

**AGENDA FOR A SPECIAL MEETING OF THE HEARINGS COMMITTEE TO BE HELD
IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,
ON THURSDAY, 27 MARCH 2003, COMMENCING AT 11.30 AM.**

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1 APOLOGIES



**2 NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE
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APPROVED BUILDING PLATFORM ON A CONTAMINATED SITE AT 4041 – 4049
GREAT NORTH ROAD, KELSTON.**

NEW LYNN WARD

RMA 20022062

N.B. This report sets out the advice of Consent Services to the Hearings Committee on the environmental issues raised by the application for resource consent. It is not the decision of the Council. The decision will be made after consideration of the application by the Hearings Committee.

1.0 INTRODUCTION AND RECOMMENDATION

1.1 Nature of the Application

The applicant seeks consent to construct 32 two bedroom units over 5 sites forming a low rise apartment complex, part of which would be within the Working Environment. This development would require 265m³ of earthworks over a plan area of 571m² outside of the building platform, and consent for a height to boundary infringement of 299mm, relative to the site's eastern residential boundary. These works would be undertaken on a site known by Council to be subject to soil contamination. Overall, these activities would result in an infringement that is Discretionary under the Proposed District Plan, and Non-Complying under the Transitional District Plan.

1.2 Resource Management Issues Raised

The Resource Management Act 1991 requires that, when considering an application for a resource consent, a consent authority shall have regard to the environmental effects of the proposed activity, together with any relevant objectives, policies and rules of the Transitional and the Proposed District Plan.

The proposal has the potential to create adverse effects in terms of reverse sensitivity when establishing multiple residential dwellings and outdoor living areas in an established Working Environment. Pedestrian and vehicular movements associated with the residential activity have the potential to result in a safety hazard in this mixed area, and the height to boundary infringement has the potential to create dominance and shading effects on the adjoining residential property at 4039 Great North Road. Further to this the proposed earthworks would be of such a level that care would have to be taken to ensure that the works do not result in earth being tracked onto adjoining sites or the road, or entering public stormwater drains and impacting on downstream watercourses.

It is considered that the proposal is consistent with several of the Proposed Plan's objectives and policies in that it would result in the creation of a higher density residential complex on a main transport corridor, on a direct bus route to the New Lynn Town Centre, and within walking distance of the Kelston Shopping Complex. The use of the elaborate façade with a graduated height would provide an attractive interface at the meeting points between the established residential (Living) and Industrial (Working) environment, and would improve the amenity of the streetscape.

1.3 Planner's Recommendation

The planner who has prepared this report recommends that, subject to any contrary or additional evidence submitted at the Hearing, **consent be granted** to the application for the construction of a 32 unit higher density housing development within a low rise apartment complex, resulting in a height to boundary infringement, a density infringement, and earthworks outside an approved building platform, all of which would be undertaken on a contaminated site at 4041 - 4049 Great North Road, Kelston.

It is considered that the environmental effects that may be generated by the activity would be minor or could be adequately avoided, remedied or mitigated by the imposition of conditions, and that the relevant objectives and policies of both the Transitional and Proposed District Plans will be satisfied.

2.0 APPLICATION DETAILS

Planner:	Rochelle Edwards
Site Address:	4041-4049 Great North Road, Kelston
Applicant:	Prime Group Limited
Date Received:	1 November 2002
Resource Consent No:	RMA 20022062 SPW N/a
Building Consent No:	None lodged at the time of resource consent.
Legal Description:	Pt Allotment 224 Parish of Waikumete, Lots 1-3 DP 51536, Lot 11 DP 33395.
Address for Service:	Cato Bolam Consultants Limited PO Box 21 355, Henderson
Site Area:	3041m ²
Unit Site Area(s):	N/a
Transitional Plan:	
Zoning:	4049 - Commercial A, 4043-4047 - Industrial A, 4041 - Residential A
Section:	Glen Eden
Hazards:	No known hazards
Proposed Plan:	
Human Environment:	4041-4043 - Living 2 Environment, 4045 - 4049 - Working Environment
Natural Area:	General
Landscape Elements:	N/a
Hazards:	Known natural hazards
Roading Hierarchy:	Strategic Arterial

Further Information Required: Yes

Date Requested: 20 February 2003

Date Received: 26 February 2003

3.0 LOCATION PLAN

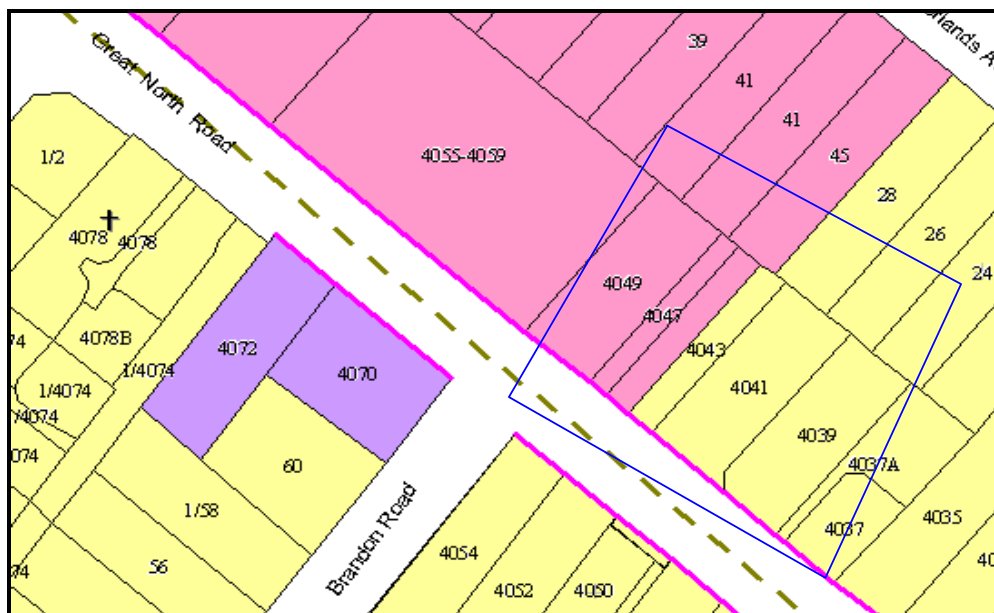


Diagram A: Human Environments Map



Diagram B: Locality Plan showing the sites subject to the application and the surrounding environments.

4.0 THE SITE AND NEIGHBOURHOOD DESCRIPTION

Site Description

The sites are located on the northern side of Great North Road, Kelston, opposite Brandon Road. The entire frontage to the site, and the frontage of adjoining sites on Great North Road, is subject to a Council Road Widening designation. This designated area has not yet been acquired or developed by Council along this portion of the roading corridor. The site is currently vacant and is covered in rank grass and weeds. The only significant vegetation on the site is the Pohutakawa tree in the northeastern corner of the property. The site topography is varied, generally sloping away from Great North Road, with a number of fill mounds present over the property. A retained parking area is located on the southwestern corner of the site. This parking area is a relic of the site's former use as a motorcar sales and services yard. In its present form, the platform exists as a dilapidated pad of concrete, largely overgrown by weeds.

The site has been investigated for traces of contaminants. These levels were found to be slightly above the levels normally permitted for residential development. Therefore it is considered that the site would have been marginally contaminated by its previous land uses.

Site Surrounds

A mix of light to heavy industrial activities, and some residential activities immediately surround the sites. The site is separated from the industrial activities to the north by a fence, which has been constructed out of a mix of wire mesh, corrugated iron, and timber. These adjoining sites contain a range of uses including an automobile repair and car wrecking business, a kitchen joinery factory, an electrical engineering business, and an industrial building occupied by the Assembly of God Church. All of these businesses obtain vehicular access via Cartwright Road (Netherlands Avenue).

To the west of the applicant's sites are a number of businesses at 4051 Great North Road, (shown on the locality plan above as number 4055-4059). These businesses include the West Auckland Compliance Centre, which appears to operate as a vehicle inspection and repair business, Kelston Glass, and a redundant commercial building, formerly occupied by a fruit and vegetable shop. Single storey residential dwellings occupy the sites at 4039 Great North Road, and 26 & 28 Cartwright Road. A Caltex service station is located on the opposite side of Great North Road at its intersection with Brandon Road, (4070 Great North Road). The other sites on the opposite side of Great North Road contain established residential dwellings.

Bus stops are located along the road frontage of the subject site, and on the opposite side of Great North Road, providing public transport to the Glen Eden, New Lynn and Henderson town centres. The site is located within a 10 minute walking distance from the Kelston Shopping Centre. Four public schools are also located within walking distance of the site.

5.0 PROPOSAL

The applicant seeks consent to establish a 32 unit residential development, within a low rise apartment complex. This development would comprise of two modules of two storey 'garden' units and up to four story 'street' units, which would reduce in height towards the residential environment. The applicant has proposed that the complex would be held in one ownership and would be leased to individual occupants. The development would be marketed to persons in the 55 years and over age bracket, where the applicant has advised, there is a high accommodation demand in Waitakere City. Each apartment would be 70m² in area and would contain two bedrooms, a kitchen, dining and living area, a bathroom, private balcony or courtyard and a storage area.

The proposed works comprise the following:

- The creation of a basement level parking area, designed to provide for 32 resident vehicles, and 8 visitor parking spaces. Access to this parking area would be provided by a ramp, which would be located within the south-eastern corner of the property. This basement area would be retained by the external (northwestern) wall of the proposed building, and would be specifically designed by a geotechnical engineer to support the excavated basement area, at the time of building consent.
- The construction of eight 'garden units' at the basement level (Level 1), each with an allocated north facing courtyard area of 51m². Access to these units would be provided from the basement parking area, and via either two internal stair cases or a lift from ground level (Level 2).
- That they would rise through the voids and up into the boulevard area above.
- The construction of six 'street units' on the first floor level (Level 3) of the complex. Access would be provided on the southern side of these units via a common access way, and staircase and lift. A private balcony of 7.2m² would be constructed on the northern side of each of these units, opening out from the internal living area. These balconies would overlook the boulevard and the atrium below.
- The construction of a further 5 'street units' at the third level of the complex, (level 4). These units would be accessed along the southern side with a northerly facing private courtyard overlooking the boulevard.
- The creation of a boulevard extending for the full length of the site with a width of 5m. This would be positioned between ground floor (Level 2) garden units and the ground floor (Level 2) 'street units'. This boulevard would only be accessed by occupants and guest of occupants in the complex. A gazebo would be erected at the eastern end of this boulevard.
- The construction of a glass covered atrium to the west of the pedestrian access way from Great North Road.
- Access from the basement level to the upper floors is provided via either two staircases or a lift. The basement parking area would be accessed via a two-way ramp on the southeastern corner of the property. Pedestrian access from Great North Road is provided at each end of the development.
- A recessed loading area would be provided beside the vehicular access to this ramp. A contained rubbish and recycling storage area would be located directly adjacent to the load space, which would be screened behind a front façade. It is likely that the owner of the development would employ a contractor to manage and collect rubbish. In the event that rubbish collection is not privately managed, Council's collectors of rubbish and recyclable materials would be able to use the loading area to safely collect these materials.
- After on-going consultation with Council the applicant is aware that Council would require the developer to form the widened road area at the front of the site to mitigate adverse effects on vehicular and pedestrian safety. Council's traffic engineers have advised that specific works would include the following: the creation of a 2.5m flush median, a 3.0m centre lane, and a 4.0m kerbside lane. A pedestrian refuge island would be provided at the northern end of this flush median.
- The entire site would be earth worked to facilitate the proposed development and to level the outdoor living courts. The total excavated volume of earth would be 650m³, 400m³ of which would be used as cut to fill, with 250m³ to be transported off site to an approved clean fill facility. Of the earthworks 265m³ over 571m² of earthworks would be required outside of the approved building platform. Earthworks would be required within 1m of all boundaries. The outside wall of the proposed building would be constructed as close as possible to the site's northwestern boundary, whilst also serving as a means to retain the excavated basement area. Further retaining would be provided by a timber wall of up to 1m in height, curving around the site's northern corner and retaining a level earth surface over the private outdoor living courts of the northernmost basement level garden units.

- Finally the applicant is proposing to undertake landscaping along the site frontage, along the northern boundary, and planting within the basement area that would be designed to grow through the open voids in the boulevard surface. Planter boxes would also be positioned adjacent to the private balconies on the first floor street apartments.

A3-A34

The applicant consulted with property owners and occupiers who adjoin the development site prior to lodging the application, and some details of that consultation are attached at pages A3 to A34.

5.1 Pre Application Meeting

A pre-application meeting was held between the following parties on the 20 September 2002:

- Rochelle Edwards (Council Planner);
- Lee Ogilvie (Council Team Leader);
- Peter Joyce (Council Project Manager Urban Design);
- Gordon Griffin (Council Landscape Architect);
- Richard Thomas (Council Drainage Engineer);
- Reg Cuthers (Council Traffic Engineer);
- Melanie Jesson (Consultant Planner);
- Mike Joseph (Applicant);
- John Dare (Applicant).

A119-A130

A copy of the minutes from the meeting are attached at pages A119 to A130.

In summary, the main issues addressed at this meeting were as follows:

- Council agreed that the proposal would be in general accordance with Council's strategies for higher density residential development on main transport corridors and in close proximity to town centres;
- Gordon Griffin raised specific landscape queries with respect to the protected Pohutakawa Tree on the site, and the maintenance of the private yard areas. The applicant's agreed that their consultant landscape architect would respond to these queries;
- Reg Cuthers raised traffic concerns, which included the provision for road widening, the need for right turning areas into and out of the site, parking and manoeuvring arrangements, the relationship between the vehicular ramp and its potential conflict with pedestrian access arrangements, the gradient of the ramp, the provision for trucks stopping to collect rubbish, and the payment of contributions toward the widening of Great North Road. He said that a traffic impact report would be sought by Council;
- Council raised concerns about the potential for the soil on the site to have been contaminated by its past use and the requirement for the applicant to submit a contamination report and undertake soil testing;
- Council raised concerns about the need to mitigate reverse sensitivity effects, particularly with respect to potential noise concentrations at permitted levels from the adjoining industrial sites;
- Council raised concerns about the need to address all stormwater and wastewater disposal methods in the assessment of effects;
- Finally Council asked that matters relating to the storage of garden materials, and fencing of private courtyard areas be addressed.

As noted in the applicant's report, these issues and recommendations were considered by the applicant and largely incorporated into the final proposal.

6.0 REASONS FOR THE APPLICATION

Consent is required under the provisions of the Transitional and Proposed District Plans for the following reasons:

6.1 Proposed District Plan

Working Environment - Residential Activities

Discretionary Consent would be required for the construction of residential units in a Working Environment that are not subsidiary to a non-residential activity on the site. Consent is required pursuant to Rule 7.3.

Living Environment - Height to Boundary

Discretionary Consent would be required for the construction of a building resulting in a height to boundary infringement of 299mm relative to the site's eastern boundary. Consent is required pursuant to Rule 5.3

Living Environment - Density**1

See explanation in footnote below.

Limited Discretionary Consent would be required for a Medium Density Development in the Living Environment where the site has frontage to a Regional Arterial Route. Consent is required pursuant to Rule 2.2.

General Natural Area – Earthworks

Discretionary Consent would be required for earthworks of 265m³ over 571m² outside of an approved building platform, part of which would be within 1m of all site boundaries. Consent would be required pursuant to Rule 5.3.

City Wide Rules - Contaminated Sites

Discretionary consent would be required for development on a contaminated site known to Council, pursuant to Rule 2.2.

¹ The Proposed District Plan defines Medium Density Housing as follows:

“development on a site with a minimum net site area of 2,000m² containing dwellings at a density of more than one dwelling for every 350m² or net site area exclusive of roads, reserves, communally owned driveways, open space and other commonly owned public facilities”.

The definition of net site area includes *“the total area of the site less any area subject to proposed road widening or driveways less than 6.0m leading to a rear site”.*

The Proposed Plan defines Site as follows:

- *An allotment comprised in a single certificate of title; or*
- *An allotment shown on an approved survey plan for which a separate certificate of title could be issued without further consent of the Council;*
- *Or the aggregation of land held in more than one certificate of title for the purpose of a particular development, where an encumbrance or equivalent is incorporated on each title so that the title cannot be disposed of separately, provided that, in reference to all relevant plan rules other than those relating to minimum site area, where an area of land is contained or described in a title issued under the Unit Titles Act 1972, that 'site' shall be deemed to be the whole of the land subject to the unit plan;*
- *And which has legal access to a formed road.*

As the proposal would result in a development over several sites, and a condition would be imposed requiring that this land be held together to ensure that it could not be disposed of separately, the development is considered to be on a site, with a combined land area of 3,041m² on a Strategic Arterial Route, the Medium Density Housing Criteria for development in the Living Environment have been applied.

6.2 Transitional District Plan

Glen Eden Section - Industrial A

Non-Complying Consent would be required for residential dwelling units that are not associated with an industrial use or community purpose, pursuant to Ordinance 7.6.2.

Glen Eden Section - Commercial A

Non-Complying Consent would be required for residential dwelling units that are not associated with a shop, pursuant to Ordinance 7.4.2.

Glen Eden Section - Residential 2 Zone

Discretionary Consent would be required for a residential development with up to 6 units per site pursuant to Ordinance 7.1.2.

Discretionary Consent would be required for undertaking earthworks in excess of 50m³ outside the eaves of a house in a Residential Zone under Ordinance 7.1.2. Ordinance 4.2 provides for the assessment of this infringement as a non-notified Discretionary activity.

6.3 Overall, the application is considered to be a Non-Complying Activity. The proposal complies with all other development controls under the Transitional and Proposed District Plans.

6.4 No other consents are required in respect of this application.

7.0 ISSUES IDENTIFIED THROUGH THE SUBMISSION PROCESS

A1-A2
A35-56

The application was publicly notified on the 20 January 2003, and the period for submissions closed on the 19th February 2003. Seven submissions were received. One submitter supported the application subject to Council imposing specific conditions, and six submissions opposed the application. Attached at pages A35 to A56 are copies of the submissions that were received. A map showing the location of the submitters is attached at pages A1 to A2.

7.1 Submissions

A summary of the main issues raised by the submitters is as follows:

- Objections were raised with respect to the bulk and scale of the building, its potential impact on the streetscape, bulk and shadowing effects on adjoining properties, and its potential to create a loss in privacy for adjoining residents;
- Concerns were raised about the suggestion that the established industrial environment was being overtaken by residential development. Submitters stressed the importance of the role of the Working Environment in Waitakere City and wanted the development to be constructed in a manner that would avoid reverse sensitivity effects on the neighbouring industrial activities that could have been established as permitted. Overall submitters suggested that the Working Environment shouldn't be gradually diminished by the "intrusion" of residential Activities;
- Two submitters were concerned about the development of sites known to have been subject to soil contamination arising from previous land uses on sites;
- One of the submitters raised concern about the impact of the height to boundary infringement on lifestyle;

- Submitters were concerned about the density of development and the traffic effects arising from such density. Concerns were raised about the safety of vehicles right turning in and out of the site, and the safety of pedestrians crossing the road where there is little room for the creation of a flush median;
- One submitter felt that the proposal was not close enough to the urban centre of the city;
- A further submitter raised concerns about the disposal of rubbish from a residential development in this location;
- Several submitters felt that the level of noise insulation proposed as part of the development would be inadequate and that higher walls / fencing would be required on the northern and western boundaries;
- One submitter noted that there is no provision for maintenance of the western side of the proposed building, whereby the applicant / owner would need to obtain access for maintenance via the adjoining site;
- One submitter raised an issue about the quality of tenants that the proposed residential development would attract. More specifically, the submitter was concerned that the occupation of the building by younger tenants would result in an increase in crime in the area;
- Finally applicants raised concerns about the impact of the proposal on increasing stormwater runoff to adjoining sites.

7.2 Pre Hearing Meeting

The applicants were invited by Council to hold a pre-hearing meeting with submitters to discuss matters raised in the submissions. They advised that they did not wish to take up this opportunity at the present time as they had already made individual contact with each of the submitters.

8.0 STATUTORY REQUIREMENTS

The relevant policies and criteria which apply under the Transitional and Proposed District Plans and the Resource Management Act 1991 are set out in more detail in Section 9.2 of this report. This should be referred to as the legal framework within which the application should be discussed.

8.1 The Weighting of District Plans

The Resource Management Act 1991 requires the consideration of both the Transitional and Proposed District Plan prior to the Proposed Plan becoming operative. In relation to this application the approach taken by both plans could be considered to be significantly different with the Transitional Operative Plan not allowing for the activity within the zone. However as determined by case law the regard to be given to the different plans can be weighed up in relation to what stage in the process of becoming operative a proposed plan is. In this case the Proposed Plan is in the final stages before becoming operative with only a few outstanding references. There are no outstanding references affecting this specific site, its zoning, related development controls. Any provisions of the Proposed Plan, which has been prepared under the auspices of the Resource Management Act 1991, relevant to this proposal have been resolved via the District Plan submission and appeal process. Therefore the Proposed Plan is considered to have greater weight in this particular case.

8.2 Non-Complying Activities

A93-A118

The relevant policies and criteria which apply under the Transitional and Proposed District Plan and the Resource Management Act 1991 are set out in more detail as attached at pages A93 to A118. This should be referred to as the legal framework within which the application should be addressed.

As noted, the proposal requires consideration as a non-complying activity under the provisions of the Resource Management Act 1991. Section 105(2A) of the Resource Management Act 1991 sets a threshold test which all resource consent applications for non-complying activities must first pass before a consent authority has jurisdiction to grant consent, having regard to the matters specified in Section 104. In short, the proposal must be able to establish and operate without generating more than minor adverse effects on the environment, or must not be contrary to the relevant objectives and policies of either the Proposed District Plan or the Transitional District Plan.

Section 104 of the Resource Management Act 1991 sets out those matters to be considered when assessing an application for resource consent. Amongst other things, these matters require consideration of any actual and potential effects on the environment arising from the proposal, together with an assessment as to whether the application is consistent with relevant objectives, policies and rules of the Transitional and Proposed District Plan. All considerations are subject to the provisions of Part II of the Resource Management Act 1991, which sets out the purpose and principles that guide this legislation.

The Proposed District Plan has been prepared with an “effects based” emphasis, in keeping with the Resource Management Act 1991. As such, consideration of the application in relation to each of the assessment criteria relating to the various infringements would ensure that all the relevant matters contained in Section 104 of the Resource Management Act 1991 would have been addressed. In addition, a brief summary is presented below of the main effects on the environment generated by the application.

9.0 EVALUATION IN ACCORDANCE WITH SECTION 104 OF THE RESOURCE MANAGEMENT ACT 1991

9.1 Assessment of Environmental Effects (104(1)(a)): Actual and potential effects on the environment.

9.1.2 Water Quality and Quantity

The proposal has been reviewed by Council’s EcoWater department and attention has been paid to the development’s ability to adequately dispose of stormwater. EcoWater concluded that they would support the application subject to the imposition of conditions relating to the provision of stormwater quality treatment on site in accordance with the Auckland Regional Council guidelines for stormwater quality treatment (Auckland Regional Council T.P. 10), the re-laying of a stormwater discharge point through the middle of the site, the installation of a stormwater quality device, and the payment of a financial contribution toward the upgrading of the public system. With these conditions in place it is considered that the proposed development would be able to adequately mitigate any effects on water quality and quantity arising from the disposal of stormwater into the public drainage system.

Further to this it is considered appropriate that conditions be imposed requiring that the applicant implement sediment and erosion controls and dust suppression measures throughout the earthworks period to prevent dust or soil from contaminating stormwater by entering stormwater drains.

With these conditions in place it is considered that the proposed development would have a de minimis effect on water quality and quantity.

9.1.3 Native Vegetation, Vegetation and Fauna Habitat

As noted in the site description, the only significant vegetation on the site is a Pohutakawa tree, which is approximately 8m in height, and is located in the northeastern corner of the site. The applicant's report states that a protective fence would be erected around the drip line of the tree (or as determined by Council's Customer Field Advisor: Arborist) prior to undertaking any earthworks activities. A condition of consent would therefore be imposed requiring that these measures be undertaken. No building works would be carried out within the drip line of this tree and it would be retained as a feature of the proposed development. Further to this, landscape treatment would be undertaken around part of the site edges to enhance the fauna habitat.

Overall it is considered that the proposed development would have a de minimis effect on native vegetation and fauna habitat.

9.1.4 Land / Soil

A85-A87

As discussed above, the site was formally used to accommodate an automobile sales and repair business. Prior to this it is believed that the site was used for the storage of builder's timber and hardware while the rear end of the building was used for the manufacture of garage doors. The applicant commissioned a contamination report from an outside specialist who concluded that although detectable concentrations of heavy metals were revealed within each sample analysed, the concentrations (with the exception of lead and zinc) were within the general background levels for soils in the Auckland Region, and below the applicable guidelines for residential uses. The report found that the concentrations of lead and zinc were marginally above the recommended guidelines for residential uses, however given the proposed level of impermeable surfaces on the site, the report concluded that these soils would be adequately contained and capped by the development itself. Council's internal specialist concurred with these findings. Her comments are attached at pages A85 to A87.

There were no special soils identified in this urban area and the site is not subject to stability sensitive soils in Council's Hazard Register. The applicants have however provided a report containing an investigation of subsoil conditions and geotechnical soil parameters for foundation design. The report included recommendations relating to pile depths, the design of the proposed retaining wall adjacent to the basement area, the design of floor slabs and the use of soils under the driveway and parking areas, the need to carry out sub floor excavations during dry conditions and the requirement to have a geotechnical engineer on site to undertake inspections during construction, foundation excavations, cuts, and the floor slab subgrade. These recommendations would be reviewed and incorporated into a building consent application. Therefore it is considered that the proposed development would not adversely affect land and soils.

As discussed above, the entire site would be earth-worked to facilitate the proposed development and to level the outdoor living courts. The total excavated volume of earth would be 650m³, 400m³ of which would be used as cut to fill, with 250m³ to be transported off site to an approved clean fill facility. Of the earthworks 265m³ over 571m² would be required outside of the approved building platform. Earthworks would also be required within 1m of all boundaries, with retaining required within the basement parking area. As discussed, sediment and erosion controls and dust suppression measures would be put in place throughout the works period to prevent the siltation of downstream watercourses or sediment runoff to adjoining sites. Conditions would also be imposed requiring the formation of a stabilised entranceway, to remain in place throughout the works period. The applicant would be responsible for the repair of any damage to the roadway caused during the construction period and for the clean-up of any earth tracked on to the road. Finally, a condition would be imposed requiring the applicant to provide wheel wash facilities for heavy vehicles exiting the site.

9.1.5 Air

The proposed works would not require the discharge of contaminants to the air. Dust emissions arising from the works area would be minimal however it is considered appropriate that conditions be imposed requiring that dust suppression measures be put in place throughout the works period. Overall the effect of the proposed works on air quality would be de minimis.

9.1.6 Ecosystem Stability

The site is within the urban area and the existing environment has already been extensively modified. Sediment and Erosion Controls would be put in place to minimise any adverse effects on downstream watercourses and the single native tree on the site would be protected throughout the earthworks period. Therefore it is considered that there would be no adverse effects on the stability of ecosystems as a result of the proposal.

9.1.7 Outstanding Natural Features; Landforms, Geological Sites

As discussed in the site description, the sites and their surrounds have been extensively modified by industrial and residential development. Therefore it is not considered that the proposal would impact on any outstanding natural features, or landscape qualities of interest to iwi.

9.1.8 Natural Character of Coast and Margins of Lakes, Rivers and Wetlands

The proposed development would be in an extensively modified urban environment. Further to this the sites are not in close proximity to margins of any coastline or other water body. With sediment and erosion controls in place to prevent sediment runoff to public stormwater drains, it is considered that the proposed development would have a de minimis effect on the natural character of the coast and margins of lakes, rivers and wetlands.

9.1.9 Outstanding Landscapes

The subject site is not identified in the Proposed District Plan as being within an area of "outstanding landscape" within the City (refer Map 3.6B). The site is within the urban area of the city and the environment is already extensively modified. Therefore the proposed activity would not adversely affect any identified outstanding landscapes.

9.1.10 Amenity Values - Health and Safety, Landscapes, Local Areas and Neighbourhood Character

- *Bulk, physical domination.*

Scale, form, height, & bulk. physical dominance, privacy.

Submitters have raised concerns about the scale of the development, particularly with its significant façade across the street frontage. It is noted however that the portions of the subject site within the Working Environment would not be subject to bulk and location controls (relating to maximum heights, height to boundary controls or yard setbacks) where it adjoins other Working Environments. Only that portion of the site that adjoins the living environment would have to consider bulk and location controls. As such, much of the subject site could accommodate a bulky commercial or industrial building that would not be subject to restrictions on height or side yard setbacks, as of right.

It is considered that the proposed development over the Working Environment portion of the total site area would differ from a potential permitted commercial / industrial development in that it would incorporate articulated architectural features in the façade at the front of the development such as changes in heights, building materials and glazing. Further to this, the view of the development from the side and rear sites would be of a development with graduated levels and open areas provided by the open boulevard.

Overall it is considered that while the development over this portion of the site would be significant in that it would reach four levels, with three above the current ground level, it would be of a reduced scale with less potential to dominate adjoining sites when compared with a permitted commercial / industrial development.

A residential development over the sites in the Working Environment has a greater potential to provide for overlooking and a loss of privacy to the adjoining sites. However given that most of these sites contain established commercial / industrial uses, a potential loss in privacy is considered to be a negligible effect in this environment.

Consideration has also been given to the impact of the parts of the proposed development that would be located on sites within the Living Environment. These sites would adjoin smaller scale residential developments at 4039 Great North Road and 28 & 26 Cartwright Road. It is noted that the applicant has considered the bulk and location controls applicable to the Living Environment by positioning only two level developments adjacent to these sites, and to the rear (north) of the subject site. As a consequence, the proposal to develop the sites in the Living Environment would meet the Proposed Plan's height and yard controls.

The development on these sites would however result in a height to boundary infringement of 299mm relative to the site's eastern boundary. Whilst much of the bulk of the development would be concentrated away from this end of the site area, this infringement has the potential to appear bulky when viewed from this adjoining residential development. Despite this its proximity to the side boundary, relative to the building's height, would not have the potential to result in overlooking. This is because the infringing portion of the building would largely be restricted to the roof area of the rear ground level (level 1) units and a reduced roof design that complies with this height to boundary plane would have a similar outlook from within the dwelling.

Given the minor extent of this infringement it is considered that any adverse effects in terms of bulk and scale and loss of privacy to this adjoining resident would be no more than minor. Further to this, the owner / occupier signed consent to the proposed development, confirming that they would not be adversely affected by the proposal.

- *Overshadowing, loss of daylight and sunlight.*

As in the case above, the consideration of potential effects in terms of loss of daylight infiltration has been separated between the portions of the total development site in the Working Environment, and the remaining areas in the Living Environment.

As discussed, development of the sites in the Working Environment could be undertaken without being subject to bulk and location controls. Therefore it is considered that a bulky commercial development could have been permitted on these sites and developed up to the western and northern site boundaries. Such a development would have the potential to overshadow adjoining sites, particularly the single level industrial buildings to the rear of the site. It is considered that the potential effect of the development on the sites in the Working Environment, in terms of loss of daylight, would be no greater than what could occur as a consequence of permitted development.

An assessment has also been taken of the effect of the proposed development over sites in the Living Environment in terms of loss of daylight infiltration. It is considered that the development would provide sufficient setbacks from the residential sites to the north of the proposed development so that the residential units would not impact on daylight infiltration into these adjoining sites. However it is considered that the proximity of the development to the eastern boundary and the resultant height to boundary infringement could impact on daylight infiltration into the northern end of this adjoining residential dwelling and associated living court.

As the applicant has attempted to reduce the height and bulk of the development toward its eastern end and the extent of the infringement would not be significant, this effect on shadowing is not considered to be more than minor. Further to this it is noted that the owner / occupier of this adjoining property has signed consent to the proposed development, confirming that they would not be adversely affected by the proposal.

- *On site amenity, open space.*

The proposed development would provide a range of features to complement on site amenity for the occupants of the residential units and several options for the provision of open space. As detailed in the description of the proposal in Section 3.0 above, the applicant is proposing to provide, in some form, outdoor space for each of the 32 residential units.

The eight ground floor garden units would each include a north facing living court of 51m², extending toward the site's northern boundary. Council has raised concerns about the ability of this development to achieve attractive outdoor areas in this portion of the site because of their proximity to particularly noxious and noisy activities in the adjacent Working Environment. Whilst the applicant is proposing to landscape these areas and provide wooden close-boarded fencing along the site's northern boundary, such measures may not protect the amenity of these living courts. For example several of the sites to the north of the proposed development could be developed up to the site boundaries, at multiple levels, and could achieve noise levels of up to 45dBA 24 hours per day, as measured from within a site in the Living Environment, whilst still being in accordance with the District Plan's bulk and location and noise controls. Therefore measures to mitigate adverse effects on these outdoor living courts are considered to be insufficient. However the applicant has confirmed that these residents would also have the option of utilising the common boulevard area to the south, internal to the subject site, when their private living courts become too noisy or are affected by dust and fumes associated with industrial activities. This boulevard area would be 343m² in area and could be accessed from all of the proposed units.

The residents occupying the second level of units above these garden units, would each have a private balcony of 7.2m², overlooking these courtyard areas. As in the situation above, these northerly-facing balconies could be adversely affected by noise and fumes produced by the adjoining sites in the Working Environment. However it is considered that like the ground level residents, these occupants would be able to use the boulevard area as an alternative outdoor living area.

Shared Open Space

A140-A338

The assessment of the feasibility of the boulevard area as an outdoor living space with acceptable amenity has been undertaken through an assessment by Council's urban designer and by Council's review of the applicant's acoustic reports. Council's urban designer has reviewed the shade diagrams provided by the applicant, demonstrating levels of daylight infiltration into the boulevard areas at four separate days of the year (15 December, 15 June, 21 March, and 22 September): These diagrams are attached with the application as attached at pages A140 to A338.

It is considered that these shade diagrams provide sufficient evidence to conclude that at most times of the day throughout the year, the boulevard area would receive sufficient levels of sunlight infiltration to make it an attractive outdoor amenity area. From a design perspective the applicant's proposal to install movable seating, a covered atrium with a seating area, the use of potted plants, and a gazebo, would further enhance the amenity of this shared space.

With respect to noise infiltration into this boulevard area, careful consideration has been given to the findings of the applicant's acoustic reports, as detailed below. With specific reference to the boulevard area, conditions would be imposed requiring the applicant to install a 1.8m high wall at the western end of the boulevard, which would have a mass of not less than 9kg/m². With this wall in place, and with the use of other measures in the design of the front façade, the individual units, and in the building materials used across the development, Council's specialist concludes that noise infiltrating into the boulevard area from the high noise route and from the adjoining industrial / commercial uses would be adequately mitigated for outdoor urban living.

After taking all of the above matters into account, it is concluded that the proposed development would provide a range of options for outdoor living. Whilst some of the outdoor areas may not be acceptable from a health and amenity perspective, the occupants of each of the units would have access at all times to an alternative outdoor living space, meeting the Plan's objectives, policies, and assessment criteria for liveable outdoor areas.

- *Privacy of Open Spaces.*

The applicant's report recognises that some of the outdoor spaces would not be as private as others. For example the north facing balconies of the second level garden units would overlook the private outdoor living courts associated with the seven ground floor garden units. The applicant's report states that a solid balustrade would be erected around each of these balconies to improve privacy and to prevent overlooking of the living courts below. A condition has therefore been imposed requiring the applicant to submit a final handrail design prior to the occupation of the units, including the proposed building materials, which would be subject to the approval of Council. With this condition in place, it is considered that privacy of the outdoor areas would be enhanced.

As the garden units would be directly adjacent to the external developments along the northern boundary, a 1.8m high timber fence would be erected to provide a visual screen. Landscaping would also be undertaken along this boundary to enable further privacy and amenity. Low fences with gated access would be used to divide each of the garden living courts associated with each unit.

Each of the 'street apartments' would have a raised patio area of 10.2m², facing toward the internal boulevard area. Each of these areas would be screened from the open shared areas by 1.0m long planter boxes containing dwarf kowhai.

The applicant has recognised that the balconies at the third and fourth levels of the 'street units' would overlook the boulevard area shared by all of the residents. The reporting planner concurs with the applicant's comment that this overlooking would have a positive benefit in that it would provide a level of informal surveillance of this area. Therefore the handrails around these balconies would be of an open design to enable a sufficient level of overlooking. Overall it is considered that these open balconies would have a good connection with the common area and would provide a sense of community.

All open spaces would be sufficiently lit and accessed at all times, as discussed below.

- *Visual amenity, streetscape, sense of place, neighbourhood character, amenity values.*

The proposed development would be located on a busy section of Great North Road where there are a wide range of residential, commercial and industrial activities. Within this mixed use area it is considered that the proposed development would have a positive effect on the streetscape and neighbourhood character. Whilst it would be of a more dramatic scale than other developments in the immediate vicinity, it would attempt to use architectural features to open out to the streetscape and to form a sense of address. The façade would distinguish the residential development from bulk commercial developments on the same side of Great North Road and would have graduated heights, providing an important interface at the intersection of the Living and Working Environments.

The northwestern and southeastern (side) elevations of the proposed building, as viewed from on-coming vehicles and pedestrians along Great North Road, would be more dominant than what has previously been seen in this locality. Consideration has again been given to the fact that a commercial / industrial building of this level of height and bulk could have been achieved on this site as a permitted activity. Such a development would have a similar effect on the streetscape when viewing these side elevations. This development is again considered to have less of an adverse effect on outlook and on the resulting neighbourhood character as it would lessen in bulk and height as it extends back to the northern boundary. Further to this the alternating levels between the street units, the boulevard, and the rear garden units would create a far more interesting outlook and benefit street amenity, than would a bulky and featureless commercial / industrial unit on this site.

The proposed level of density would also connect well with the existing neighbourhood character as it would be located on a major road where development has traditionally been at a higher level of density. The development would connect well with the existing features of the community as it would have direct access to a major public transport route, and would be within walking distance of a small localised shopping centre.

A140-A338

Finally it is noted that the applicant is proposing to undertake landscaping along the road frontage. The applicant's landscape treatment plan, attached with the application as attached at pages A140 to A338, indicates that the applicant is proposing to plant this street frontage with a mixture of Ribbonwood and Cabbage Trees, of 2.0m in height at the time of planting. It is considered that this landscaping would soften the façade of the building, and would define pedestrian entrances. The proposed landscaping along the northern boundary would also contribute positively to the neighbourhood character, particularly though the change in outlook that would be experienced by the residential uses to the northeast of the site. The applicant's landscape treatment plan indicates that planting along the northern boundary would be a mixture of Houpara, Mapou, and Hgaio.

Therefore it is considered that despite the proposed level of density and scale of the development, the façade and the proposed design of the facility, when viewed from the side elevations, along with the proposal to undertake landscaping along the site frontage and to the rear (north) of the development, would have a de minimis effect on the amenity of the streetscape, and neighbourhood character when compared with the potential effect of a realistic proposal for commercial / industrial development on this site. Further to this it is concluded that the façade would have a positive effect in that it would create a sense of address and would define the residential 'sense of place' at the interface of an established residential and industrial environment.

- *Views.*

The scale of the development may result in loss of views or outlook for adjoining sites in the Working and Living Environments. However as discussed above, a permitted commercial / industrial building on the Working Environment portion of the site could have a greater impact on views than what is proposed by the applicant's development. Therefore, in using the permitted baseline approach, it is considered that the proposed development would have a de minimis impact on views when compared with the likely effect of permitted development on the site.

Although the bulk and scale of the building would be larger than what would be permitted as of right in the Living Environment portion of the site, there is no significant view across the site from the adjoining residential sites. This is because of the adjoining uses in the Working Environment. Assuming that these legitimate commercial / industrial uses would remain, there would be no loss in views as a consequence of the proposed development.

- *Landscape modification, encroachment above ridgelines, landscape values.*

The proposed development would be within an extensively modified urban and mixed residential environment. It would not be on a significant high point, ridgeline, or in an area of significant landscape value. The bulk and form of the development would result in a modification of the built landscape, particularly when viewed from adjoining parts of Great North Road. However, as demonstrated above, the effect of this level of bulk, over and above what could normally be achieved as permitted development, would be no more than minor.

- *Connectivity, accessibility, surveillance, safety, public access.*

The Proposed Plan outlines criteria relating to the requirement for informal surveillance of outdoor areas from habitable rooms. The proposed development would incorporate a street facing façade for the benefit of amenity and aesthetics, effectively hiding the development behind a wall. However this façade has been specifically designed so that windows associated with the kitchen areas of the ground level (level 2) street units would look out through a void (windows etc) in the front façade. Further to this, minor surveillance would be provided by the pedestrian walking access in front of these street units where they could also look out through these voids in the street façade.

The proposed development would incorporate safe connections between the public footpath along Great North Road and the development itself. Pedestrian access from the street into the basement parking area would be provided via a 1.2m wide pedestrian area allocated over part of the vehicle access ramp. Further to this, access from the parking area to each floor would be provided by either two staircases or a lift. A direct pedestrian access would also be provided at street level between the two easternmost units, feeding into the internal access way to the south of the ground floor (level 2), 'street units'.

The basement parking area would be a safe environment in that it would be ventilated by a number of voids along the southern wall (front façade), providing natural light into this area. Additional lighting would also be provided on the roof of the car park area for additional security. The applicant has advised that access from the parking area to the ground floor units would be directly from the vehicle to the footpath running along the northern side of the car parks, with footpaths to each unit entry.

Members of the public visiting the residents could access the facility via the vehicular ramp into the complex and take the same pedestrian routes to each of the units, as would the occupants. The applicant has advised that pedestrian access from the road into the public boulevard would be gated and locked at night by residents.

Overall it is concluded that the proposed development would provide safe and clear pedestrian connections into the facility, and would provide for a safe level of access by the general public.

- *Construction noise, dust, vibration.*

The proposal would result in temporary noise, dust and potential vibration effects during the construction period. These effects have the potential to impact on the adjoining residential uses. Therefore it is considered appropriate that conditions be imposed restricting the hours of construction. It is unlikely that the proposed construction works would adversely impact on the adjoining commercial and industrial uses, particularly given that these buildings have been constructed in a high noise environment. As discussed above, a condition would be imposed requiring that dust suppression measures be put in place during the construction period to prevent a dust disturbance to adjoining sites.

- *Infrastructural capacity & availability.*

Council's EcoWater Department have reviewed the proposed development and its potential impacts on the infrastructural capacity and availability of services on the site to meet the needs of a 32 unit residential development. In his specialist report, Council's Drainage Engineer Mr Mark Iszard comments in his site description that Great North Rd falls from the south-east (Archibald Rd) towards the north-west (Glenview Rd) at roughly 4% gradient. This is typical of the sites on the northern side of this stretch of Great North Road. An Overland Flow Path has been identified as possibly flowing through the rear of these sites. This is caused by a gully depression between Great North Rd and Cartwright Road (Netherlands Avenue).

This specialist report comments on the application in terms of its ability to provide for water supply, stormwater, and wastewater, and on how the overland flow path could best be managed. The report notes that the catchment wide wastewater system is designed with sufficient capacity to accommodate full development to permitted activity level. As development would be undertaken on this site where the density would be greater than a level permitted as of right, the development would create increased wastewater volumes and peak flows in the sewer system greater than the design capacity. Therefore it is necessary for the developer to mitigate the proposed additional flow.

A65-A71

Mr Iszard's report recommends that the application be approved subject to conditions imposed to mitigate adverse effects arising from development on an overland flow path, creating an increase in demand for water supply, and provision of stormwater and wastewater drainage, and treatment on the site and on the wider receiving environment. In preparation of these conditions reference was made to the Council's Code of Practice for City Infrastructure and Land Development, the District Plan and the Auckland Regional Council T.P. 10. This specialist report is attached at pages A65 to A71.

It is therefore concluded that the proposed development would have no more than a minor effect on infrastructural capacity & availability on the site.

- *Traffic generation, on-street parking, driver safety, pedestrian safety, roading capacity and roading network, traffic noise, vehicle movements, access and driveway manoeuvring, driveway width & gradient.*

At the request of Council's traffic engineer, Mr Reg Cuthers, the applicant prepared a traffic impact assessment of the proposed development, which was submitted with the resource consent application. The report addresses the likely traffic generation arising from the development, the projected parking requirements, the loading and servicing areas, access to the site in terms of available sight distances and access design, effects on the overall road network and the impact of the short term construction traffic. Council's traffic engineers reviewed this impact assessment and requested further traffic information about the management of parking spaces, technical issues relating to the site access, and pedestrian safety.

Council's Traffic Engineer, Mr Alan Hopkinson, notes the following in his specialist report:

Great North Road in this area is a Regional Arterial Road, with average daily traffic flows in the order of 33,000 vehicles per day. The road reserve outside the site is about 21.5 metres wide, with the 13 metre wide carriageway marked in 4 traffic lanes. No provision exists at present for a flush median, pedestrian refuge islands, parking lanes, or for cycle lanes. No restriction is placed on the kerbside lanes that would restrict the use of those lanes to particular classes of vehicles during the peak periods.

In the 5 years 1997 to 2001, 10 injury and 52 non-injury crashes were reported in the section of Great North Road between Sabulite Road and Archibald Road. Of the 10 injury crashes, 2 were specifically identified as being property access related crashes. Another 2 crashes involved vehicles turning right at intersections. There were 3 rear end collisions, 2 out of control crashes and 1 collision with a parked vehicle.

Only 1 pedestrian-related crash was reported, and the pedestrian was not injured in the collision.

Therefore it is considered that the site already has specific traffic conditions, which are potentially incompatible with the establishment of a residential development at this level of density. More specifically, given the current level of servicing in this roading environment, a residential development accommodating 32 residential units would have particular traffic movement and parking requirements which may not occur as part of a permitted residential or commercial / industrial development on this site.

The applicant has argued that when comparing the potential traffic effects on the development against permitted commercial/ industrial activities or lower density residential activities, the effects would be negligible. However it is considered that the very nature of a residential development at this level of density would have different characteristics to permitted development on this site. For example a residential development would be more likely to generate a number of movements per person at random times of the day, rather than at specific scheduled times associated with a factory or office building. It is noted however, that a retail type development on this site could have similar random movements to that of a residential development at this scale.

Pedestrian impacts would also be different in that occupants would walk to the nearby shopping areas and would presumably wish to utilise the public transport linkages to the Henderson town centre, accessed via the bus stop on the opposite side of Great North Road. Such pedestrian movements would not be typical of a permitted commercial / industrial development, and would not occur at such a frequency with a lower density residential development.

In identifying the traffic effects relating to the proposed development, the traffic engineer has raised three areas of concern: Parking, Site Access and Pedestrian Safety. In his specialist report, Mr Hopkinson notes that the applicant has applied for consent on the premise that the development would be held in one ownership and would be "targeted" at persons in the 55+-age bracket. He has concluded that the projected number of parking spaces, access arrangements, and traffic movement characteristics would be directly related to the age of the future occupants. Further to this, he has recommended that the application be approved on the basis that the property be held in one ownership, that tenancy agreements would restrict the age of occupants to a minimum of 55 years, and that tenancy agreements would restrict vehicle ownership to 1 vehicle per unit.

The applicant has not submitted an application for a unit title subdivision, simply a forced amalgamation through the development of a complex over 5 separate sites. Therefore this requirement would be achieved. The proposed owner of the development, (Housing New Zealand), has also advised that the tenancy agreements would specify the provision of one parking space per residential unit. Clearly such an agreement would be difficult to enforce, however Council deem it appropriate that a condition be imposed requiring that each of the 32 resident parking spaces be clearly marked with a number to match each of the units, and that the remaining 8 visitor spaces be marked as **visitor only**. The matter of restricting the age of the residents or limiting vehicle ownership to one car is considered to be unenforceable and discriminatory. Circumstances that would encourage the occupation of the units by this type of tenant are the layout and design of the two bedroom units, which would have difficulty accommodating the needs of larger families, and the single ownership arrangement.

Mr Hopkinson's report notes the following about traffic concerns:

- *There is a potential for an overflow of parking onto Great North Road in an area where there is no opportunity for on-street parking to take place. In general, Council has no control over the number of vehicles that can be associated with any dwelling.*
- *There is a danger that vehicles entering the site will be hit from behind by following traffic, and that right turns into and out of the site will be difficult. A review of reported traffic crashes in the area shows that 20% of all injury crashes involve traffic movements associated with property access.*
- *Great North Road is an extremely busy road, and there are no facilities in this area to assist pedestrians to cross the road to get to and from bus stops or local shops. The nearest facilities are the pedestrian traffic signals near Archibald Road, some 400 metres from the site, and the traffic signal controlled intersection of Great North Road, Glenview Road, and Sabulite Road, about 500 metres away. The lack of pedestrian related crashes is considered to be a reflection of the low levels of pedestrian activity in the area, rather than an indication that this is a safe pedestrian environment. The area is particularly hazardous for young children, who would have great difficulty in picking adequate gaps in the traffic flow before they crossed the road.*

The reporting planner has reviewed these matters and considers that such effects would be characteristic of a medium density development in this locality, despite the age of its residents. Therefore conditions have been imposed to mitigate these effects, whilst assessing them as being generally associated with a residential development of this scale, and within this locality. Measures to mitigate these effects are discussed below:

Parking

The Proposed Plan requires that 2 parking spaces per residential dwelling be provided on sites in the Living Environment, and 1 parking space per residential dwelling be provided on sites in the Working Environment. As roughly half of the resultant site area is within the Living Environment and the remaining half in the Working Environment, the parking requirements have been calculated at 1 space per each of the 16 units in the Working Environment and 2 spaces for each of the 16 units in the Living Environment. Resulting in a total requirement of 48 parking spaces. However, as an amalgamation of the titles, (or similar), would result in the proposed development meeting the definition of a Medium Density Development, the Medium Density criteria for 1 parking space per Medium Density Residential Unit in the Living Environment has been applied. Therefore the proposed level of parking provision would be acceptable as it would be in accordance with the Proposed Plan's guidelines for parking provision associated with two bedroom units in a medium density residential development.

Council could not restrict car ownership on any type of development. However an effective means to mitigate effects arising from parking demand on the surrounding road network, would be to impose a condition requiring the clear marking of each resident's allocated parking space with a number to match each unit number. A further condition requiring the applicant to mark and signpost all visitor parking spaces as **visitor only** would help to mitigate potential adverse effects on parking demand.

Site Access

As confirmed in Council's traffic assessment, the very nature of a residential activity at this scale would have an adverse effect on the safety of the surrounding road network. In order to mitigate this effect, Council has required that the applicant pay a financial contribution toward the widening of the road in this locality. This road widening would enable the provision of a right turning flush median and the construction of a pedestrian refuge island at the end of this median strip. It is considered that this financial contribution would enable the applicant to mitigate the adverse traffic effects pertaining to site access, which would arise as a consequence of the proposed development.

Further to this contribution, Council has recognised that this widening would provide an appropriate opportunity for Council to undertake further road improvement works in this area. These works would be directly associated with the applicant's widening works and would be subject to public funding via the annual plan process. It would be difficult for the applicant to undertake the widening works without Council's contribution, therefore they would have the option of undertaking all of the works on their own, or waiting for Council to obtain funding to complete the project. Should the development be constructed prior to the widening of this road area, it is deemed appropriate that a condition be imposed requiring the applicant to erect signage indicating that the residents would only be able to turn left in and out of the development until the median strip has been formed.

Pedestrian Movements

As condition would be imposed requiring the applicant to pay a financial contribution toward the widening of the road and the formation of a pedestrian refuge island at the end of the flush median, potential hazards relating to an increase in pedestrians crossing Great North Road, would be reduced. Therefore it is considered that the payment of a financial contribution would mitigate this effect, in the long term.

Summary

Further to the above matters, the traffic engineers have now confirmed that the loading arrangements for the rubbish collection area, the available site distances at the site access, the gradient of the transition point between the vehicle ramp and the vehicle crossover, and the design of the vehicular ramp and internal pedestrian linkages would be acceptable.

It is therefore concluded that with the imposition of conditions relating to the payment of a financial contribution to mitigate adverse effects on traffic safety and vehicular movements at the site access, and on the restrictions relating to the management of the on site parking areas, the adverse effects on traffic generation, on-street parking, driver safety, pedestrian safety, roading capacity, vehicle movements, manoeuvring within the site, and access widths & gradients, could be mitigated to a degree that they would have no more than a minor effect on the surrounding environment.

- *Reverse Sensitivity Issues - Noise Effects.*

Throughout the pre-application process, Council raised concerns about the high noise environment that the residential development would be located within. In particular, Great North Road, which bounds the site to the southwest, is a Strategic Arterial Route and is therefore a high volume, high noise-generating road. Further to this the site to the northwest of the development and half of the sites to the north of the development are within the Working Environment, as specified on the Proposed Planning Maps. As noted above, sites within the Working Environment could achieve noise levels of up to 45dBA 24 hours per day, 7 days per week, as measured from within a site in the Living Environment as a permitted activity. During working hours, these maximum allowable levels would be greater. Further to this the Proposed Plan states that where any new building in the Working Environment is to be utilised for a Residential Activity, an acoustic report must be submitted to Council to confirm that the building, if constructed, would be designed to achieve a noise level inside any habitable room not exceeding 35dBA L₁₀ between the hours of 10.00 pm - 7.00 am.

Given these requirements, the potential for reverse sensitivity effects is an important matter to consider.

The applicant has submitted two acoustic reports which assess the potential for the proposed development to sufficiently buffer noise levels from the adjoining high noise route, and from the potentially noisy activities in the Working Environments located to the north and to the west of the development. These reports concluded that subject to a number of materials being included in the proposed building design, each of the residential units would be able to meet the Proposed Plan's noise controls for internal habitable rooms in the Working Environment and on developments adjacent to major roads. Further to this, one of the reports comments that the proposal to erect a 1.8m solid fence along the site's northwestern boundary will only reduce noise levels generated near ground level, i.e. less than 1.8m in height.

Council's Customer Field Advisor (Health), Mr Andrew Chalton has reviewed the proposal and has read the acoustic reports submitted in conjunction with this proposal. He has advised that for the residential units to achieve the Plan's noise standards, the windows of the units would have to be closed at all times. He has commented that for the dwellings to be healthy and liveable environments, which would be in accordance with the level of amenity and health standards required by the Proposed Plan's policies, the development would have to include the installation of air conditioning in all of the units. The applicant has advised that this air conditioning would be provided, therefore Mr Chalton has recommended that a condition of consent be imposed to specify that the air conditioning systems would be installed in order to mitigate adverse effects on outdoor living areas.

As discussed earlier in this report, it is considered that the north facing living courts and north facing balconies closest to the site's northern boundary, would potentially be subjected to high levels of noise pollution. The applicant is proposing to erect a 1.8m high close-boarded fence along the site's northern and a portion of its western boundary to reduce noise levels. Council's Field Officer concurs that this fence would have some effect in reducing noise pollution in the ground level outdoor areas, but would not mitigate noise effects arising from a potential multiple level commercial / industrial building development on these rear sites in the Working Environment. Further to this it is considered that the fence would have no impact on reducing noise levels for occupants using the north facing balconies at the second level of the garden units.

Whilst the noise effects on these areas would be more than minor, the reporting planner concurs with the applicant's argument that the residents of these garden units would have the option of using the boulevard area as an alternative outdoor area, as discussed previously.

The applicant has shown on the site plan that they are proposing to erect a 1.8m solid wall across the northwestern elevation of the boulevard area. The acoustic reports have found that this wall would be an acceptable means of mitigating noise effects below 1.8m. As Great North Road slopes away to the west of the development, it is considered that a wall of 1.8m in height would be an acceptable means to mitigate noise effects from oncoming traffic and from the adjoining Working Environment to the northwest of the site. Further to this the acoustic report concludes that the materials used in the construction of the dwellings and the south facing façade would mitigate noise effects from surrounding uses. Therefore it is considered appropriate that further conditions be imposed requiring the applicant to undertake construction in accordance with the recommendations of the acoustic reports. Mr Chalton has also required that the applicant accommodate specific materials into the ceiling designs and that further confirmation be provided by the acoustic engineer within 3 months of the completion of the dwelling, confirming that measures have been installed in accordance with the acoustic report.

- *Reverse Sensitivity Issues - Impacts on Adjoining Working Environments.*

Submitters have raised concerns about the potential for the proposed residential development to result in complaints from occupants of the development in response to permitted levels of noise being produced by established industrial / commercial uses. Submitters also raised concerns about the reduction of Working Environments in the City though the intrusion of residential developments in the Working Environment.

In response to the matter of noise it is important that the noise mitigation measures discussed above are put in place to ensure that the development would be able to achieve the Proposed Plan's standards for residential developments in the Working Environment, and that each of the units would be able to utilise and outdoor living area that is somewhat buffered from the adjoining commercial and industrial activities. The Proposed Plan has clear policies relating to the value of the industrial and commercial activities in the Working Environments. Therefore it is essential that residential occupants of the proposed units are aware that the adjoining sites are within the Working Environment and are capable of producing a reasonable level of noise beyond the site boundaries, whilst remaining in compliance with the Proposed Plan. Therefore it is deemed appropriate that a condition be imposed requiring that a covenant be place on the title, and on any subsequent unit title, advising the occupants of the Working Environment's noise standards.

With these conditions in place it is considered that the proposed residential development would be able to establish and operate in the Working Environment, without being adversely affected by substantial levels of noise from the adjoining road network and commercial / industrial activities. At the same time all residents would be aware of the implications of living in a Working Environment, therefore complaints about permitted levels of noise being generated from adjoining sites would be invalid.

It is beyond Council's ability to preserve the Working Environment for industrial type activities only. However, through rules and assessment criteria there is the ability to assess the merits of each application as has been done through this report.

9.1.11 Heritage

There would be no adverse effects in respect of heritage items as the proposed activity would not be located near, or impact on any identified heritage item. Further to this the proposal would not be in the vicinity of waahi tapu or sites of significance to iwi.

9.1.12 Summary

The proposal to construct 32 two bedroom units over 5 sites forming a low rise apartment complex resulting in a height to boundary infringement of 299mm relative to the site's eastern residential boundary, and to undertake 265m³ of earthworks over a plan area of 571m² outside of the building platform, on a site known by Council to be subject to soil contamination would have a minor effect on the surrounding mixed use environment. The residential development has been designed with a street facing façade to embrace the streetscape and to create a sense of address. The bulk and scale of much of the development would be less than what could be achieved as permitted developments on the sites in the Working Environment, and the development has been designed with graduated heights to reduce bulk, dominance and shadowing of the adjoining residential dwellings in the Living Environment.

Effects in terms of reserve sensitivity arising from permitted levels of noise in the Working Environments could be mitigated through consent conditions requiring that all recommendations of the acoustic reports and the specialist requirements of Council's Field Advisor be met. Sufficient outdoor living areas would be provided as part of the development and the common boulevard area would provide a secure outdoor living area, capable of obtaining a sufficient level of daylight infiltration and buffering significant noise effects.

The Plan's parking requirements would be met as part of the development and additional visitor parking areas would be provided to prevent overflow of parking demand on to the Strategic Arterial Route. Effects arising from residential vehicle movements in this location would be mitigated by the applicant making provision for road widening associated with the formation of a right turning flush median and pedestrian refuge island in this locality. Effects on traffic prior to the formation of this widened road area would be mitigated by the requirement that occupants are only able to turn left in and out of the site during this interim period.

Effects arising from earthworks would be mitigated by conditions of consent requiring that sediment and erosion controls be put in place during the construction period, and that traffic management requirements such as wheel wash facilities and the formation of a stabilised entranceway be met during this time.

It is the report writer's opinion, that the potential adverse effects of the proposed activity are no more than minor, and can be adequately mitigated through appropriate conditions of consent. Further, having regard to the meaning of the word 'effect', the potential adverse effects are such that this activity can meet the requirements of section 104(1)(a).

10.1 District Plan Considerations (104(1)(d)): Relevant Objectives, Policies, Rules and other provisions of a Plan or Proposed Plan.

Although the assessment criteria relating to the proposed activity have been addressed in the effects discussion under Section 8 above, a brief assessment against the relevant assessment criteria is also provided below.

10.2.1 Proposed District Plan

10.1.1.1 Rules and Assessment Criteria

Working Environment - Residential Activities

7(a)

The extent to which habitable rooms are located to receive adequate daylight.

Each of the units has been designed so that where possible, habitable rooms would face in a northerly direction and would obtain adequate daylight via glazing on each of the northern elevations. The layout and design of these units has been reviewed by Council's urban designer who has confirmed that this design objective would be achieved.

7(b)

The extent to which private outdoor space and living rooms are protected from overlooking.

As discussed earlier, the applicant recognises that the north facing balconies on the second level garden units would overlook the private outdoor living courts associated with the seven garden units. The applicant's report states that a solid balustrade would be erected around each of these balconies to improve privacy and to prevent overlooking of the living courts below. A condition has therefore been imposed requiring the applicant to submit a final handrail design prior to the occupation of the units, including the proposed building materials, which would be subject to the approval of Council. The balconies at the third and fourth levels of the 'street units' would overlook the boulevard area shared by all of the residents. The reporting planner concurs with the applicant's comment that this overlooking would have a positive benefit in that it would provide a level of informal surveillance of this area. In addition to this, the open balconies would open out to this common area and would provide a sense of community.

7(c)

The extent to which development promotes a safe environment for residents, including adequate lighting and location and design of entrances.

The applicant has advised that lighting would be provided in the underground car park and that clear pedestrian linkages would be provided in this area. The entrances to each of the units have effectively been positioned in rows where visitors to these units would have to walking along private walkways that are highly visible within the development itself.

Living Environment - Medium Density Housing

A1

Design of new development has appropriate residential character and detailing to enhance the existing streetscape. Each residential unit should have a sense of address, either fronting the street, or having its front door visible from the street.

The development would achieve this criterion, as the façade would provide a sense of individual residential character, when viewed from the streetscape. The applicant has advised that within the development, each apartment would be identified with an apartment number on the door of each entry and would be communally identified on a directory board.

A6

Garages and carports should be sited and detailed to ensure they do not dominate the road frontage.

The entire car park area would be located below the road and would be entirely obscured by the residential façade. Therefore it is considered the proposal would achieve this criterion.

A7

Facilities in front yards such as gates, letter boxes, rubbish bin enclosures, housing for service meters and kerb crossovers should be compatible in design with the fences and character of the development.

The applicant has advised that a combined rubbish and recycling enclosure would be recessed into the Great North Road frontage. This area would be screened from the pedestrian entrance and from adjoining units, whilst be easily accessed by residents and rubbish collection contractors nominated by the landowner. This area would also provide space for the collection of recyclable rubbish and would include wash down facilities to serve this area. The applicant has also advised that letterboxes for the apartments would be located at the eastern pedestrian entry, close to the main lift and stairs to the upper level apartments. Retractable clotheslines would also be provided on each balcony or the patio for the ground floor garden units. It is considered that these services would be in keeping with the character and design of the development.

A8

Landscape treatment should complement the existing neighbourhood and allow for retention of existing trees if appropriate.

As discussed earlier, the applicant has designed a residential development that would retain the only significant tree on the site, an 8m Pohutakawa Tree, as part of the design. Further landscape treatment around the site edges would complement the development without conflicting with fauna habitat in the vicinity.

B1

Ensure the development is well connected into the neighbourhood with adequate vehicle and pedestrian links.

The applicant is proposing to provide an underground parking lot for 40 cars, 8 of which would be for visitor use only. These spaces would be accessed off a ramp via Great North Road. This vehicle crossover has been assessed and approved by Council's traffic specialists. Pedestrian linkages would be provided via an entrance off Great North Road, and via lifts and stairs from the basement areas. Therefore it is considered that the proposed development would have adequate vehicle and pedestrian links.

B7

In areas with significant off-site noise, arrange houses to limit exposure to high noise levels.

As discussed earlier in this report the residential units have been designed to have sufficient noise insulation to meet the Proposed Plan's standards and air conditioning would be provided to ensure that these environments are healthy and liveable when all windows are closed. It is also noted that the dwellings have been arranged to 'turn their backs' on the adjacent high noise route through the use of a noise reducing façade along the southern boundary. Whilst the north facing living courts would be directly affected by adjacent noise uses, the units would have access into the public boulevard away from the adjoining Working Environment. Furthermore each unit would be fitted with air conditioning.

B10

Manipulate the impact of sun and wind by considering the effect of overhangs, eaves, verandas, pergolas and planting.

The applicant is proposing to use a glass covered atrium adjacent to the easternmost pedestrian entry to the boulevard and to erect a gazebo with further seating at the eastern end of the boulevard. Therefore it is considered that the applicant has used design features to counter impacts of wind and rain, whilst using the atrium area to maximise the benefits of daylight infiltration.

C1

The setback of houses from road frontage should be appropriate to the efficient use of the site, comfort of residents, and the street space.

It is considered that the applicant has produced a design where dwellings would be set back from Great North Road in order to reduce potential noise effects and facilitate access, whilst providing a residential façade that would embrace the streetscape.

C2

Buildings should be designed and located to ensure no significant loss of amenity to adjoining sites, which are not part of the medium density housing development. Overlooking of these properties should be avoided and the height in relation to boundary controls set out in rule 5.1(ii) of the Living Environment should be complied with to ensure reasonable sunlight and daylight access. The maximum height of buildings should not exceed 11.0 metres.

As discussed earlier, the development has been designed to reduce bulk and height toward the eastern boundary and the adjoining sites in the Living Environment. Whilst the proposal would result in a height to boundary infringement relative to the eastern boundary, it is considered that this would have no more than a minor effect on dominance or shadowing of the adjoining dwelling and its outdoor living court. With the exception of part of the roof structure on the front façade, the building would not exceed 11.0m in maximum height.

C7

Sunlight is to be provided to outdoor spaces.

As discussed earlier, the applicant has provided shade diagrams demonstrating daylight infiltration into the boulevard at several times of the year. Therefore it is considered that adequate sunlight would infiltrate these outdoor areas. As the other living areas all face directly to the north without being inhibited by significant eaves, it is considered that adequate sun would infiltrate into these areas.

D6

Noise sensitive areas such as sleeping spaces should be located away from major roads, railway lines etc and protected by noise shielding devices if necessary.

As discussed earlier, the front façade located adjacent to Great North Road, would provide an acoustic screen between the residential units, including the sleeping spaces in these units.

E1

Sufficient car parking should be provided to meet the projected needs of residents, including visitors. In general the minimum requirement is one parking space per residential unit. Visitor parking may also be necessary in large developments, or when the potential for off-site visitor parking is limited.

As discussed earlier, the applicant is proposing to provide 40 on site parking spaces, 8 of which would be visitor parking spaces. Therefore the provision of on site parking space would meet these criteria, without resulting in a demand for on street parking.

E4

Car parking and driveways should allow safe and efficient vehicle movements to minimise access points, where abutting arterial routes, and ensure vehicle egress in forwards direction, not dominate the view of the development from the road surface and be graded to ensure efficient storm water disposal, planted with shade trees and screening vegetation where practicable.

These matters have been addressed through the provision of a financial contribution payable for the formation of a right turn median strip, a sufficiently formed widened road surface, and the shifting of services to accommodate road widening. Only one access / egress point would be provided to the site.

F6

Size of outdoor space should be adequate for the numbers of people living within the house and for the development as a whole.

The applicant is proposing to provide an area of private outdoor space of at least 7.2m² per dwelling. Some spaces would have up to 51m² of private outdoor space and all of the units would have a share of the 343m² boulevard area. Therefore it is considered that the proposed development would adequately provide for outdoor spaces to meet the needs of the number of occupants.

F8

Appropriate management and maintenance systems should be in place for communal outdoor space dependent on the scale of development and the extent of communal access.

The proposed development would be owned and managed by Housing New Zealand. Communal areas would be managed in accordance with a standard HNZ management contract. Prior to occupation of the units, the landowner would be required to submit a copy of this contract for Councils approval, designed to ensure that management and maintenance our communal areas would be undertaken.

Earthworks

3(a)

The extent to which earthworks degrade or lead to the degradation of existing water quality in the adjoining stream, river, lake, harbour or sea.

It is considered that through the imposition of a condition requiring that sediment and erosion controls be put in place throughout the works period, and through the implementation of dust suppression measures during construction, sediment would be sufficiently contained and stabilised throughout the works period. With these measures in place it is considered that the proposed earthworks would not lead to the siltation of downstream watercourses or the degradation of downstream watercourses to which they connect.

3(g)

The extent to which earthworks reduce the extent, range and linkages between vegetation, fauna habitat and natural features.

The earthworks would have a very minor and temporary impact on the single Pohutakawa Tree in the northeastern corner of the site. However with the erection of a temporary fence around the drip line of this tree, it is considered that the earthworks would not have a permanent impact on this vegetation. The earthworks would have no further impact on fauna habitat.

3(i)

The extent to which earthworks exacerbate or contribute to flooding, erosion or instability of land, or the potential for flooding, erosion or instability of land.

As discussed earlier, Council's drainage engineer has reviewed the proposal and has paid particular attention to the location of the overland flow path at the rear of the site. He has confirmed that conditions imposed to manage stormwater drainage and the design of dwellings to minimum floor levels would ensure that the proposed earthworks and final development design would not contribute to the potential for flooding or inundation. The site is not known by Council to be subject to instability of soils and the findings of the applicant's soils report would be incorporated into an application for building consent.

3(h)

The extent to which *earthworks* adversely affect the visual amenity of the *site* or *adjoining sites*.

As the proposed earthworks would involve excavation over much of the plan area of the site, the proposed earthworks would have a minor effect on the visual amenity of the site, when viewed from adjoining sites. However, given that these earthworks would be temporary in duration, it is considered that they would not have a permanent impact on the outlook of adjoining sites, particularly for the adjoining residential properties.

3(k)

The extent to which heavy vehicle traffic generated to the *site* by *earthworks* activities creates:

- physical damage to a *road* a situation hazardous or unsafe to *road* users.

The proposed earthworks would be located on a Strategic Arterial Route and the applicant estimates that approximately 250m³ of material would be removed from the site. It is considered appropriate that conditions be imposed requiring that the applicant be responsible for the immediate clean-up of any earth spilt on to the roadway, and for the repair of any damage to footpaths, berms or the roadway, arising from this earthworks activity. This requirement would be imposed as a condition of consent to ensure that the proposed earthworks activity would not result in damage to the road or create an unsafe situation for road users.

Height to Boundary

5(a)

The extent to which the *height*, location and *design* of *buildings* will allow for reasonable sunlight and daylight access to *adjoining sites*.

As discussed earlier it is considered that the applicant has taken some means to lower the height and formulate the design of buildings on sites within and adjoining the Living Environment. Whilst the proposed development would result in a height to boundary infringement of 299mm relative to the site's eastern boundary, it is considered that reasonable sunlight would still be able to infiltrate into the adjoining dwelling, particularly given that this neighbouring dwelling is largely located to the south of the infringing portion of the building. Given the extent of the infringement, it is considered that the shadowing of this neighbour's western side yard would be minor.

Contaminated Sites

2(a)

The extent to which any proposal for remediation and restoration of a contaminated site gives regard to the extent to which the site is contaminated health and safety standards covering the intended work the measures by which the site will be remediated and restored safety standards for the intended use of the site the means by which any adverse effects on the environment will be avoided or mitigated.

As discussed earlier in this report, the applicant has submitted a contamination assessment that has been reviewed by Council's contamination specialist. It is noted that the proposal to create significant areas of impermeable surfaces would be a suitable remediation option for containing any soils containing evidence of contamination. Therefore it is considered that the proposal would result in the remediation of a portion of the site to safety standards whereby adverse effects on the environment would be mitigated.

10.2.1.2 Policies and Objectives

Residential Activities in the Working Environment

Policy 1.2 states the following:

“Activities should be located within the urban area in a way that supports the reduction of vehicle trip length and numbers, and the promotion of passenger transport, therefore minimising discharges into the stormwater system and waterways of contaminants deposited onto impermeable surfaces from motor vehicles. Particular regard should be had for the location of medium density housing within and adjacent to central locations.”

The proposed development would be in accordance with this policy as it would incorporate medium-density residential development on a Strategic Arterial Route and immediately adjacent to a significant public transport route providing services to the New Lynn and Glen Eden town centres. Further to this, vehicle trips would be reduced in accordance with this policy as the facility would be within walking distance of the Kelston Shopping Centre.

Policy 10.4 states the following:

“Wherever possible, buildings should be located on residential sites in a way that provides for an adequate area of outdoor space for recreation and leisure, including providing:

- *sufficient outdoor space for the anticipated number of occupants of the dwelling;*
- *outdoor space which is of a usable shape for recreation;*
- *sunlight access to the outdoor space area.*

Where such outdoor space cannot be provided on-site, the offsetting of consequent adverse effects on public open space that arise from increased usage may be required. Such an offsetting of effects would be in addition to any other requirement to contribute to the provision of public open space made under Policy 10.10.”

The proposed development would be in accordance with this policy because it would provide for private and shared outdoor space areas that would enjoy adequate levels of sunlight infiltration, be of a shape usable for recreation, and be of a sufficient size to meet the needs of the projected number of residents.

Policy 10.15 states the following:

“Settlement within those parts of the City where existing noise levels exceed that compatible with human health should be avoided, provided that settlement may occur where any adverse effect on occupants of any site can be remedied or mitigated through the design of structures and the screening of the site from the noise source.”

The proposed development would be in accordance with this policy because visual and aural screening of the adjoining sites in the Working Environment has been provided to protect human health. The applicant has provided alternative outdoor areas in the form of the insulated boulevard, which would be located between residential units and as far as possible from adjoining uses in the Working Environments and the adjacent high noise route. The units themselves would be in accordance with this policy as air conditioning would be provided in each of the dwellings to ensure that healthy and liveable areas could be achieved whilst meeting the Plan’s noise requirements in habitable rooms.

Earthworks

Policy 1.8 states the following:

“Activities, including the management of forestry and woodlots should be carried out in a way that avoids, remedies or mitigates, so minimising, the movement of soils and sediment and other contaminants into receiving waters, and the degradation of water quality in a way that destroys or reduces their:

- *ability to support in stream vegetation and fauna;*
- *ability to be used as a food source;*
- *clarity, quality and flow, and suitability for swimming.”*

The proposed earthworks would be in accordance with this policy as sediment and erosion controls would be put in place to minimise the movement of soils and the potential for contamination in receiving waters.

Density - Living Environment

Policy 11.27 states the following:

“Where possible, the amenity of the urban area should be enhanced through the provision of a range of opportunities for different housing types, provided that such provision occurs in a way that is consistent with the protection of other amenity values within an area.”

The proposed development would be in accordance with this policy as it would involve a higher density of residential development at the interface of the Living and Working Environments that would be of a scale that would allow for different housing types in this mixed-use environment without affecting the amenity values of the adjoining residential environments.

Height to Boundary

Policy 10.5 states the following:

“Structures should be placed to ensure that adequate levels of daylight reach any habitable rooms on-site, and allow adequate levels of sunlight and daylight to reach adjacent properties throughout the year.”

The proposal would be in accordance with this policy as its design would still enable adequate levels of daylight to reach habitable rooms on the site and on the adjoining property.

10.2.2 Transitional District Plan

As discussed in Part 7 of the report the Proposed Plan is considered to be the dominant document and discussion of the proposal in relation to the objectives, policies and rules of the District Plan has therefore been limited to those of the Proposed Plan.

Summary

A93-A118

It is considered that the proposal would be consistent with the objectives and policies of the Proposed Plan. The Proposed Plan is “effects based” in its approach to natural and physical resources and it has been demonstrated in the previous assessment of effects that subject to conditions, any effects arising from the proposal would be de minimis or no more than minor. A summary of relevant policies is attached at pages A93 to A118.

10.3 Any other relevant regulations made under the Resource Management Act 1991(104(1))

10.3.1 Auckland Regional Policy Statement (104(1)(c))

The Auckland Regional Policy Statement sets out the broad resource management issues, objectives and policies for the Auckland Region to achieve the integrated management of its natural and physical resources. The Policy Statement functions as an umbrella policy document for environmental planning and policy development within the region under which the Proposed Waitakere District Plan has been prepared.

The Regional Policy Statement includes strategies for the management of regional development within metropolitan urban limits. Policies within the Regional Policy Statement reflect the need to avoid where practical, or remedy or mitigate adverse effects on the significant natural features of the region through the concentration of medium and high-density development in strategic locations.

With respect to the proposed development it is considered that Section 2 (Regional Overview and Strategic Direction) is of relevance. In particular Policy 2.6.1 (Urban Growth Management) which states:

“The growth of metropolitan Auckland is to be managed with reference to a 30-year time horizon, in a manner, which gives effect to the Purpose and Principles of the RM Act, is consistent with the Strategic Direction, and has regard to:

- (i) the rate of urban development occurring in, and forecast for, the whole Region and sectors of the Region;*
- (ii) the capacity realistically available for further urban development, including -*
 - (a) provision for metropolitan urban expansion; and*
 - (b) the potential for intensification within the urban area; and*
 - (c) the growth capacity, and contribution that may be made by rural and coastal settlements;”*

This policy states further that the form of development: “shall be planned and undertaken through an integrated process on a regional basis and in ways that are consistent with the Strategic Direction and:

- (i) provide for urban intensification around selected nodes and along selected transport corridors; (ii) provide for higher intensities of urban activities at selected locations within areas of new development;*
- (iii) bring about patterns of activities that will mitigate the effects of increased travel and improve the energy efficiency and convenience of urban areas;*

- (iv) *enable the operation of existing regional infrastructure and the provision of necessary new or upgraded regional infrastructure, which is operated and developed in a manner, which ensures that any adverse effects of those activities on the environment are avoided, remedied or mitigated;*
- (v) *facilitate efficient provision of services (including utility services, transportation facilities or services, and community facilities and services, such as schools, libraries, public open spaces) through the utilisation or upgrading of existing facilities, or the provision of new ones;*
- (vi) *maintain and enhance amenity values within the existing urban area, and achieve high standards of amenity in areas of new development;*
- (vii) *do not give rise to conflicts between incompatible land uses;*
- (viii) *avoids, remedies, or mitigates adverse effects on the environment.*

It is considered that the proposed development would be consistent with this policy as it would be of a higher density and would be located on a regional transport corridor with access to important facilities in the residential neighbourhood, without adversely impacting on the amenities of this neighbourhood or the wider environment.

The Regional Policy Statement includes land adjacent to the coast from which surface drainage may flow directly to the Coastal Marine Area as a feature of the coastal environment. Policies within the Regional Policy Statement reflect the need to avoid where practical, or remedy or mitigate adverse effects from development on the natural character of these areas and to avoid, remedy or mitigate adverse effects from sediment discharge to waterways.

With respect to the earthworks activity it is considered that Section 8 (Water Quality) is of relevance. In particular Policy 8.4.7.3 which states:

“All land disturbance activities which may result in elevated levels of sediment discharge shall be carried out so that the adverse effects of such discharges are avoided, remedied, or mitigated”.

With conditions in place requiring the implementation of sediment and erosion controls throughout the earthworks period, it is considered that the proposal would mitigate adverse effects from development on the natural character of the coast and would avoid adverse effects from the sediment discharge to public stormwater drains carrying to downstream waterways.

Overall the proposal is considered to be consistent with the policies of the Auckland Regional Policy Statement.

10.3.2 Auckland Regional Plan: Sediment Control

The proposed earthworks are Permitted Activities would be within an urban area and would be well within the thresholds for earthworks activities under the Auckland Regional Plan: Sediment Control.

10.3.3 Proposed Auckland Regional Plan: Air, Land and Water

The Proposed Auckland Regional Plan: Air, Land and Water was publicly notified in October 2001. Prior to this there were no Regional Council Rules relating to Sections 13, 14, and 15 of the Resource Management Act. As the proposal would not require works in the bed of a watercourse, discharges to water, or the diversion of waterways, the proposal is considered to be consistent with this Plan and the relevant provisions of the Act.

10.3.4 Any relevant designations or heritage orders (104(1)(b)).

The subject sites are not subject to any designations other than road widening, which has been provided for as part of the development where the land would be vested in Council. The sites are not subject to any heritage orders or adjacent to sites subject to heritage orders.

10.3.5 Any Other Relevant Non-Statutory Documents

The Auckland Regional Growth Strategy was adopted in November 1999. It provides a vision for what Auckland could look like in 2050 with a population of 2 million. It promotes quality compact urban environments and identifies, among other things:

- Areas in the region where urban development should not occur;
- Opportunities for peripheral urban development and intensification in the future;
- Appropriate locations for further employment growth;
- The implications for transport and other regional infrastructure.

The Growth Strategy identified Metropolitan Urban Limits within which further growth in the Auckland Region could occur. The Waitakere City Proposed District Plan and the Western Sector Agreement takes these limits further by identifying parts of Waitakere City where higher intensity development should be undertaken. These areas include sites on major roads and sites within a specified radius of key public transport nodes such as bus and railway stations.

It is considered that the proposed development would be consistent with the Regional Growth strategies, the Western Sector agreement, and the Proposed District Plan's objectives, policies, and rules associated with this umbrella strategy. This is because the development would be located on a major road, within a mixed-use area whereby occupants could live and work in close proximity, on a major bus route servicing two town centres, and within walking distance of a small local shopping centre.

10.4 Other Issues Raised by Submitters Not Covered Elsewhere in Report

One submitter raised an issue about the quality of tenants that the proposed residential development would attract. More specifically, the submitter was concerned that the occupation of the building by younger tenants would result in an increase in crime in the area. These matters are generally outside of the ambit of the Resource Management Act and have not been considered under the overall assessment of environmental effects. It is also noted that the development would be owned and managed by Housing New Zealand who would be marketing the development to persons in the 55 + age group, meeting local demand for accommodation of this type.

A further submitter was concerned that a building of this bulk and design could only be achieved through a change of zone and a relaxation of the Plan's rules. It is noted that the proposal would not include a privately initiated plan change, and would instead seek consent for this type of residential activity in the Working Environment. It is also noted that all rules in all relevant District Plans would apply, without relaxation, and the applicant is seeking consent and a dispensation to enable them to undertake a development that would not meet these rules.

10.5 Bonds/Reserve Contributions/Development Levy/Financial Contributions

Preliminary Reserve Contributions

Pursuant to Section 409 of the Transitional Provisions of the Resource Management Act, and 285 of the Local Government Act, Council would require that a preliminary reserve contribution be paid at the time of building consent for creation and development of reserves. This contribution would be calculated at 20m² per additional unit after the first two units, divided by the total site area and multiplied by the land value, plus GST. This contribution would be required at the time of building consent, as a condition of the resource consent.

Contributions Toward Road Upgrading

A72-A81

In the event that the applicant does not wish to physically carry out the road widening at the time of development, Council's traffic engineers have calculated a required fee for the widening of Great North Road to mitigate any adverse effects arising from the development. The fee calculated by Council would be a cost of \$146,000 to the applicant with a further \$143,000 paid by Council toward road widening. This figure has been calculated on the basis that the road would be extended between 4037 and 4059 Great North Road, a 2.5m flush median, a 3.0m centre, and a 4.0m kerbside lane would be created. The exact calculations are attached with the traffic comments are attached at pages A72 to A81.

EcoWater Contributions

Council's EcoWater department have reviewed the proposal and have required that contributions be paid for the upgrade of stormwater drains within the catchment and the catchment wide wastewater system, as per the requirements of Section 283 of the Local Government Act, and as discussed in Section 8 above. The total stormwater contribution to be levied against this development would be \$4,798.13 (incl GST). This is based on a financial contribution rate of \$15,778.13 per hectare for commercial/medium density development. The total wastewater contribution has been calculated on the basis that the development would incorporate 32 x 2 bedroom units. At the time of building consent the applicant has the option of paying \$68,416.11 (incl GST) and installing low flow devices, paying \$74,956.11 (incl GST) and fitting low flow devices but allowing insink waste disposal units, or paying a total fee of \$110,814.51 (incl GST) where no mitigation would be required.

Council's Drainage Engineer comments that these calculations have been calculated on the following basis:

The catchment wide wastewater system is designed with sufficient capacity to accommodate full development to permitted activity level (Living Environment-Rule 2). Development to a density greater than this level will create increased wastewater volumes and peak flows in the sewer system greater than the design capacity. Therefore it is necessary for the developer to mitigate the proposed additional flow. There have been 3 methods developed to mitigate this additional flow i.e. (1) keeping within the density of development allowed for as a permitted activity by the Living Environment Rule 2. (minimum net 450m² sites) (2) Pay a financial contribution to enable Council to mitigate flow in system or (3) provide low flow water devices to mitigate the flow. Payment to Council of a reduced contribution may still be required if the additional flows only partially mitigate effects.

These methods have been transformed into a condition of consent with a range of options that would need to be met by the applicant.

10.6 Monitoring

The performance of the activities under this consent would be subject to Council's standard monitoring procedures. These procedures include scheduled inspections to ascertain compliance with conditions of consent, together with periodic inspections as and when required to establish whether conditions are being complied with on an ongoing basis. In particular, attention is likely to be directed toward the implementation of conditions relating to the implementation of sediment and erosion controls throughout the works period, the provision of air conditioning in all residential units, the payment of financial contributions to mitigate adverse effects arising from the development, and to ensure that all works are undertaken in accordance with the plans submitted to Council.

11.0 PART II OF THE RESOURCE MANAGEMENT ACT 1991

The purpose and principles of the Resource Management Act 1991 have primacy over all other considerations that are set out in section 104 of the legislation. In summary, sections 5, 6 and 7 require that resources must be sustainably managed in such a way that any adverse effects on the environment can be avoided, remedied or mitigated. Furthermore, the Resource Management Act 1991 requires that amenity values and the quality of the environment are maintained and enhanced.

Section 5 in Part II of the Act identifies the purpose of the Act as being the sustainable management of natural and physical resources. This means managing the use of natural and physical resources in such a way that enables people and communities to provide for their social and cultural well-being and their health and safety without significantly compromising the needs of future generations, protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment as demonstrated through the assessment in Section 8 of this report.

It is considered that that the proposal is consistent with sustainable resource management. In particular this proposal is concerned with the sustainable management of undertaking a 32 unit residential and working environment.

The proposal would allow for development of 32 2 x bedroom units constructed and designed in such a way that the amenities of the neighbourhood, the provision of roading and infrastructure, and the health of the natural environment would not be adversely affected. Further to this the units would accommodate noise insulation and air conditioning measures to create an environment that would not adversely impact on the health or quality of living for its occupants.

The proposal is not considered to adversely affect any matters of national importance, as addressed in Section 6 in Part II of the Act. It is considered that the adverse effects arising from the proposal and the proposed mitigation are limited in significance to the surrounding neighbourhood.

Section 7 identifies a number of "other matters" to be given particular regard by Council in the consideration of any assessment for resource consent, and includes efficient use of natural and physical resources, and the maintenance and enhancement of amenity values. It is considered that the proposal would not be contrary to any other such matters.

Section 8 addresses matters relating to the principles of the Treaty of Waitangi. As there would be no waahi tapu sites or sites of significance to iwi in this locality it is considered that the proposal would be undertaken in such a way that it would be not be contrary to the Treaty's principles.

It is considered that the granting of this application would not be contrary to the purpose of the Act. The proposal would enable the construction of a 32 unit residential development with infringements to the eastern height to boundary control, density, and associated earthworks, without significantly affecting the life supporting capacity of natural resources such as air, water and soils. Through the imposition of appropriate conditions of consent, it is considered that the proposed activity can sufficiently avoid, remedy or mitigate any adverse effects on the environment.

As such it is considered that the proposal would be consistent with Sections 5, 6, 7, & 8 of the Resource Management Act 1991 in that any adverse effects on the environment can be avoided, remedied or mitigated through conditions of consent and the amenity values and the quality of the environment can be maintained and enhanced.

12.0 EVALUATION IN ACCORDANCE WITH SECTION 105 OF THE RESOURCE MANAGEMENT ACT 1991

The threshold test in Section 105(2A) of the Resource Management Act 1991 states that a consent authority must not grant consent to a non-complying activity unless it is satisfied that the adverse effects on the environment will be minor (105(2A)(a)) or the activity will not be contrary to the objectives and policies of a plan or proposed plan (105(2A)(b)). As discussed in Section 7.0 of this report very little weight shall be given to the objectives, policies and rules of the Transitional Plan as the Proposed Plan is considered to be the dominant document.

It is considered that the threshold test for a non-complying activity has been met as the proposal satisfies section 105(2A) in that subject to appropriate conditions of consent requiring mitigation the adverse effects on the environment of the proposal will be no more than minor and the proposal is not contrary to the relevant objectives and policies of the Proposed District Plan. Jurisdiction to grant consent has therefore been established.

13.0 CONCLUSION

The applicant seeks consent to construct a 32 unit high density housing development within a low rise apartment complex, resulting in an infringement of density, a height to boundary infringement and earthworks outside of an approved building platform on a contaminated site. The subject sites are located at 4041 - 4049 Great North Road, Kelston. The sites are zoned Industrial A, Commercial A and Residential A under the Glen Eden Section of the Transitional District Plan, and Working and Living 1 Human Environments, and General Natural Area, under the Proposed District Plan.

It is considered that the proposal would **meet** the criteria for granting consent as the potential adverse environmental effects are **no more than minor** and **could** adequately be mitigated through the imposition of appropriate conditions of consent. It is considered that the construction of a medium density development and the undertaking of associated earthworks **would not** lead to a decline in the amenity values of the area in which it seeks to locate.

The proposal is considered to be consistent with the objectives and policies of the Proposed Plan/Transitional Plan which seek to maintain the amenity of urban environments, provide for safe and healthy residential dwellings and associated services, and prevent adverse effects on fauna habitats and the life supporting capacity of downstream watercourses.

It is considered that the threshold test for a non-complying activity has been met as the proposal satisfies Section 105(2A) in that subject to appropriate conditions of consent the adverse effects on the environment of the proposal will be no more than minor and the proposal is not contrary to the relevant objectives and policies of the Proposed District Plan.

It is considered that the issues raised by the submitters can be adequately addressed through the imposition of appropriate conditions.

Subject to any additional and/or contrary evidence being presented at the hearing, it is concluded that the application merits consent in accordance with Sections 104 and 105 of the Resource Management Act 1991.

RECOMMENDATIONS

That pursuant to Sections 104, 105, 108 and 113 of the Resource Management Act 1991, and subject to additional or contrary information being presented at the hearing, **consent be granted** to the application by Prime Group Limited to construct 32 two bedroom units over 5 sites forming a low rise apartment complex, part of which would be within the Working Environment. This development would require 265m³ of earthworks over a plan area of 571m² outside of the building platform, and consent for a height to boundary infringement of 299mm, relative to the site's eastern residential boundary. These works would be undertaken on a site known by Council to be subject to soil contamination, at 4041 - 4049 Great North Road, Kelston, being Pt Allotment 224 Parish of Waikumete, Lots 1-3 DP 51536, Lot 11 DP 33395, for the following reasons:

- (i) The proposal would result in the establishment of a medium density residential development, designed to create an attractive street elevation. The development would comply with all but one of the Plan's bulk and location requirements (with the exception of a minor height to boundary infringement) whilst occurring at a transitional point between single level residential development on Great North Road and established industrial / commercial sites to the north and to the west of the sites.
- (ii) The development would result in higher density residential development in a mixed environment within walking distance of a commercial town centre, and passenger transport services. This development would be located on a strategic arterial route and would therefore be in accordance with Council's strategic direction for the development of the surrounding area in terms of a reduction in vehicular use and support of public transport strategies, and in accordance with the Plan's objectives and policies for higher density residential development in close proximity to town centres and places of work.
- (iii) The proposed earthworks would be minimised to levels necessary for the erection of residential units and the formation of the associated parking, access and outdoor areas. These earthworks would be carried out in such a way that sediment and erosion runoff onto private land, roads, and watercourses would be minimised. All exposed areas would be stabilised on completion of the works. Further to this the formation of a significant area of impermeable surfaces would achieve a recommended measure for the containment of soils known to be subject to levels of contamination that are above what would normally be recommended for residential development.
- (iv) The proposal would be in accordance with all other relevant objectives and policies of the Proposed District Plan.

Consent shall be subject to the following conditions:

General

1. The development shall proceed in accordance with the documents titled Pepperwood Mews, A Proposed Residential Neighbourhood by Prime Homes Lt Great North Road, Kelston Auckland, dated 4 October 2002 and the amended drawings of the same title showing the Level 1 and Level 2 site plans dated January 8 2003, and the reviewed structural plans reflecting these amendments received by Council on the 10 January 2003, all prepared by Robin Riley Associates, and all referenced as RMA 20022062 and the information, including all further information submitted with the application.

Earthworks

2. Prior to the movement of soil, the consent holder shall contact Council's Customer Field Advisor (Field Services) for earthworks matters for an inspection of the erosion and sediment control measures outlined in the Sediment and Erosion Control Plan (as approved by the Auckland Regional Council). An inspection fee shall be charged for this visit, as part of the total monitoring fee outlined in Condition 49 below. If work is unsatisfactory a re-inspection will be required at a cost of \$89.00 No work can commence until the erosion and sediment control measures have been correctly installed and have been approved by the Customer Field Advisor.
3. All necessary action shall be taken to prevent a dust nuisance to neighbouring properties to the satisfaction of the Manager Resource Consents.
4. Footpaths, berms and kerbs shall be protected from damage by crossing or parking vehicles to the satisfaction of the Manager, Resource Consents. Any damage which is attributed to the earthworks operation shall be rectified at the cost of the consent holder.
5. All development works across the site area, including earthworks and the use of associated heavy machinery, shall be undertaken between the following hours only:

Monday to Friday:	7.30 am to 7.00 pm
Saturday:	8.00 am to 5.30 pm
Sunday and Public Holidays:	No work

EcoWater Conditions

6. The consent holder shall define the 1 in 100 year overland flood path to the rear (north) of the site. If necessary the consent holder shall provide a drainage easement over the title. This shall be prepared by the City Solicitor at the applicant's cost when the following information has been received:
 - (i) The Land Transfer plan number allocated by Land Information New Zealand;
 - (ii) The name and address of the solicitor acting for the owner; and
 - (iii) The consent holder shall provide a solicitor's undertaking to register the easement on the title.
7. **Before the commencement of any work, the consent holder shall obtain the approval of Council to engineering plans and specifications prepared in accordance with Council's "Code of Practice for City Infrastructure and Land Development" detailing the nature and extent of any proposed work.** It is noted that to avoid delays in the processing of building consent applications the consent holder should provide engineering plans for approval at least 10 working days prior to submitting plans for building consent.

8. The consent holder shall design, provide and install a complete wastewater reticulation system to serve the development in compliance with Councils Code of Practice for City Infrastructure and Land Development (Refer Section 5.0)/New Zealand Building Code and applicable NZ Standards. The consent holder shall pay, if applicable, to the Council the cost of connecting the said reticulation to the Council's main sewer. Specific Requirements:
 - (i) EcoWater policy requires any wastewater manholes or line connections to be constructed by EcoWater Solutions maintenance contractor. Wastewater manhole connections may be constructed by the applicant's contractor with engineering plan approval and under EcoWater's Quality Assurance supervision or by EcoWater Solutions maintenance contractor.

9. The consent holder shall design, provide and install a complete public water supply reticulation system and fire fighting services to serve the development in compliance with Councils Code of Practice for City Infrastructure and Land Development (Refer section 6). The consent holder shall pay to the Council the cost of supervising the shut down of Council's water supply mains. This service includes EcoWorks providing written advice to all affected property owners/tenants. Specific Requirements:
 - (i) Provide a detail showing the proposed connection to the existing Council watermain/s. The detail is to include all flanges, joints and applicable details. In addition any water reticulation plan is to show all necessary design details to inform construction.
 - (ii) Where the required public system is on private property, easements over the course of such system in favour of Council will be necessary.
 - (iii) The provisions of section 6.3.3.6 for servicing medium density developments are to apply.
 - (iv) All units are to be individually metered after the manifold arrangement.
 - (v) Provide evidence from the New Zealand Fire Service regarding the suitability of the proposed fire fighting system for this development.
 - (vi) If necessary an un-metered water supply is to be provided for fire fighting purposes.
 - (vii) Liase with the Water Assets Engineer regarding the location of proposed water meters.

10. The consent holder shall design, provide and install a complete stormwater drainage system to serve the development in compliance with Councils Code of Practice for City Infrastructure and Land Development (Refer section 4.0). Collect all existing discharge points. Pay, if applicable, to the Council the cost of connecting the said reticulation to the Council's main stormwater. Specific Requirements:
 - (i) Minimise the number of connections to the public lines. This is required to reduce infiltration to public drainage lines.
 - (ii) As per condition 15 below, provide a stormwater quality treatment device to treat the development in accordance with Auckland Regional Council T.P. 10.
 - (iii) Under engineering approval (RMA 20030337) re-lay the existing public 375mm diameter public S/W line passing through the site to provide for the lowered underground car park. This line is to remain public and noted on Councils GIS.
 - (iv) Under engineering approval RMA 20030337 provide a S/W manhole on the re-laid 375mm diameter S/W line and connect all private lines to this point.
 - (v) All paved and roof areas are to be routed through the S/W quality treatment device prior to being discharged to the public stormwater network.

11. The consent holder shall contact the Secretary, ext 8248 EcoWater, Development Services to arrange a pre-start meeting with EcoWater's Quality Assurance Inspector. Plans are required to be submitted and Engineering Approval obtained before work commences.
12. If drainage work is required to be carried out on land outside the development, the consent holder shall obtain the written consent of the owner(s) of that land prior to the approval of the drainage plans.
13. In addition to Condition (6) above and if necessary, a consent notice pursuant to Section 221 of the Act will also be required to be issued and registered on the development requiring a minimum freeboard of one-half metre (0.50m) above the 1 in 100 year overland flood path for the floor levels of residential buildings.
13. The consent holder shall set the new vehicle crossing height at the same level as the adjacent kerb or rear of footpath, (which ever is greater) to prevent the risk of S/W flows entering the basement area
14. The consent holder shall provide stormwater quality treatment to the site in accordance with the Auckland Regional Council publication TP10.
15. Due to the density of the proposed development and resultant increase in wastewater flows mitigation is required. Therefore advise Council which of the following you will be carrying out and fulfil the requirements:

Either mitigate the increase in wastewater flows from the site by providing the following flow reduction measures in the proposed units:

- (i) All taps over hand basins/sinks and showerheads are to be of a type that limits the flow rate to 9 litres/minute or less.
- (ii) All units/dwellings shall have showers
- (iii) All toilets shall be of 6/3 litre dual flush type.
- (iv) No in sink waste disposal units shall be installed.

A Consent Notice is required to be issued and registered on the new titles requiring the use of low water use devices to limit wastewater flows to Councils satisfaction. Provide an "EcoWater Water Saving Devices Inventory" form completed by a registered plumber to demonstrate that the above requirements are satisfied for existing dwelling/s. Councils Hazard Register will be advised of the above requirement.

In addition to this under a Building or Subdivision consent the consent holder shall pay to Council the sum of \$68,416.13 (incl GST) to further mitigate wastewater flows. Note: (1) Further reductions may be possible through recycling of grey water or other innovations. (2) If in-sink waste disposal units are proposed then the sum required will rise to \$74,956.11 (incl GST)

Or pay to Council pursuant to Section 407/409 of the Act the sum of \$110,814.51 (incl GST) (incl. of GST) to mitigate the increase in flows due to the density of the development. No mitigation works will be required by the developer or Consent Notices required.

16. The consent holder shall pay any engineering and works supervision fees as incurred. These fees will be charged at Councils advertised schedule of fees.
17. The consent holder shall pay to Council a street damage bond of \$1000.00 prior to the commencement of work. This bond shall be refunded in full after inspection by Councils Construction Supervisor confirms no damage to Council's roading assets has occurred. The inspection is to take place once all work is complete.

18. The consent holder shall pay a 2½% maintenance deposit (minimum \$500.00) on the value of works being taken over by Council, which is refundable upon final acceptance of the works at the end of the maintenance period.
19. Under a Building or Subdivision consent the consent holder shall pay to the Council pursuant to Section 407/409 of the Act the sum of **\$4,798.13** (Inclusive of GST at 12.5%) towards the cost of upgrading the stormwater drainage system improvements) necessary to serve the subdivision. (**\$15,778.13 per hectare**)
20. The consent holder shall advise Council of the name of the Consultant and/or person/s who will be the developers representative fulfilling engineering responsibilities as detailed in section 1.4.1 of Councils Code of Practice for City Infrastructure and Land Development.

Traffic

21. Prior to the commencement of works, the consent holder shall arrange a meeting with Council's Transportation Engineer in Asset Development (8368000 x 8740) to discuss the nature of the works to be undertaken in accordance with conditions 23 - 29 below.
- A72-A81* 22. The consent holder shall ensure that the area of the site identified in the Proposed District Plan for road widening be vested in the Waitakere City Council as road, as shown in blue on the attached marked up plan (02285-02), attached to the specialist traffic report as attached at pages A72 to A81.
23. The consent holder shall carry out the physical works necessary to widen the carriageway to a width of 9.5 metres north of the existing centreline, from a point 27.5 metres west of the western boundary of 4049 Great North Road to the eastern boundary of 4041 Great North Road, tapering then to the existing kerb position at the eastern boundary of 4037 Great North Road as shown pink on the attached marked up plan (02285-02).
24. The consent holder shall form a pedestrian refuge island on Great North Road in the position shown on plan (02285-02), and provide all traffic signs associated with the island.
25. That the applicant shall mark a flush median and lane line on Great North Road in general accordance with the marking shown on the attached marked up plan (02285-02).
26. The consent holder shall provide Council with a construction program for the road works to enable Council funds to be allocated to this project.
27. The consent holder shall carry out all work to Council standards.
28. The consent holder shall provide the Council with a schedule of quantities and rates for the road works prior to the commencement of works.
29. In lieu of conditions 22 - 29 above, the applicant shall pay a financial contribution of \$146,000 to Council to carry out road widening and upgrading works
30. .If development is undertaken prior to the completion of the road-widening project, signage shall be erected at the cost of the applicant advising occupants and visitors of the residential units that only left turn manoeuvring would be permitted for access into and out of the site.

31. When constructing the basement area, the applicant shall mark and signpost all resident parking spaces shown on the revised floor plan, attached to the application as submitted in Appendix 1. Each resident parking space shall be allocated a number to match the numbers on each of the 32 residential units. The 8 visitor parking spaces, as shown on the revised floor plan above, shall be marked as visitor parking only and shall be clearly signposted. These works shall be undertaken to the satisfaction of the Manager, Resource Consents.

Noise

32. Within 3 months of completion of the development the consent holder shall supply to Council a letter from Hegley Acoustic Consultants confirming that all of the acoustic measures have been installed in accordance with the two acoustic reports submitted with the application.
33. The consent holder shall ensure that all window joinery shall be in aluminium.
34. A boundary fence shall be constructed along the western and northern boundaries. The fence shall be not less than 1.8metres in height, with a mass of not less than 9kg/m², with no gaps or cracks. If timber fencing is used, then battens shall be put over the joins.
35. The consent holder shall ensure that the ceilings of each unit shall be a minimum 10mm gibralter board, plus 100mm thermal grade fibreglass or 95mm 'Autex Greenstuf' in the ceiling cavity.
36. The consent holder shall ensure that the following glazing shall have the minimum glass thickness.

APARTMENT	GLASS THICKNESS		
	NORTHEAST WINDOW	SOUTHWEST WINDOW	SOUTHWEST FACADE
1	9mm sound stop	9mm sound stop	
5	6mm float	6mm float	
6	6.38mm laminated	6.38mm laminated	
7 entry door	6.38mm laminated		
7	9mm sound stop	9mm sound stop	
8	9mm sound stop	9mm sound stop	
9			7mm sound stop
10			7mm sound stop
11	6mm float		7mm sound stop
12	6.38mm laminated		7mm sound stop
13 bedroom	6.38mm laminated		7mm sound stop
13 entry door			7mm sound stop
13 living/kitchen	9mm sound stop		9mm sound stop
14	9mm sound stop		9mm sounds top
18	6mm float	6mm float	
19	6.38mm laminated	6.38mm laminated	
20 entry door	6.38mm laminated		

APARTMENT	GLASS THICKNESS		
	NORTHEAST WINDOW	SOUTHWEST WINDOW	SOUTHWEST FACADE
20	9mm sound stop	9mm sound stop	
21	9mm sound stop	9mm sound stop	
22			7mm sound stop
23			7mm sound stop
24	6mm float		7mm sound stop
25	3.38mm laminated		7mm sound stop
26 entry door			7mm sound stop
26 bedroom			7mm sound stop
26 living/kitchen	9mm sound stop		9mm sound stop
27	9mm sound stop		9mm sound stop
28			9mm sound stop
29			9mm sound stop
30			9mm sound stop
31 entry door			7mm sound stop
31 bedroom			7mm sound stop
31 living/kitchen			9mm sound stop
32			9mm sound stop

37. Air-conditioning shall be installed in all of the units with minimum glazing thickness specified above in condition 37 above. The air-conditioning shall conform to all relevant standards.
38. An encumbrance shall be issued on the title warning the owner that their residential units are within the Working Environment under the Proposed District Plan, and are therefore subject to the permitted noise provisions in this zone. This shall be prepared by the City solicitor and at the applicant's cost. The encumbrance shall be brought on to the subsequent certificate or title(s), e.g. separate titles by subdivision.

Reserve Contribution

39. At the time of application for building consent the consent holder shall pay a preliminary reserve contribution be paid at the time of building consent for creation and development of reserves. This contribution would be calculated at 20m² per additional unit after the first two units, divided by the total site area and multiplied by the land value, plus GST.

Tree Protection and Landscape Treatment

40. That all works within the drip line of the subject vegetation are supervised by a qualified arborist and undertaken in accordance with the best arboricultural practices. A copy of this resource consent shall be held on site throughout the work processes. At no time shall the tracking of any machinery, storage of materials, stockpiling of spoil, excessive foot traffic or other contamination occur beneath the drip line of the subject tree.
41. Prior to the replacement of any site works a temporary protective fence shall be erected around the protected Pohutakawa Tree in the northeastern corner of the site (as shown on the site plan). The position of the protected fence shall be established at a pre-commencement meeting and approved by Council's Customer Field Advisor - Resource Management (839-8000) prior to the commencement of any site works. The temporary protective fences shall be strong and appropriate to the degree of construction works taking place on the site.
42. Any exposed and/or severed roots of retained trees that occur as a result of the works shall be clean cut back to the edge of excavations with a sharp implement such as a handsaw or a pair of secateurs.
- A140-A338* 43. Landscape treatment works shall be undertaken in accordance with the planting plan submitted to Council for approval of Council's Landscape Architect and attached with the application as attached at pages A140 to A338.
44. All proposed new planting shall take place in the planting season (May – September) immediately following the completion of the proposed works. It shall be the responsibility of the resource consent holder to provide evidence of this planting to Council's Environmental Monitoring Officer in the form of an invoice or similar.
45. The trees and shrubs shall be of good quality nursery stock and maintained to the satisfaction of Council for a period of 2 years from the date of planting. If any of the replacement trees die within this period, they shall be replaced and maintained as per good horticultural practice.

Design

46. Prior to the issue of building consent, the consent holder shall submit full details of all designs and materials used in the construction handrails to be erected around the north facing balconies, which would project out from the second level of the garden units. These handrails shall be designed to ensure that these balconies are private and that overlooking from these areas would be reduced. These materials shall be approved to the satisfaction of the Manager, Resource Consents.

Monitoring

47. A consent compliance-monitoring fee of \$1000.00 (inclusive of GST) shall be paid to the Council. This fee is to recover the actual and reasonable costs incurred ensuring compliance with the conditions of this consent. If, on inspection all conditions have not been satisfactorily met, a re-inspection shall be required at a further cost of \$89.00 per hour (inclusive of GST).
48. The \$1000.00 fee shall be paid as part of the resource consent and the resource consent holder shall be advised of any further monitoring fees if they are required.

ADVICE NOTES

1. The wastewater mitigation calculations are based on 2 bedroom Units. If this is to change the consent holder shall advise EcoWater and the contribution would be amended.
2. The medium density development would be located on a high noise route, part of which would be within a Working Environment. Therefore Rule C.W.N.S. 1.2 'high noise routes' of the Waitakere City Proposed District Plan 1995 requires that the dwelling is built to an acoustic standard so that traffic noise, as measured within any habitable room, does not exceed a level of 45 dBA Leq (24 hours) with windows closed and Rule 8.1(d) of the Working Environment Rules requires that the dwelling is built to an acoustic standard so that traffic noise, as measured within any habitable room, does not exceed a level of 35 dBA L₁₀ between the hours of 10.00 pm and 7.00 am with windows closed.
3. Conditions 6 - 20 are to be signed off by Consent Services, fees will be charged on an hourly basis.

Report prepared by: Rochelle Edwards, Resource Planner.

