



Waitakere City Council
Te Taiao o Waitakere

AMENDED NOTICE OF MEETING

HEARINGS COMMITTEE

I hereby give notice that a Meeting of the Hearings Committee will be held on:-

DATE: **Thursday, 12 May 2005** **REVISED TIME:** **11.00 am**

VENUE: **Civic Centre, 6 Waipareira Avenue, Lincoln, Waitakere City**

to consider the business as set out herein and to take any necessary action connected therewith.

14 April 2005

Owena Schuster
COMMITTEE SECRETARY

Telephone (09) 836 8000 extn 8864

MEMBERSHIP:

Councillors	DQ	Battersby, JP (Chairperson)
	WW	Flaunty, QSM, JP (Deputy Chairperson)
	PA	Hulse
	JP	Lawley
	VS	Neeson, JP
	CA	Stone

Ward Representative
Mr GE Barnard (Massey Community Board)

Alternate Representative
Mr AE Davies, JP (Massey Community Board)

(Quorum 4 members)

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(The reports and recommendations contained in all agendas are reports and recommendations only and are not to be construed, in any way, as Council policy until adopted.)

**AGENDA FOR A MEETING OF THE HEARINGS COMMITTEE TO BE HELD IN THE
CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,
ON THURSDAY, 12 MAY 2005, COMMENCING AT 11.00 AM.**

TABLE OF CONTENTS

<u>ITEM</u>		<u>PAGE NO.</u>
1	APOLOGIES	1
2	URGENT BUSINESS	1
3	NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991 BY SCOTT TRASK AND GAYLENE MATHAIS TO UNDERTAKE ADDITIONS AND ALTERATIONS AT 40 FERRY PARADE, HERALD ISLAND	1

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1 APOLOGIES



2 URGENT BUSINESS

Section 46A(7) of the Local Government Official Information and Meetings Act 1987 provides that where an item of business is not on the agenda, it may only be dealt with at the meeting if:

- (i) the Committee by resolution so decides; and
- (ii) the Chairperson has explained at the beginning of the meeting (when open to the public) that the item will be raised for discussion and decision, why the item is not on the agenda, and why it cannot be delayed until a subsequent meeting.

The Committee may make a decision on a matter determined to be urgent.

NOTE: Urgent Business need not be dealt with now and may be delayed until later in the meeting.



**3 NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE
RESOURCE MANAGEMENT ACT 1991 BY SCOTT TRASK AND GAYLENE MATHAIS
TO UNDERTAKE ADDITIONS AND ALTERATIONS AT 40 FERRY PARADE, HERALD
ISLAND**

MASSEY WARD

RMA 20041261

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.

APPLICATION DETAILS

Planner:	Sally Baguley, Consultant Planner Resource Management Solutions Limited
Site Address:	40 Ferry Parade, Herald Island
Applicant:	Scott Trask and Gaylene Mathais
Date Received:	16 June 2005
Building Consent No:	N/A
Legal Description:	Lot 105 DP 31409
Address for Service:	Scott Trask and Gaylene Mathais 40 Ferry Parade Herald Island
Site Area:	893m ²
Unit Site Area(s):	N/A
District Plan:	
Human Environment:	Rural Village
Natural Area:	Natural
Landscape Elements:	None
Hazards:	General Sheet overland flow
Roading Hierarchy:	Local
Further Information Required:	Yes
Date Requested:	1 July 2004, 12 July 2004, 1 November 2004, 4 March 2005
Date Received:	7 July 2004, 28 October 2005, December 2004, 11 March 2005

1.0 INTRODUCTION AND RECOMMENDATION

1.1 Nature of the Application

The applicant requires consent to undertake additions and alterations to the existing 2 level dwelling on the site. The additions include the addition of a double garage to the east of the existing dwelling. A portion of the roof of the garage will be used as a deck accessed from the main living area located on the second level of the dwelling. The second level deck to the north of the dwelling will also be extended. Internal alterations are proposed to the lower level of the dwelling to convert the existing car port to a bedroom and the existing garage to a second family room. Resource consent is required for infringements to the building coverage and outdoor area controls, for the level of impermeable surface proposed and for works on a site that is known to flood.

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 District Plan.

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 additions and alterations. 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 the District Plan will be satisfied.

2.0 LOCATION PLAN



3.0 PROPOSAL

The existing dwelling is two levelled, rectangular in shape, 165m² in size, and set 1.5m from the western boundary. There are existing decks on the upper level which extend 1m out from the eastern walls of the dwelling and 1.5m from the northern (rear) elevation of the dwelling. Between the dwelling and the eastern boundary is a paved parking and manoeuvring area. The ground level of the dwelling includes a carport, the laundry and a garage/workshop. The northern (rear) area of the site is vegetated with grass and a variety of more substantial vegetation including pungas.

The applicants seek consent to undertake additions and alterations to the dwelling on the subject site. The additions include the construction of a garage on the eastern side of the dwelling. The original application was for a 6.5m wide garage to extend from the eastern side of the dwelling in which case the garage would be 0.7m from the eastern boundary. The proposed deck on top of the proposed garage would extend 4.45m from the side of the dwelling, being 3.2m from the eastern boundary at its closest point. A 1.8m high plaster clad privacy screen is proposed on the southern and eastern sides of the deck on top of the garage. The applicant proposed to extend the deck on the northern side of the dwelling from 1.5m to 4.5m from the northern wall of the existing dwelling.

The applicant has tried unsuccessfully to obtain the written approval of the neighbour adjoining the eastern boundary.

Subsequent to the application being lodged and the closing of the submission period the proposal has been amended in two ways. The first is to decrease the width of the garage from 6.5m to 6.0m, thereby increasing the setback to the eastern boundary to 1.2m. The deck above the garage has been decreased in width from 4.45 to 3.95m. The second is to reduce the width of the deck on the northern side of the dwelling from the proposed width of 4.5m to a width of 2.5m.

4.0 REASONS FOR THE APPLICATION

Consent is required under the following provisions of the District Plan for the following reasons:

- Pursuant to rule 7.1 and 7.2 of the rural village environment section, discretionary activity consent is required for a proposed building coverage of 227.50m² or 25.8% where the maximum building coverage permitted is 20%. The existing building is 165m² or 19.9%. The rule also states that no two storey building can exceed 150m² in size. The existing building infringes this control by 15m². The increase in building coverage amounts to 54.5m² associated with the garage and 8m² associated with the extension of the rear deck.
- Pursuant to rule 9.1 and 9.2 of the rural village environment, limited discretionary activity consent is required for the outdoor space not to be located adjacent to the main living room of the site.
- Pursuant to rule 4.1 and 4.2 of the general natural area, limited discretionary activity consent is required for impermeable surfaces of 44% of the total site area on a non reticulated site when the maximum permitted is 15%.
- Pursuant to rule 1.1 of the natural hazards section, limited discretionary consent is required for undertaking building work on a site that is known to flood.

Overall the application is considered to be a Discretionary activity. The proposal complies with all other development control rules under the District Plan.

No other consents are required.

It is noted that the site is located within the Ldn55 noise contour map. The alterations which create additional habitable rooms are internal only and the works involve converting existing garages to habitable rooms. It is anticipated that compliance with rule 1.8 of the general noise standard can be achieved. A condition is recommended on this consent requiring certification from a suitably qualified acoustic engineer confirming that the internal works will provide acoustic insulations to ensure that noise does not exceed L_{dn} 40dBA on any habitable room. Should that certification determine that the required level of insulation is not achieved, alterations to the plans will be required and this may result in the additional resource consent application which will be assessed on it's merits.

5.0 THE SITE AND NEIGHBOURHOOD DESCRIPTION

The adjoining properties are of mixed variety, usually two levelled, often built circa 1960 or 1970. Buildings are typically set back at least 6m from the front boundary. The dwellings on the southern side of the road are more modern and are set closer to the street. The older style dwellings on the northern side of Ferry Parade often have separate garage buildings. Some infill housing at the rear of sites is evident on the northern side of Ferry Parade. Views of the harbour are not evident from the northern side of Ferry Parade.

The site adjoining the northern boundary of the subject site is Council reserve, zoned open space. The site adjoining the western boundary contains a single level dwelling on the front western side of the site and a two level dwelling on the eastern side of the site. The dwelling on the adjoining eastern boundary is set back over 8m from the front boundary, is two level with established vegetation on the common boundary with the subject site and in the front yard. A deck has been constructed from the second level of the main dwelling and a privacy screen has been constructed on the western side of the upper level deck. The adjoining site also contains a 70m² garage and a swimming pool at the rear of the main dwelling.

The surrounding roading network on Herald Island is quiet as a result of the Island location at the end of the causeway. The quiet nature of the area enhances the rural community feel to the area, however, it must be noted that the site sizes are typically similar to that of the subject site, and the lower density which may be evident in some rural areas of Waitakere City is not seen on Herald Island.

6.0 ISSUES IDENTIFIED THROUGH THE SUBMISSION PROCESS

A27-A41

The application was publicly notified on 23 December 2004. The period for submissions closed on 10 February 2005. Six submissions were received: five submissions supported the application, and one submission opposed the application, as attached at page A28 to A41 for submissions that were received. A map showing the location of the submitters, as attached at page A27.

6.1 Submissions

Name	Address	Main Issues	Relief Sought	Wish to be Heard
Julia Leece and Craig Leece	Owners - 22 Ferry Parade	Additions will enhance the property.	Grant Consent	No
John Kenneth Diprose and Janette Lousie Diprose	Owners - 47-49 Ferry Parade	Additions will improve the aesthetic appeal of the property	Grant Consent	No
Craig and Tanya Torcklin	Owners - 38 Ferry Parade	Additions will enhance surrounding property values	Grant Consent	No
Greg Davis	Occupier - 38 Ferry Parade	Additions will improve the appearance of the property	Grant Consent	No
Keith Raymond	Occupier - 38 Ferry Parade	Additions will improve the appearance of the property	Grant Consent	No
Scott and Lisa O'Donnell	42 Ferry Parade	Additions will physically dominate 42 Ferry Parade. Additions will intrude on the privacy of 42 Ferry Parade. Additions will reduce amenity levels. Additions will impact on noise levels	Reduce garage width Remove upper level deck above garage	Yes

A pre hearing meeting with the submitters was not held.

7.0 STATUTORY REQUIREMENTS

7.1 Discretionary Activities

The relevant policies and criteria which apply under the District Plan and the Resource Management Act 1991 are set out in more detail in Section 8.2 of this report. This should be referred to as the legal framework within which the application should be addressed.

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 District Plan. All considerations are subject of the provisions of Part II of the Resource Management Act 1991, which sets out the purpose and principles that guide this legislation.

The 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.

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

In order to make a decision in terms of Section 104B of the Act it is necessary to undertake an analysis and assessment to determine whether the purpose and principles of the Act are being met (Part II) having regard to the matters set out in Sections 104, 104A - 104D as relevant, the Fourth Schedule and any other statutory considerations.

Section 104(1) of the Act requires that Council have regard to any actual or potential effects on the environment, any relevant objectives, policies, rules or other provisions of a plan or proposed plan and any relevant regional policy statement and regional plan or proposed plan, and any other matters the consent authority considers relevant and reasonably necessary to determine the application.

When considering an application Council must not have regard to any effect on a person who has given their written approval to the application (section 104 (3)(b)) and may disregard an adverse effect of an activity on the environment if the Operative Plan permits an activity with that effect (section 104(2)).

8.1 Assessment of Environmental Effects (104(1)(a)): Actual and Potential Effects on the Environment

8.1.1 Water Quality and Quantity

The application results in a greater area of impermeable surface on the site than that which exists. The applicant has provided a report from West Ward Civil Limited which outlines the methodologies used to collect stormwater from the proposed new surfaces and this has been reviewed and agreed to by the EcoWater division of Waitakere City Council. The requirement by the applicant to undertake the works in accordance with the West Ward Civil Limited report combined with the conditions imposed by EcoWater will ensure that stormwater is collected from impermeable surfaces to the Council’s approved standards.

As discussed in the applicants engineering report, the site is identified as being affected by sheet flow (but is not within the 1 in 100 year flood area). Methodologies have been proposed in the applicants engineering report to prevent any flooding hazard for the lower level of the proposed dwelling. These measures include lowering the ground level adjacent to the new habitable rooms on ground level. It is reasonably anticipated that the ground level can be lowered without adversely affecting stability of the footings. The proposal will also not alter the extent to which any ponding may occur on the site. Any ponding which currently occurs will not compromise the footings of the building. The proposal and the applicants engineering report have been reviewed by EcoWater and the application is considered to be acceptable. Hence there is not considered to be any adverse flooding effects as a result of the proposal.

8.1.2 Native Vegetation, Vegetation and Fauna Habitat

There would be no adverse effects in relation to vegetation and fauna habitat as a result of the proposed activity as the site is within the semi urban area and is already modified and it is not proposed to remove any vegetation or work within the drip line of any vegetation.

8.1.3 Land / Soil

There would be de minimis adverse effects on soil and the existing landform as a result of the proposed activity as the site is within a semi urban area and is not known to Council to be affected by any site stability hazards and is already modified. Earthworks will be required to create footings for the additions. These will need to meet building code requirements in relation to ensuring minimum floor levels adjacent to sheet flow are met. As such it is anticipated that the proposal will not have an adverse effect on any property outside of the subject site.

Standard earthworks conditions are recommended to be imposed to avoid any adverse effect associated with the bare soil that may be exposed during the construction period.

8.1.4 Air

As the site is within a semi urban area and the proposed activity does not include air emissions of any kind, there would be no adverse effects on air quality.

8.1.5 Ecosystem Stability

As the site is within the urban area and the existing environment is already modified there would be only a de minimis adverse effect on the stability of ecosystems as a result of the proposal.

8.1.6 Outstanding Natural Features; Landforms, Geological Sites,

The subject site is not identified in the District Plan as being within an area identified as containing "outstanding natural features" within the City (refer Maps 3.5D & E). The proposed activity would not therefore adversely affect any identified outstanding natural features.

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

The site is located centrally on Herald Island, and does not directly abut the islands foreshore. There would be no adverse effects in relation to the natural character of the coast and margins of lakes rivers and wetlands arising from the proposed activity as it would be located within a suburban area of the City and is not near enough to the coast, water body or wetland to have an adverse effect.

8.1.8 Outstanding Landscapes

The subject site is not identified in the 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.

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

- Scale, Form, Height, Bulk, Physical Dominance

The size of the building proposed is substantially greater than that which is permitted by the building coverage control in the District Plan. The additions to the building will comply with the height in relation to boundary controls. When the subject site is viewed from 42 Ferry Parade, the subject dwelling will be noticeably bigger in size potentially creating a dominance effect by the increased bulk of the building. This effect will be partially mitigated by the garage being single level and screened from the adjoining property by a fence. In addition, the garage will be set back 1.2m from the eastern boundary (compared with 0.7m as proposed when lodged). The bulk of the building which is proposed on the subject site will continue to exist mainly on the western side of the property.

There is screening on the common boundary adjacent to the garage and deck addition including vegetation next to the dwelling on the adjoining property and 3m high vegetation adjacent to the adjoining swimming pool. A screen has been built on the neighbour's upper level deck, which screens their views into the subject site from this outdoor area.

While it is acknowledged that there will be a dominance effect associated with the proposed additions, it is considered that the garage being single level and the existing screening by way of fencing and plantings which exists around the property will mitigate any potential dominance effect so that is less than minor.

- Privacy

Given the flatness of the area and the size and narrowness of the site, the construction of upper level decks could easily lead to the users of those decks having views directly into the back yards of the adjoining properties. The submission from 42 Ferry Parade in opposition to the proposal expresses concern at the potential for a decrease in the current level of privacy and consequently a decrease in amenity of their property.

When considering the extent of the effect on the adjoining eastern neighbours' privacy, consideration has been given to the privacy effect created by the existing dwelling and deck. The existing dwelling incorporates decks which extend along the eastern and northern side of the deck. The deck on the north side of the dwelling is 1.5m deep. The deck on the eastern elevation is 0.5m to 1m deep. Windows of the main living areas, kitchen and bedrooms face east, to 42 Ferry Parade. Accordingly, there are sightlines from the upper level of the subject dwelling toward the dwelling and outdoor area of 42 Ferry Parade.

The upper level deck at the rear of the dwelling on 42 Ferry Parade has a privacy screen along its western side and there is vegetation between this dwelling and the shared boundary.

The internal alterations can be carried out without a resource consent, therefore no account shall be taken of the privacy effect of this aspect. The additions to the rear deck involve increasing its width by 1.5m to 2.5m. The potential effect on the privacy of the occupants of 42 Ferry Parade is considered to be minimal because the aspect of the existing deck and eastern elevation windows will be to the rear of the subject site.

The deck proposed above the garage will result in a large useable outdoor area immediately adjacent to the living and kitchen areas of the existing building on the subject site. Visually, it is unlikely that this proposed deck will have an adverse effect on the privacy of the area immediately adjoining the location of the garage given the privacy screen which is proposed on the eastern side of the deck. In fact given the screening which will be created between the kitchen and indoor living areas of the existing dwelling, the privacy of the adjoining eastern site can be seen to be improved in this area.

Users of the deck above the proposed garage will be able to view the outdoor pool area located toward the north of the adjoining eastern site. However the extent to which this area can be viewed is not substantially different to that which exists with the window and deck layout of the existing dwelling. In addition there is planting on the western boundary of the adjoining eastern site which is 3m in height which partially screens the views down from the upper level decks toward the neighbours' pool. The applicants have included planting as part of their amended proposal on their eastern boundary which will in time increase the screening and reduce the extent to which the users of the deck can view the outdoor area and associated pool.

The owners and occupiers of the property located to the west have outlined their support to the proposal through the submission process so the privacy effect created is considered to be acceptable to these parties.

The northern adjoining property owner (the council as owner of the reserve) has not submitted in relation to the proposal. Given the distance between the additions and the site and the vegetation which is present between the additions and the northern boundary, and the way in which the reserve is considered to be public land, the privacy effect is negligible for the adjoining northern site.

- Overshadowing, Loss of Daylight and Sunlight

Given the orientation of the section and the height of the existing building on the site, and the height of the close board fence on the boundary between the subject site and its eastern adjoining neighbour, it is unlikely that the proposed additions will create any additional shadowing effect which would be more than minor

- Visual Amenity, Streetscape, Sense of Place, Neighbourhood Character

The increased dominance could adversely affect the visual amenity for the adjoining sites. The properties immediately across the road and to the east have written a submission in support of the proposal which comments on the improved appearance of the building. The effect on visual amenity is not considered to adversely affect the surrounding community.

As outlined above the bulk and scale of the building is greater than that which could be permitted as of right. However, there are several mitigating factors which lead to the overall dominance of the building having a less than minor effect for the adjoining eastern property.

In addition to this, while the extent of building coverage infringes the controls in the district plan, the level of building coverage is not visually inconsistent with the surrounding area. The set back from the street and recently upgraded street frontage is consistent with the style of the area.

- Amenity of outdoor living area

There are positive effects associated with the proposal as a result of the increased amenity for the users of the subject site associated with the increased size of the dwelling and the improved outdoor area in a particular location.

- Aural Effects

The submitter has raised concerns about the effects associated with the noise from the users of the deck. When considering this effect consideration has been given to the existing environment and the likely noise effects associated with a permitted activity.

There is an outdoor area currently located underneath the existing deck, where there is a table and other facilities. The type of activities and subsequent noise associated with the use of that area would be similar to that associated with the upper level decks proposed.

The upper level deck located above the proposed garage will be partially screened by a 1.8m high plaster clad privacy screen which will partially screen the noise associated with the users of the deck for the adjoining site.

The size of the deck proposed is not an unreasonable size with the deck on top of the garage being only 30m² and the deck on the northern side of the dwelling being approx 20m². The associated use of the deck is only that associated with normal residential activity. It is reasonable to assume that if someone was to construct a dwelling on the subject site which complied with the development controls relating to bulk and size that the building would include decks of a similar size which would have a similar aural effect on the neighbours.

It is noted that there is an existing aural effect associated with the density of dwellings which exists in the area and the upper level decks which are a common feature of surrounding dwellings.

Overall, it is considered that any additional noise associated with the use of the proposed additions will be less than minor.

8.1.10 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.

8.1.7 Summary

It is recognised that there is an effect on the amenity of the environment as a result of the increased dominance of the dwelling on the subject. There is a potential for an increased effect on the current levels of privacy and levels of noise from the site by increasing the areas of the decks. However, there are several mitigating factors which reduce the effect and overall, the potential adverse effect on amenity is considered to be less than minor.

8.2 Any Relevant Provisions of the District Plan 104(1)(b)(iv):

8.2.1 District Plan Policies and Objectives

It is considered that the proposed development would be consistent with the objectives and policies of the District Plan. The District Plan Assessment Criteria, developed to address the issues covered in the relevant objectives and policies, are discussed in section 6.0. The consideration of the proposal against these assessment criteria ensures that the proposal is considered against the relevant objectives and policies. However, the following policies are considered to be particularly relevant.

“10.4 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 useable shape for recreation;*
- *Sunlight access to the outdoor space are”*

The application is consistent with this policy as the proposal will provide a useable outdoor space, adjacent to the main living areas of the dwelling. The proposal will not alter the way in which the occupiers of the adjoining sites can use their outdoor space. As outlined in section 8.1.7 of this report, it is noted that there will be an effect for the overall amenity of the adjoining eastern property as a result of the proposal, however, this effect is considered to be less than minor and the character of the building is consistent with the surrounding environment.

“10.6 Buildings storage and parking areas should be designed and placed on site or screened in a way that maintains the privacy and on site amenity of adjacent residential properties including the privacy of outdoor space. Particular regard should be had for the protection of privacy within the more intensively settled living and rural village environments.”

It is acknowledged that there have been concerns raised about the privacy effects associated with the proposed deck additions. It is also acknowledged that people standing on the deck will be able to view parts of the adjoining eastern properties outdoor area and swimming pool.

However as outlined in section 8.1 of the above report, the existing dwelling has windows and decks from which the occupiers of the subject site can look directly down in to the neighbour's property currently. Also a privacy screen is proposed on the eastern side of the deck which will screen people standing on the deck being able to look directly toward the eastern property into the neighbour's property.

In addition to this there is vegetation located between the dwelling on the adjoining eastern site and the subject site and the outdoor area and the subject site. The applicant has proposed additional planting on the subject site adjacent to the close board fence. This vegetation will assist in the screening of views into the adjoining neighbour's outdoor living area. As such it is considered that there is only a limited decrease in the level of privacy for the adjoining eastern property.

“10.17 Settlement in all parts of the city should be at a density that is within the capacity of water supply stormwater, wastewater solid waste infrastructure to safely absorb the effects of that settlement and to provide for the health of all residents and visitors and workers.”

The applicant has provided details of how they intend to deal with the storm water and wastewater. This has been reviewed by EcoWater who propose conditions to ensure that the wastewater system proposed is sufficient.

“11.8 Structures should be of form height and scale which avoids physical domination of the surrounding sites and buildings which do not adversely affect the landscape character and other amenity values of these areas and which minimises encroachment on views. In particular relocated housing must be of a sale form and finished quality and located so as to maintain and enhance surrounding amenity values and neighbourhood character “

The additions along the east side of the property are not considered to physically dominate 42 Ferry Parade given the 1.2m garage set back from the common boundary and the privacy screen along the proposed deck. The fencing and vegetative screening which exists on the boundary will soften the appearance of the buildings on the site for the eastern neighbour. The effect of the proposed additions on the dominance of the building and the amenity values of the surrounding properties will not be more than minor.

8.2.2 Rules and Assessment Criteria

The District Plan Assessment Criteria have been developed to address the issues covered in the objectives and policies and are a useful guide in assessing the effect of an activity. The proposed activity is assessed in relation to each of the relevant criteria as follows:

Impermeable Surface

With regard to the assessment criteria 4a - 4j, contained in rule 4 of the general natural area relating to infringements to the impermeable surface control, the following comments are made.

- 4(a) 4(b) The site is modified and is within an urban environment. With the conditions suggested by EcoWater, the extent of storm water which is drained off site will be the same as that which is permitted by the district plan. The extent of impermeable surface proposed will therefore not affect the potential for restoration or enhancement around and within the area, nor will it reduce the extent, range and linkages between vegetation, fauna habitat and natural features.
- 4(c) The site does not contain any significant landscape features which the extent of impermeable surface proposed will adversely effect.
- 4(d) The site is known to be affected by an overland sheet flow path. Measures have been put in place to ensure that the flood risk is not exasperated by the proposal. These measures have been reviewed by EcoWater who are satisfied with the proposal.
- 4(e) 4(h) and 4(i) Given the small size of the additional paved area, when compared to the size of the receiving environment, it is not likely that the additions will alter the quality of the receiving natural water, or the quality of the water as a food source nor the mauri of the water.
- 4(f) The impermeable surface area proposed is over an existing area which does not contain native vegetation. No removal of protected vegetation is required as part of the application
- 4(g) Given the flatness of the site there is very little soil loss anticipated as a result of the works. The excavations which are proposed adjacent to the ground floor will be to a limited depth and will not result in adverse effects off site.

- 4(j) Requiring the payment of a financial contribution to the council is not necessary to mitigate the effect of any adverse effect.

The proposal is therefore considered to be consistent with the assessment criteria for impermeable surface infringements and also the relevant objectives and policies of the District Plan.

Flood Risk

The site is identified as being susceptible to general sheet overland flow, which could cause a flood hazard. The site is not within a 1 in 100 year flood plain. Accordingly the proposal is assessed against the assessment criteria contained in rule 1a to 1g in the natural hazards section. With regard to these matters the following comments are made:

- 1(b) The sheet flow exists over the entire area. The building cannot be located in an area which is not subject to the natural hazard.
- 1(c) and (d) Measures have been put in place to ensure that floor levels are sufficient distance above the ground level to mitigate the potential for flood damage. With these measures put in place and the detention tank proposed, it is not likely that there will be damage to any persons property and the works are not sufficient to create any adverse effect on landforms or coastlines. The works required to mitigate the effects will not have an adverse effect on landform or any other feature of the site. The extent of works proposed and extent of the building coverage will not have an adverse effect on the ability of the catchments to dispose of water in an efficient manner.
- 1(f) The payment of a financial contribution is not necessary to mitigate any environmental effect.

The proposal is therefore considered to be consistent with the assessment criteria for development within an area with a flood risk and also the relevant objectives and policies of the District Plan.

Building Coverage

Building coverage of 245m² is proposed with 150m² being the maximum permitted. The application can therefore be assessed against assessment criteria 7a to 7d of the rural villages environment.

- 7(a) The amenity effects have been considered in Section 8.1 of this report where it was considered that any adverse effect would be no more than minor for the adjoining properties.
- 7(b) The measures proposed in the report submitted with the application which include recycling of stormwater through the provision of a recycling tank has been reviewed by EcoWater and is considered to be acceptable. There will be no adverse effect on infrastructure which is discernable from that created by the existing environment.
- 7(c) The extent to which the building proposed will physically dominate the adjoining site has also been considered in section 8.1 of this report. It was concluded that given the set back of the upper level deck from the adjoining site and the screening which exists in the form of the privacy screen proposed on the deck of the subject site and the vegetation which exists on the boundary, that the effect of the additions on the neighbours will not be significant.

The proposal is therefore considered to be consistent with the assessment criteria for the infringement of the building coverage control and also the relevant objectives and policies of the District Plan.

Outdoor Space and Building Location

The site contains an area which is flat, is grassed with vegetation around its perimeter, and which is located to the north of the dwelling. That area has dimensions of 16.09m x 20m. As the main living area is located on the second level, the area is only accessible from the main living area via stairs from the upper level deck. There is no setback between the outdoor space and the adjoining sites.

There is a 1.8m high close board fence around the perimeter of the site which screens the outdoor space from the adjoining sites. On the eastern boundary, where the greatest concerns about privacy have been raised, there is also vegetation which has grown to nearly 3m in height and additional vegetation proposed as part of this consent. Screening such as this is sufficient to ensure that there is privacy maintained between the adjoining sites.

9(a) While the outdoor decking area proposed is not included in the definition of outdoor space, it is noted that the privacy screen proposed on the eastern side of the largest of the outdoor decks will visually screen the users of that deck from the adjoining eastern site.

9(a) and (c) The total area of outdoor space provided is sufficient to accommodate the occupiers of the building. The area is 320m² in size. There are also outdoor decks attached directly to the main living areas. The proposal does not increase the degree to which the proposal fails to comply with the controls of the district plan relating to the outdoor space and separation distances of that space.

Given the way in which the main living areas are located on the second level, provision of outdoor space to comply with the controls in the plans, adjacent to the glazing is also difficult.

9(a) and (b) The addition of outdoor decks at the upper level of the dwelling, accessible to the main living areas improves the availability and usability of the outdoor space.

9(d) The outdoor space provided on the subject site receives reasonable daylight and sunlight access.

The additions and alterations proposed may create additional shading for the adjoining site, however, when compared to the shading created by the existing structures in the urban environment, such as the existing dwelling and the close board fence, this effect for the adjoining eastern neighbour is considered to be no more than minor.

The proposal is therefore considered to sit comfortably with the assessment criteria for infringements to the outdoor space controls and the objectives and policies of the plan.

8.3 Auckland Regional Policy Statement, Plan or Proposed Regional Plan (104(1)(b)(iii) and (iv))

There are no provisions contained within the regional statutory documents that are relevant to the current proposal.

8.4 Any Other Matters the Consent Authority Considers Relevant and Reasonably Necessary to Determine the Application (104(1))(c))

There are no other matters that the consent authority deems necessary to determine this application.

8.4.1 Other Issues Raised by Submitters Not Covered Elsewhere in Report

The submissions written in support of the proposal make mention of the increase in property values which will result from the improved appearance of the site. Property values are not a matter which the Council can take into consideration under the Resource Management Act. However, in this instance, the perceived increase in property values is related to the improved appearance of the dwelling and these matters have been considered in the assessment of visual amenity and character.

8.4.2 Monitoring

The performance of the activities under this consent will 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 floor levels as required to avoid any adverse flooding effect associated with the proposal and relating to the storm water controls being implemented in accordance with EcoWater requirements.

8.4.3 Any Other Relevant Non-Statutory Documents

There are no other statutory documents relevant to the application.

8.5 Lapsing of Consent

Under section 125 of the Resource Management Act 1991, unless it is given effect to, a consent lapses either on the date that is specified in the consent or if no date is specified, 5 years after the date of commencement of the consent.

A lesser time period is considered to be appropriate in this instance given the limited nature of the works required to construct the dwelling additions and that the works could realistically be undertaken in a period which is considerably less than five years. Three years is considered to be appropriate in this instance as this will give the applicant some flexibility as to when development takes place.

9.0 PART II OF THE RESOURCE MANAGEMENT ACT 1991

It is considered that the proposal would be consistent/inconsistent with Sections 5, 6, 7 and 8 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 to be maintained and enhanced.

It is considered that the granting of this application would not be contrary to the purpose of the Act. The proposal will enable people and communities to provide for their economic, social and cultural well-being and their health and safety without significantly compromising the needs of future generations or 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.

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

11.0 CONCLUSION

The proposal involves undertaking additions and alterations to the existing dwelling on the site which include the extension of the outdoor deck on the northern side of the property and the construction of a double garage with a deck on top to the east of the existing main dwelling. While the building is larger than that which is permitted by the District Plan, the size and design of the dwelling is not out of character with the adjoining sites and when the effect of the proposal on the amenity of the surrounding environments are compared to those which exist at the moment, or those which could take place as permitted activities, the adverse effects are considered to be no more than minor.

It is considered that the proposal meets the criteria for granting consent as the potential adverse environmental effects are less than minor and can be mitigated through the imposition of appropriate conditions of consent. It is considered that the additions and alterations will not lead to a decline in the amenity values of the area in which it is located.

The proposal is considered to be consistent with the objectives and policies of the 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 information and/or contrary evidence being presented at the hearing, it is concluded that the application merits consent in accordance with Section 104 of the Resource Management Act 1991.

RECOMMENDATIONS

That pursuant to Sections 104,104B, 104D, and 108 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 Mr. Scott Trask & Gaylene Mathais to undertake additions and alterations at 40 Ferry Parade, being Lot 105 DP 13409 for the following reasons:

- (i) The requirement by the applicants to undertake the works in accordance with the Westward Civil Limited report and the conditions imposed by EcoWater will ensure that the storm water is collected from impermeable surfaces to the Councils approved standards;
- (ii) Any potential dominance effect created by this increased bulk of the dwelling will be partially mitigated by the garage being single level and the 1.2m set back from the eastern boundary;
- (iii) The proposed screen on the eastern side of the deck and the existing and proposed planting along the boundary will provide privacy for the owners of the dwelling and the neighbouring property to the east. The screen will also help in mitigating any potential aural effect on neighbours from activity taking place on the open deck area;

- (iv) Overall, the adverse effects of the proposal are considered to be less than minor;
- (v) The proposal is consistent with the relevant objectives and policies of the Plan and the associated assessment criteria, particularly those criteria relating to impermeable surfaces and flood risk.

Consent shall be subject to the following conditions:

1. The development shall proceed in accordance with the plans titled "Proposed Elevation", "Site Plan" and "Floor Plans" (lower and upper), prepared by Archwin Design Limited and dated March 2005 and all referenced by Council as RMA 20041261 and the information, including further information submitted with the application.
2. All infrastructure relating to stormwater treatment and disposal, wastewater disposal, and water supply shall be designed and completed to the satisfaction of Council's Drainage Assets Engineer. (Compliance with the Waitakere City Council Code of Practice for City Infrastructure and Land Development is deemed to be in accordance with the above condition).
3. Pursuant to section 125 of the Resource Management Act 1991, this consent shall lapse after a period of 3 years after the commencement of the consent.
4. A consent compliance monitoring fee of \$360.00 (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 the relevant hourly rate applicable at the time the re-inspection is carried out.

The \$360.00 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.

5. The consent holder is required to provide certification from the suitably qualified acoustic engineer within one month of the Code Compliance Certificate being issued under the Building Act 2004 confirming that the internal works will provide acoustic insulations to ensure that noise does not exceed L_{dn} 40dBA on any habitable room. Should that certification determine that that insulation is not achieved, alterations to the plans will be required and this may result in an additional resource consent application which will be assessed on it's merits.
6. The consent holder is required to design, provide and install a complete private storm water drainage system to serve the development in compliance with Council's Code of Practice for City Infrastructure and Land Development (refer section 4.0). Collect all exiting discharge points. Pay if applicable to the council the cost of connecting the said reticulation to the Council main stormwater. Specific requirements are:
 - Mitigate stormwater runoff from the site to that extent currently provided for under the existing situation, through rain water re-use and/or detention tanks, dual strip driveways, permeable paving systems, bush planting etc, as specified in EcoWater's Countryside and Foothills Stormwater Management Code of Practice. The report provided by West ward civil ltd dated 18/04.04 is accepted by Council. Drain the proposed garage and roof areas to the rainwater storage tank and then to the swale in the road reserve. Soakage trenches are not permitted.
 - The system shall include connection to down pipes or drainage from any existing buildings/paved areas.

- Locate all drainage lines in the shared driveway where possible to provide ease of access for future maintenance requirements.
 - This condition is required to comply with the WCC COP (refer Section 4.0) the above conditions specifies location and design features required for the proposed drainage lines to minimise long term maintenance costs, increase accessibility and to minimise the likelihood of ground water infiltration into the public drainage system.
7. Within the next planting season (ie. 1 May to 7 September) immediately following the completion of work on the site the consent holder shall plant six trees with a minimum height of 1.5 metres at the time of planting. The replacement trees shall be chosen from the Waitakere City Council publication "*A Guide for Planting and Restoring the Nature of Waitakere City Council*". The trees identified in the applicants planting list which are not identified as appropriate planting for the area in that document, shall not be included as the planting required to meet this condition.
8. Before commencement of any works, adequate sediment and erosion control measures shall be constructed and maintained in accordance with Erosion and Sediment Control Measures Appendix to the Natural Area Rules of the Waitakere City Council Proposed District Plan.

Advice Notes:

1. Where indicated in the conditions it is the consent holders responsibility to inform the Environmental Monitoring Officer when inspection is required. Inspections can be requested through the Call Centre on 839 0400.
2. EcoWater policy requires that any public stormwater line connections to be constructed by EcoWater Solutions maintenance contractor. Stormwater manholes or manhole connections may be constructed by the applicants contractor with engineering plan approval and under EcoWater's Quality Assurance supervision or be EcoWater Solutions Maintenance contractor.

Report prepared by: Sally Baguley, Consultant Planner: Resource Management Solutions Limited.

