:

*10(a) The extent to which driveways are positioned in a way which recognises the need to integrate development with amenity values and the natural landscape*

*10(b) The extent to which driveways provide safe and efficient vehicular access from the road to buildings*

*10(c) The extent to which car parking accommodates expected peak demand of an activity, has regard to the position of the site in relation to public transport routes and the parking capacity of adjacent roads; and has regard to the road's function in the Rooding Hierarchy*

*10(d) The extent to which driveways and car parking create adverse visual or aural effects on adjoining sites*

A traffic impact report has been prepared. The parking provided will accommodate the peak visitor numbers anticipated on the site. Car parking and access areas will be in "grassrings" paving. This will reduce visual and amenity effects from the area. Landscaping is provided along the eastern boundary of the site. This will provide a further buffer to the adjacent property. A fence is proposed in accordance with the acoustic assessment to minimise noise effects on the adjacent property from vehicles manoeuvring on the subject site.

### Rule 11: Noise

The relevant noise assessment criteria have been considered in the acoustic report.

### Rule 13: Signs

*13(a) The extent to which signs are visually appropriate to the natural character of the area*

*13(b) The extent to which signs create a situation hazardous to the safe movement of traffic*

*13(c) The extent to which signs are of a height which avoids the signs dominating the neighbourhood and nearby structures*

The proposed sign will be no more than 1.2m above the ground. It is shown on the artists impression of the cafe, as included in the visual impact assessment. The sign will not obstruct the view for motorists entering and exiting the site, and will not obstruct visibility along Seaview Road. The sign is small in scale

and together with the proposed landscaping, will be part of an attractive frontage.

#### Rule 15: Infrastructure

*15(a) The extent to which infrastructure adversely affects the amenity values and neighbourhood character*

*15(b) The extent to which infrastructure height or bulk physically dominates adjoining sites*

*15(e) The extent to which the scale and design of the infrastructure proposed complements amenity values and neighbourhood character*

*15(g) The extent to which provision is maintained to provide for the planting of lawns and trees around the infrastructure*

Although large in area, the tank will be no more than 1.0m above natural ground level and will not be visually prominent. It will be located behind the cafe and will not be visible from the road. It is proposed to landscape around the base of the water tank to provide a visual buffer.

#### **Coastal Natural Area**

#### Rule 3: Earthworks

The assessment criteria require regard to be given to water quality, vegetation, natural landscape elements, flooding or erosion, and visual amenity. The earthworks will be undertaken in accordance with the erosion and sediment control plan to minimise effects on the receiving environment. In general, cut and fill depths will be minor and will be battered to allow for effective access and stormwater disposal. The greatest excavation is required for the water tank at the rear of the site. The potential adverse effects have been balanced with the potential adverse visual effects from locating the tank fully above the ground. The land will be stabilised by the installation of the water tank. Sufficient area around the tank is provided to allow the continuation of the subground water systems.

#### Rule 4: Impermeable Surfaces

The assessment criteria require regard to be given to water quality, vegetation, flooding or erosion, and landscape values. Potential effects from the impermeable surface coverage infringement will be minimised through the use of semi-permeable paving. This will reduce visual effects as the area will appear in grass. It will also encourage greater on-site absorption, reducing point disposal and increased flooding issues. The paved access and carparking areas will be directed to the swale and landscaping proximate to the western boundary, before being disposed at the kerb. This will provide a 'wetland' type system which will minimise adverse effects from low stormwater quality.

## 7.4 Regional Planning Documents

Section 104(1)(b) requires consideration to be given to the Regional Policy Statement. Relevant matters arising from the Auckland Regional Policy Statement are as follows:

- *The existing character of the coastal environment should be taken into account when protecting area against inappropriate development (Issue 7.2.1)*

The site is currently in non-residential use. The scale of the proposed development is in keeping with the existing character of the Piha area.

- *Recreation in the coastal environment needs to be provided for in appropriate forms and locations (Issue 7.2.6)*

Piha attracts a lot of visitors to enjoy the natural beauty and "laid-back" character of the area, as well as undertake a range of recreational pursuits. The café proposes to serve these visitors as well as local residents, and has been designed to be of an appropriate character and scale for the Piha area.

- *Large quantities of waste are generated in the Auckland Region, and disposal of this waste can lead to adverse environmental effects (Issues 15.2.1 and 15.2.2)*

A comprehensive wastewater treatment and disposal system has been designed to minimise adverse environmental effects. Solid waste will be collected weekly by Council contractors at commercial rates.

## 7.5 Other Relevant Matters (s104 (1)(c))

The subject site is located within the Waitakere Ranges Heritage Bill area. The objectives of the bill include to ensure that any development is of an appropriate character, scale and intensity and does not adversely affect the heritage features. The heritage features include the uniqueness of individual coastal settlements, the value placed on the visual amenity of the Waitakere Ranges, and the significant ecosystems of the area. As discussed earlier in this report, it is considered the development will be of an appropriate character, scale and intensity given its location within the Piha settlement.

## 8.0 CONSULTATION

The applicants' held a BBQ on the subject site on March 17th 2006 in order to meet the local community and discuss their future plans for a café on the site. Since that time there has been considerable further discussion with the local community and its representatives, the aim being to explain the proposal and to address issues raised. The design of the development has been reviewed in response to concerns and in order to develop a proposal that is reflective of the character of the area. The applicants attended the Piha Residents and Ratepayers meeting on the 2nd March 2007 to present the proposal.

A copy of the application has been forwarded to the iwi representatives for Te Kawarau a Maki and Ngati Whatua for their input. A telephone conversation with Saul Roberts, representative from Te Kawarau a Maki, on Friday 22nd June provided positive feedback.

## 9.0 PART II

With particular reference to Section 5 of the Act, approval of this application will enable people and communities to provide for their social, economic and cultural well being through providing for a high quality café for residents and visitors to the area. It is appropriate that this be allowed, given that relevant environmental issues have been identified and all potential adverse effects avoided, remedied or mitigated. This proposal represents an efficient use and development of existing physical resources while also offering protection of existing natural resources.

Section 6 states that it is a matter of national importance to preserve the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development. The proposed café will be located on a site proximate to the coastal physical environment. However, the site has already been modified from its natural form through the construction and operation of a telephone exchange and post office from the site.

Section 7 outlines other matters that all persons should have regard to. The proposal will be an efficient development of natural and physical resources. The site has a history of non-residential use and is within walking distance from the beach, the main attraction for visitors to the area. There is demand for a café facility in the area and the history and location of the subject site makes it the most suitable for the proposed development.

Section 8 requires regard to be given to the principles of the Treaty of Waitangi. The applicant acknowledges that the site is subject to Section 27B State-Owned Enterprises Act 1986, which provides for the resumption of land on the recommendation of the Waitangi Tribunal. This is due to the land previously having been in Telecom ownership. Legal advice has been sought in relation to the reference to this section on the certificate of title for the property from Simpson Grierson. Should the land be subject to any future successful claim, the government would be required to purchase the land from the owners in its current form. The establishment of a café would therefore not restrict the land to meet any legal requirements in this regard. A copy of the application has been forwarded to iwi representatives for their comment.

## 10.0 SECTION 104D

Section 104(D) of the Act requires that a consent authority must not grant a resource consent for a non-complying activity unless it is satisfied that the adverse effects on the environment will be minor, or that the application is for an activity which will not be contrary to the objectives and policies of any relevant plan.

It is considered that this proposal satisfies not only one, but both of these prerequisite tests. As is comprehensively canvassed in Section 7.1 of this application report, this proposal will have no more than minor adverse effects on the environment. Further, as is also covered in Section 7.2 of this application report, the proposal does not offend relevant regional and district planning policies.

This application offers sufficiently unique circumstances, which justify consent as a non-complying activity.

Although non-residential activities are not provided for within the Coastal Village zone, the subject site and surrounding properties have a history of non-residential use. This is evidenced by the current use of the site as a post office, and a neighbouring site with the same zoning being used as a shop. The site is also in close proximity to areas of open space, including the Piha Camping Ground, that make it unique in its location. Due to the unique circumstances, and the passing of the two gateway tests under Section 104(D) of the Resource Management Act, it is considered appropriate consent is granted for this non-complying activity.

## 11.0 SUGGESTED CONDITIONS OF CONSENT

### Extent of Activity

- *The cafe shall not operate outside the hours of 7am to 7pm Monday to Sunday.*
- *The cafe shall not accommodate more than 35 persons at any one time.*

### Landscaping and Visual Amenity

- *Effective and ongoing maintenance of the proposed planting*
- *Enforcement of an effective and ongoing weed management programme for the entire site*

### Signage

- *The design of the sign shall be submitted to the Council's Monitoring Officer prior for approval prior to the commencement of the activity.*
- *The sign shall not be illuminated*

### Refuse disposal

- *Solid waste shall be collected no less than weekly. A current refuse collection contract must be made available to the Council Monitoring Officer upon request.*

### Water supply

- *A detailed water supply management plan shall be submitted to the Council Environmental Health Officer prior to the commencement of the activity. The management plan should demonstrate compliance with the Drinking Water Standards New Zealand.*

### Noise

- *The consent holder shall erect a fence as marked on the approved plans prior to the cafe activity commencing. The fence shall be no less than the heights shown on this plan and shall be constructed of a material with a surface density not less than 10kg/m<sup>2</sup>. The fence shall have no gaps along its length or at its base. If timber battens are used, it may be necessary to overlap battens to prevent gaps appearing due to timber drying/shrinkage.*
- *The fence shall thereafter be maintained as an effective acoustic screen as long as this consent is given effect to.*
- *The vehicle access-way shall be paved with a low noise surface such as 'Grassrings' plastic grid with a grass covering between the wheel tracks.*

- *The selection, design and installation of any mechanical plant and ventilation systems shall be supervised by an appropriately qualified acoustic engineer to ensure compliance with the noise levels.*
- *The activity shall at all times comply with a noise level of L10 50dBA when measured at any adjacent site in accordance with NZS6801:1991 Measurement of Sound and NZS6802:1991 Assessment of Environmental Sound.*
- *All refuse collections and product deliveries may only take place during the stated hours of operation.*

### Wastewater

- *The approved wastewater treatment and disposal system shall be installed and maintained in accordance with the report prepared by Ormiston Associated Ltd, dated December 2006.*
- *The wastewater flow shall not exceed 3,300 litres per day.*
- *All cooking and edible oils, waste milk, and coffee grinds will be separated and stored separately at source. These materials shall be collected and removed off-site.*
- *Water reduction fixtures shall be installed in the cafe where practicable, including restricted flush or dual flush toilet systems, aerated tap faucets, orifice flow valves in all taps and water outlets.*

### Carparking and Access

- *The carparking and access areas shall be formed in a 'grassrings' plastic grid or similar surface.*

## 12.0 CONCLUSION

This proposal seeks consent to establish and operate a quality café from the old telephone exchange building at 20 Seaview Road, Piha. All matters raised under the District Plan and the Resource Management Act 1991 have been addressed and satisfactory conclusions reached. It is considered the café development will be an appropriate use for the site, and all potential adverse effects have been identified and avoided, minimised or mitigated as discussed in this report. Resource consent is therefore requested in accordance with Section 104 of the Resource Management Act 1991.

**Report Prepared by:**

**Peer Reviewed by:**

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## **Appendix A: An A4 reduced copy of the site plan and elevations**

## Appendix B: Copy of Certificate of Title NA75C/745

# Appendix C: Visual Impact Assessment and Landscaping Plan

# Appendix D: Wastewater report and further information responses

# Appendix E: Earthworks Plan and Cross Sections

# Appendix F: Erosion & Sediment Control Plan

## Appendix G: Traffic report

# Appendix H: Noise Impact Assessment and further information responses

## **Appendix I: Email from Shelley Renkema, EcoWater**

## Appendix J: Email from Leslie Fairthorne, Solid Waste, WCC

## Appendix K: Description of Proposed Dishwasher

## **Appendix L: Water bore Application and letter from ARC**

## Appendix M: Water tank details