



Waitakere City Council  
*Te Taiāo o Waitakere*

## NOTICE OF MEETING

# HEARINGS COMMITTEE

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

**DATE:**        **Thursday, 17 February 2005**        **TIME:**        **9.30 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.

10 February 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

Mrs	EAG	Grimmer, MNZM	(Henderson Community Board)
Mr	GE	Barnard	(Massey Community Board)

### Alternate Representative

Mr	WS	Bainbridge	(Henderson Community Board)
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, 17 FEBRUARY 2005, COMMENCING AT 9.30 AM.**

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**AGENDA FOR A MEETING OF THE HEARINGS COMMITTEE TO BE HELD IN THE  
CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,  
ON THURSDAY, 17 FEBRUARY 2005, COMMENCING AT 9.30 AM.**

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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 CONFIRMATION OF MINUTES**

Meeting Minutes - Thursday, 16 December 2004

**RECOMMENDATION**

That the minutes of the Meeting of the Hearings Committee held on Thursday, 16 December 2004, as circulated, be taken as read and now be confirmed.



4 9.30 AM MASSEY WARD

**NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE  
RESOURCE MANAGEMENT ACT 1991 BY BRENT CASEY FOR A DISCRETIONARY  
ACTIVITY AT 137A WISELEY ROAD, WEST HARBOUR**

RMA 20041758

**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:	Sonya McCall
Site Address:	137A Wiseley Road, West Harbour
Applicant:	Brent Stephen Casey
Date Received:	20 July 2004
Building Consent No:	ABA 20011625
Legal Description:	Lot 5 187245
Address for Service:	P O Box 95072 Swanson
Site Area:	355m <sup>2</sup>
District Plan:	
Human Environment:	Living
Natural Area(s):	General
Landscape Elements:	N/A
Hazards:	N/A
Roading Hierarchy:	Collector
Further Information Required:	No
Date Requested:	N/A
Date Received:	N/A
Site Visit:	13 August 2004
Any Affected Persons:	Yes
Approval Given:	No

## 1.0 INTRODUCTION AND RECOMMENDATION

### 1.1 Nature of the Application

The applicant seeks retrospective resource consent for a portion of an existing solid deck railing associated with a 35m<sup>2</sup> (approximate) cantilevered deck and a proposed pergola that covers the aforementioned deck neither of which meet the height in relation to boundary requirements as set out in rule 5.1 Living Environment. The building infringes the required recession plane for the eastern site boundary (being 45° as measured from any point 2.5 metres vertically above ground level on any site boundary). The solid deck rail infringes the recession plane by 0.30 metres, for a distance of 4.94 metres. The entire 1.8 metre high pergola and support structures are located above the recession plane.

A1-A12

The application as notified is attached at pages A1 to A12

### 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 a solid deck rail that infringes the height in relation to boundary recession plane by 0.30 metres, for **a distance of 4.94 metres and the 1.8 metre high pergola and support structures which is located in its entirety above the recession plane.** 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



In May 2001 a building consent was received for the unit on the subject site. The applicant submitted a new set of plans prepared by CADman Architectural Design dated May 2001. These plans differed somewhat from the plans submitted and approved in RMA 978017 and RMA 20002513. The CADman Architectural Design plans showed the infringement that is subject to the current application. However, the applicant (B Casey) was given the opportunity to rectify the infringement by the imposition of the following conditions on ABA 20011625:

- Condition 2 - "Subject to compliance with the plans and conditions of Resource Consent (RMA 2000/2513) granted on 30/01/2001 pursuant to Sections 104, 105 & 108 of the Resource Management Act 1991".
- Condition 3 - **"Provide certification from a Registered Land Surveyor** to Council's Building Surveyor/Inspector at site set out/footing inspection stage confirming the proposed building has been set out in accordance with the approved building consent plans **and will** comply with 'Height in Relation to Boundary' controls of the Waitakere City Council Proposed District Plan 1995 if built in accordance with Building Consent plans (in relation to 'Easternmost' site boundary). Make good or obtain Resource Consent to any infringement at the entire cost of the Building Consent holder."

*A certificate from a Registered Surveyor (Doug Ringham) was duly provided in September 2002. The Certificate stated:*

"The deck on the east side of the house is now of solid construction and infringes the height in relation to boundary requirement by 0.30m at it maximum. The infringement reduces to zero at points 2.33m South and 3.03m North of the point on the deck closest to the boundary ..."

Upon receipt of the certificate, a letter was sent to the applicant stating that a resource consent was required together with the written approval of the owner/s and occupier/s of 139 Wiseley Road.

Note - the certification provided by the surveyor does not make any mention of the pergola indicated on approved plans.

### 3.2 Current

The applicant has tried unsuccessfully over the past two years to obtain the written approval of the owner/s and occupier/s of 139 Wiseley Road as requested by Council in September 2002. This has resulted in the current application being lodged without affected owners/occupiers written approval. The application is for a retrospective consent for the 0.30 metres of the cantilevered deck which breaches the height in relation to boundary recession plane. The applicant has not addressed the issue of the proposed pergola within their application. However, as the pergola is marked on the plans provided, the following assessment has included the pergola.

### 4.0 REASONS FOR THE APPLICATION

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

- Rule 5.1 of the Living Environment - The building infringes the required recession plane for the eastern site boundary (being 45° as measured from any point 2.5 metres vertically above ground level on any site boundary). The existing deck infringes recession plane by 0.30 metres, for a distance of 4.94 metres. The entire 1.8 metre high pergola and support structures are located above the recession plane.

Overall, the application is a **discretionary activity**. The proposal complies with all other development controls under the District Plan.

No other consents are required in respect of this application.

## **5.0 THE SITE AND NEIGHBOURHOOD DESCRIPTION**

The site is a rear lot with access from Wiseley Road via a formed right of way and contains 355m<sup>2</sup>. The site slopes in a north westerly direction. There is one existing two storey dwelling on the lot and this has been oriented to face towards the east which offers an unimpeded vista of the Waitemata Harbour and the Harbour Bridge. A deck has been cantilevered out from the eastern face of first floor of the dwelling to take advantage of the views.

There is a large two storey dwelling located on the slope in front of the subject site (to the east), being 139 Wiseley Road. The outdoor living area (including the swimming pool) associated with the dwelling on this site is located on the boundary which abuts 137A Wiseley Road (refer to location plan section 2).

Both the subject site and 139 Wiseley Road have been landscaped. There is a 1.8 metre fence between these two properties. The fence is in very poor repair and there is a row of wattle trees located along the inside of the fence on 139 Wiseley Road.

## **6.0 ISSUES IDENTIFIED THROUGH THE SUBMISSION PROCESS**

*A13-A23*

The application proceeded on a limited notified basis on 16 November 2004. Notice of this application was served on the owners and occupier of 139 Wiseley Road. The period for submissions closed on 15 December 2004. Four (4) submissions were received from the owners and occupier of 139 Wiseley Road. All the submissions opposed the application. Attached at pages A13 to 21 are copies of the submissions that were received. A map showing the location of the submitters is attached at pages A22 to A23.

### **6.1 Submissions**

The issues raised by all four submitters were privacy, access to sunlight, security concerns and the devaluing of their property located at 139 Wiseley Road.

## **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 8.2.2 below. 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.

## **7.2 LIMITED NOTIFICATION - SECTION 94(1)**

Section 94(1) provides for "limited notification" if the adverse effects of a proposal would be no more than minor but not all adversely affected persons have given their written approval, whereby all affected persons will be notified (but not the public at large) and have the opportunity to make a submission and be heard. This application was the subject of limited notification under section 94(1). A Section 93, 94 and 94A - 94D Determination Assessment was completed on 5 October 2004. This report is attached at pages Axx to App4 of this report and identified that four parties would be adversely affected by the proposal. However, none of the parties gave their written approval. As required by section 94(1) notice of the application was therefore served on all persons who were identified as being adversely affected.

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

##### **8.1.1.1 Overshadowing and Loss of Daylight and Sunshine**

There will be no increase in the overshadowing that currently occurs. A calculation has been carried out in accordance with the Auckland Sun Path Diagram. The result of the calculation shows that the overshadowing created on 139 Wiseley Road is created by the dwelling located on 137A Wiseley Road not the deck or the proposed pergola. However, it is acknowledged that the dwelling located on the subject site does create overshadowing on the rear portion of 139 Wiseley Road. The shadowing occurs from approximately 2pm onwards in winter and 5pm onwards in summer. This occurs as 137A Wiseley Road is located on the western side of 139 Wiseley Road.

##### **8.1.1.2 Privacy**

The deck is cantilevered from the first level of 137A Wiseley Road with the closest point of the deck being 3 metres from the common boundary with 139 Wiseley Road. The position of the deck allows any person standing on the deck to look straight into the outdoor living area associated with 139 Wiseley Road. The existing fence does not provide any screening as it is located below the deck. It is acknowledged that even as a permitted activity the deck would still create an adverse effect in terms of privacy (lack of) for the residents of 139 Wiseley Road. However, the infringement has placed the deck another 0.30 metres closer to 139 Wiseley Road and as such there will be a minor increase in the extent that the neighbours' privacy is adversely affected.

### 8.1.2 Summary

Overall the adverse effect on the environment of the activity for which consent is sought would be minor for the reasons stated above.

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

### 8.2.1 District Plan Policies and Objectives

The proposed development would be consistent with the objectives and policies of the District Plan as assessed in 8.2.2 below.

### 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:

*Assessment criteria 5(a) and Policy 10.5 - The extent to which the height and design of building allows reasonable sunlight to adjoining sites*

The properties that abut the subject site are 137, 139 and 141 Wiseley Road.

137 Wiseley Road, and 141 Wiseley Road will not have their ability to receive sunlight affected by this proposal.

As discussed above, the dwelling located on 137A Wiseley Road does create overshadowing on the rear portion of 139 Wiseley Road with the shadow being cast on the rear of the dwelling and the outdoor living court. The shadowing occurs from approximately 2.00 pm onwards in winter and 5.00 pm onwards in summer. This occurs as 137A Wiseley Road is located on the western side of 139 Wiseley Road. A calculation has been carried out in accordance with the Auckland Sun Path Diagram. The result of the calculation shows that the overshadowing created on 139 Wiseley Road is created by the dwelling located on 137A Wiseley Road not the deck or the proposed pergola. As the dwelling is located in a position that complies with all the development criteria in the District Plan and there is no increase in overshadowing the effects created by the current infringement are de minimis.

*Assessment criteria 5(b) and Policy 10.5 - The extent to which height and design of building allows reasonable sunlight to the proposed dwelling.*

The existing dwelling is oriented in such a way that it receives adequate sunlight throughout the day. This will not change as a result of the current application.

*Assessment criteria 5(c) and Policy 10.5 - The extent to which each habitable room in a building is located to allow for reasonable day light access.*

The amount of sunlight that each habitable room in the dwelling receives will not change as a result of the current application.

*Assessment criteria 5(d) and Policy 10.6 - extent to which privacy is safeguarding by the provision of planting or screening.*

It is considered that planting and fencing would not be appropriate in this instance as the planting/fencing will need be at least 5-6 metres in height before adequate screening would be achieved. This could potentially increase the amount of shadow that is cast over 139 Wiseley Road in the afternoon. Also reducing the width of the balustrade and deck to a complying position (approximately 30cm) will not reduce the effects as they currently relate to privacy and over shadowing. In conjunction with this, the nature of the sites, the desire to have a northerly aspect associated with their outdoor living space and to maximise views means that likely living areas associated with 137A Wiseley Road would always overlook the north eastern portion of 139 Wiseley Road.

### **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**

##### **Property Values**

Concern has been expressed through submissions in relation to an anticipated reduction in property values for sites surrounding the development. The Resource Management Act does not recognise this as an effect. If, as is discussed in the report, the proposed development would not give rise to any significant adverse on site effects or compromise the existing amenity values and character of the surrounding neighbourhood, then a causal reduction in property values would not be expected.

##### **Security**

It is unclear from the submissions the exact nature of the security concerns. The submitters have indicated that they wish to attend the hearing and it is expected that this issue will be expended upon at the hearing.

#### **8.4.2 Monitoring**

No monitoring is required in this instance as this is a retrospective consent for works that have already been carried out.

#### **8.4.5 Any Other Relevant Non-Statutory Documents**

No other non-statutory documents are relevant to the application.

### **8.5 Lapsing of Consent**

The resource consent is for an infringement which already exists. No further works are required to be carried out in relation to this infringement.

## **9.0 PART II OF THE RESOURCE MANAGEMENT ACT 1991**

The proposal would be consistent 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.

The granting of this application would not be contrary to the purpose of the Act. The proposal will enable the applicant 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, the proposed activity can sufficiently avoid, remedy or mitigate any adverse effects on the environment.

## CONCLUSION

The proposal **meets** the criteria for granting consent as the potential adverse environmental effects are **no more minor**. The height in relation boundary infringement as it relates to the portion of the existing solid deck railing and proposed pergola that covers the aforementioned deck **will not** lead to a decline in the amenity values of the area in which it seeks to locate.

The adverse effects being created by the proposed activity are similar to those that would be created by a deck/building located in a complying position. It is considered that the imposition of conditions related to screening are inappropriate in this instance, as the planting of screening trees or the erection of a fence could create adverse effects on the residents of 139 Wiseley Road that are greater than those being created at present.

Subject to any additional 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, 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 Brent Steven Casey for a retrospective resource consent to locate 0.30 metres of a solid deck rail and a 1.8 metre high pergola and support structures above the height recession plane on Lot 5 187245 for the following reasons:

- (i) The proposal has been considered in terms of the relevant policies and objectives of the District Plan, and would create no more than a minor effect on the environment.

Consent shall be subject to the following conditions:

1. The development shall proceed in accordance with the plans titled 'Bluefin Court - Unit 5 139 Wiseley Road, West Harbour for Brent Casey' prepared by CADman Design and dated May 2001 and all referenced by Council as RMA 20041758 and the information submitted with the application.

Report prepared by: Sonya McCall, Senior Resource Planner.



5 12.30 PM HENDERSON WARD

**NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991 BY HOUSING NEW ZEALAND CORPORATION TO CONSTRUCT 8 NEW TWO BEDROOM UNITS REQUIRING CONSENT FOR DENSITY BEING A MEDIUM DENSITY HOUSING DEVELOPMENT AT 9 & 11 BLACKLOCK AVENUE**

RMA 20042341

**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:	Devon Rollo
Site Address:	9 & 11 Blacklock Avenue, Henderson
Applicant:	Housing New Zealand Corporation
Date Received:	22 October 2004
Building Consent No:	N/A
Legal Description:	Lot 22 & 23 DP 20993
Address for Service:	Housing New Zealand Corporation Private Bag 76913 MANUKAU Attention: Matthew Paetz
Site Area:	2024m <sup>2</sup>
Unit Site Area(s):	224.875m <sup>2</sup> per unit
District Plan:	
Human Environment:	Living Environment
Natural Area:	General Natural Area
Landscape Elements:	None
Hazards:	None Known
Roading Hierarchy:	Local
Further Information Required:	Yes
Date Requested:	4 November 2004 24 January 2005 & 28 January 2005
Date Received:	19 November 2004 24 January 2005 & 2 February 2005

## 1.0 INTRODUCTION AND RECOMMENDATION

### 1.1 Nature of the Application

The applicant seeks consent to undertake a discretionary activity to construct 8 new two-bedroom units over the two sites of 9 and 11 Blacklock Avenue. The development requires consent for being a medium density development (density), height in relation to boundary on the southern boundary, vegetation clearance, earthworks and impermeable surfaces. Due to the proposed development being defined as a medium density housing development it is exempt from the rules relating to building coverage, outdoor space and car parking and driveways. The development must however be assessed against the medium density housing criteria.

### 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.

The environmental effects of this proposal are primarily related to amenity values, and the cumulative effects of allowing the proposed density on the site. Such consideration included the associated vehicle movements to and from the site, noise, privacy - including the proximity of the proposed outdoor living spaces and houses to each other and the neighbouring properties, and on-site amenity.

Other important aspects of the proposal for consideration related to the scale, character and intensity of the proposed development in relation to the surrounding environment, and the District Plan policies and objectives.

### 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 discretionary activity to construct 8 new two-bedroom units over the two sites of 9 and 11 Blacklock Avenue infringing density, height in relation to boundary, vegetation clearance, earthworks and impermeable surfaces rules of the District Plan. 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



Photo 1: Aerial photograph of subject sites (March 2000)

Legal Description: Lots 22 & 23 DP 20993  
Human Environment: Living  
Natural Area: General  
Roading Hierarchy: Local Road  
Hazards: None Known

## 3.0 PROPOSAL

The applicant seeks consent to construct 8 new two-bedroom units as a medium density housing development with net unit areas less than 350m<sup>2</sup>. The subject site is located outside the Medium Density Housing radius as detailed on the District Plan Maps for the Henderson City Centre and train station. The units are proposed to be built in 4 blocks in a duplex style attached at the garaging. The units are proposed to have brick veneer exteriors, concrete tile roofing, bevel back timber weatherboard gable ends, and aluminium joinery. It is proposed that the units will have the following features:

- Single garage connected to adjoining units' garage.
- Parking space sufficient for one additional vehicle in front of garage.
- Open plan kitchen, dining room and living room.
- Outdoor living area accessed via sliding doors from living rooms.
- Two bedrooms, each with wardrobes.
- Bathroom with shower.
- Separate Linen/ hot water cupboard.
- Paved area at rear with access to a clothesline.

Units 1-4 are proposed to be two storied, while units 5-8 are single storied. Units 1 and 8 have been designed to allow the main living areas to face the street. Front doors and front gable ends facing the street have been included in the design to improve road frontage appearance. Each dwelling has north-facing outdoor space, which is directly accessible from living areas. A patio area is provided for each dwelling to allow all weather access to outdoor areas. Out door space is screened from neighbouring sites by medium height fences, providing privacy.

The proposed works comprise the following; the removal of the existing two dwellings from the subject sites. Earthworks are required to create the four building platforms and the shared drive to the site. The total earthworks will result in approximately 870m<sup>3</sup> over an area of 1651m<sup>2</sup> of cut/fill, with retaining walls to a maximum of 1.15m used between the building platforms. The total cut calculated at 734m<sup>3</sup> over 1280m<sup>2</sup> and the total fill is calculated at 136m<sup>3</sup> over an area of 371m<sup>2</sup>. The development will require the removal of a number of trees from the site, most notably the protected Oak and non-protected, due to its less than 6m height, Rimu in the northeast corner of 11 Blacklock Avenue.

The applicant consulted with Council officers extensively prior to lodging the application. The applicant undertook a pre-application meeting with Council officer Greg Sawyer and also lodged a previous land use consent application that included extensive development and design advice from Council to the applicant. The application was eventually cancelled and the current consent lodged with the design guidance given by Council included in the proposed development to improve the amenity and environmental outcomes. The applicant has stated that written approvals from the neighbours and affected parties have not been sort as they are *“unlikely to be forthcoming due to the perceived nature of tenants, rather than the effects of the activity.”*

Housing New Zealand as a developer face a number of limitations in their considerations including a mandate from Central Government to provide affordable housing for a range of people, varying in age, financial means, mobility, and employment status. This means that design restrictions relating to cost and access requirements, particularly for the mobility restricted clients, limit the scope of design parameters available to work within. It also leads Housing New Zealand to seek the maximum density yield out of the available sites it has to develop.

#### 4.0 REASONS FOR THE APPLICATION

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

Discretionary Activity consent would be required for a development involving net unit areas of less than 450m<sup>2</sup> per dwelling, being a medium density housing development on a site over 2000m<sup>2</sup> with net unit areas of less than 350m<sup>2</sup> (approximately 225m<sup>2</sup>) outside the 1000m medium density housing radius around the central point of the Henderson shopping centre.

(Living Environment Rule 2 - Residential Activities / Density)

Discretionary Activity consent would be required for a height in relation to boundary control infringement on the southern external boundary. The infringement is created by the gable end apex projecting through the height in relation to boundary recession plane by 988mm at the apex point. The district plan rule allows gable ends to project through the recession plane by a maximum of 1/3. This results in a true infringement of the permitted activity status of 508mm at the apex point. The infringement occurs for a length of approximately 4.2m across the gable end.

(Living Environment Rule 5 – Height in Relation to Boundaries / Separation of Buildings)

Limited Discretionary Activity consent would be required for the removal of a Oak Tree, *Quercus pedunculata*, approximately 14m high and 20m in spread, located in the rear of the 11 Blacklock Avenue site.

(General Natural Area Rule 2 - Vegetation Alteration)

Discretionary Activity consent would be required for earthworks exceeding 300m<sup>3</sup> not associated with a clean fill activity undertaken within the living environment. The proposed development seeks to undertake earthworks of an approximate volume of 870m<sup>3</sup> over an area of 1651m<sup>2</sup>. The earthworks will consist of 136m<sup>3</sup> fill and 734m<sup>3</sup> cut for the purposes of creating level building platforms and the shared driveway entrance.

(General Natural Area Rule 3 - Earthworks)

Limited Discretionary Activity consent would be required for impermeable surfaces of 1208.64m<sup>2</sup> or 59.7% on a site where there is no connection available on site to the Council's reticulated stormwater system. Connection will however be made to the reticulated system within the Transport Environment.

(General Natural Area Rule 4- Impermeable Surfaces)

**4.1** Overall, the application is considered to be a Discretionary Activity. The proposal complies with all other development controls under the District Plan. As the proposed development is defined as a medium density housing development it is exempt from the rules relating to building coverage, outdoor space and car parking and driveways.

**4.2** **There are no other resource consents that are required by the applicant.**

## **5.0 THE SITE AND NEIGHBOURHOOD DESCRIPTION**

The subject site is located on the eastern side of Blacklock Avenue, a residential cul-de-sac, and comprises of two individual 1012m<sup>2</sup> sites with separate Certificates of Title, resulting in a overall site area of 2024m<sup>2</sup>. Both sites are located above the road height, moderately sloping up from the footpath and flattening off towards the middle and rear of the sites. Located on each site is an existing rectangular timber weatherboard dwelling on above ground concrete basements. Both dwellings are located near the centre of the sites with extensive lawn areas to the front and rear of the sites. The existing dwellings have separate access ways, located to the south of each dwelling, with no garaging available. There are several small trees and bushes on the sites and a few more notable species including a large Oak Tree at the rear of 11 Blacklock Avenue and a smaller rimu located beneath the drip line of the Oak. A large Pine Tree, of particularly nice shape and form, is also located within the front yard of 9 Blacklock Avenue. Photos 2-5 show the existing dwellings and vegetation on the sites.



Photo 2: The existing weather board dwelling on concrete basement at 9 Blacklock Avenue, showing the pine tree located in the front yard.



Photo 3: The existing weather board dwelling on concrete basement at 11 Blacklock Avenue, showing the street tree to be retained located in the front road berm and the numerous small trees and on the front of the site.



Photo 4: The large Oak Tree at the rear of 11 Blacklock Avenue with the Rimu Tree growing under the drip line.



Photo 5: The front view as existing of the subject site showing the existing dwellings to be removed and their relationship to the road level.

The surrounding neighbourhood is a mixture of housing styles common of older established subdivision areas. Most dwellings are single levels and a variety of housing styles are present. Sites are a mix of single dwellings and infill housing including multi unit developments. Blacklock Avenue is a relatively narrow roadway with approximately an 8m carriageway width. Parking is available on both sides of the road, leaving narrow single lane access between cars. Blacklock Avenue is a relatively quite local road and due to its cul-de-sac nature doesn't receive through traffic.

Blacklock Avenue is located adjacent the intersection of Great North Road and Norcross Avenue. Great North Road is a Regional Arterial Road and considered a major transport route. The subject sites are located approximately 45m outside of the 1km radius consolidation circle around the centre point of Henderson Community Centre.

## 6.0 ISSUES IDENTIFIED THROUGH THE SUBMISSION PROCESS

A117-A155

The application was publicly notified on 22 November 2004. The period for submissions closed on 12 January 2004. 10 submissions were received. No submissions supported the application, and 10 submissions opposed the application. Attached at pages A118 to A155 for copies of the submissions that were received. A map showing the location of the submitters is attached at page A117.

### 6.1 Submissions

#### *Summary of Submissions:*

D.W. & E.B. Cormie (8A Humphrey Kemp Avenue) **oppose** the proposal. Concerned about the precedent the development would set for other such developments, traffic movements created, visual amenity and upkeep of units, hours of work and dust created. The submission has also raised the issues of asbestos sheeting and the keeping of pets within the development. D.W. and E.B Cormie seek conditions requiring a plan for removal of the dwelling from 9 Blacklock Avenue and a plan for hours of work.

W. & M.A. Kay (2/40 Blacklock Avenue) **oppose** the proposal, concerned about the density, outdoor space (lack of play areas for children), traffic and parking. W. and M.A. Kay seek a reduction in the number of two bedroom units proposed.

J.E. Reynolds (1/42 Blacklock Avenue) **opposes** the proposal, concerned about the precedent set for other medium density housing developments, the stormwater capacity, outdoor space (lack of play areas for children), traffic and parking. They seek the application be declined stating that it would be more appropriate to have fewer units on both sites.

I. & G. Rudings (1/35 Blacklock Avenue) **oppose** the proposal. They are concerned about the precedent set for medium density development, stormwater capacity and outdoor space with the lack of play areas for children. The submission seeks that the proposal be abandoned.

J. Livingston (1/45 Blacklock Avenue) **opposes** the proposal, concerned about the precedent set for medium density development in the area, lack of sufficient outdoor space, and traffic and parking. Ms Livingston seeks that Council decline the application.

T.E. & C.W. Blair (7 Blacklock Avenue) **oppose** the proposal. They are concerned about stormwater runoff, number of units, land areas and the minimum setback from the road. T.E. & C.W. Blair seek a reduction to four 3 bedroom dwellings or six 2 bedroom units.

P. McLean-Park (1/7 Blacklock Avenue) **opposes** the proposal, with concerns about the density of the development, building coverage and traffic generation. She has also raised concerns about property values declining. She seeks that the proposal be modified to include a maximum of six units.

P.H. & M. Gysberts (6 Humphrey Kemp Avenue) **oppose** the proposal. They are concerned about the location of the development outside the 1km radius around the Henderson Community Environment centre point, and that the plans have infringements of other rules such as the height in relation to boundary controls and would not meet the bulk and location controls for a dwelling development on the site. The submission seeks that the development be redesigned to comply with the District Plan controls.

R. Nash & L. Brinkman (3/33 Blacklock Avenue) **oppose** the proposal, with concerns about the suitability of the site. They are concerned about children playing on the street as there are no parks close enough and the traffic generated by the development could be dangerous to children. They wish to keep the area in low density housing.

D.F. Lamplugh & attached signatories (1/7 Blacklock Avenue) **oppose** the application, concerned with the development being out of character with the low density neighbourhood, decreased land values, traffic generation and parking. They have also raised concerns that the development will obstruct views and sunlight. The submission seeks that the development be declined.

## **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. 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 and activity with that effect (section 104(2)).

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

### 8.1.2 Water Quality and Quantity

There would be de minimis adverse effects in relation to water quality/ quantity arising from the proposed activity as it would be located within the urban area of the City and would not be near a water body or stream. The proposed development would increase the area of impermeable surfaces on the site increasing the amount of water runoff from rainfall events. This runoff effect from the impermeable surfaces will increase the contaminants in the runoff flow as rainfall is not filtered through vegetation and topsoils. However as the site will be connected to the Council's reticulated stormwater system within Blacklock Avenue as part of the development it will comply with the extent of the impermeable surfaces for a reticulated site permitted by the District Plan, being less than 60%, at 59.7%.

The density of dwellings on the site would also increase the use of the Council's reticulated systems. The increase of the density would likely create increased water use to what would be expected of complying density development and in turn result in more wastewater produced from the development.

Stormwater from the development is proposed to be connected to the existing reticulated stormwater system within the carriageway of Blacklock Avenue outside 11 Blacklock Avenue. The wastewater is proposed to be connected to the existing reticulated wastewater system within the Blacklock Avenue berm beneath the footpath directly outside 11 Blacklock Avenue.

Council's Water and Drainage Engineer, Mark Iszard, has reviewed the application and supplied a specialist's report on the development's impact with regard to the water, wastewater and stormwater issues. The report identifies that an assessment of the feasibility of providing an onsite stormwater quality treatment system has been undertaken and it was concluded that given the site constraints that such a device was not practical and therefore a financial contribution is proposed to provided for catchment wide stormwater quality treatment. As the development is connected to the reticulated systems Mr Iszard has stated in his specialist report that "*EcoWater supports the proposed 8 unit development of 9 & 11 Blacklock Ave by Housing New Zealand Corporation*" subject to conditions recommended in his report.

The proposal involves extensive earthworks which has the potential to create sediment runoff to Councils stormwater systems. The proposal has also been assessed by Council's Earthworks Specialist Karen Pegrume who has stated "*The sediment and erosion control plan is inadequate for a development of this size and should meet TP90 standards. It should have a fully stabilised entrance with a wheel wash facility. The sediment control pond should show it meets TP 90 calculations. No clean water cut off drains have been provided. Prior to the start of development a sediment and erosion control plan must be provided that meets the approval of the environmental monitoring officer.*"

Conditions of the consent will ensure that an appropriate sediment and erosion control plan is provided prior to the development being commenced and that all the earthworks undertaken in association with the development will be undertaken with sediment and erosion control measures in place. This will ensure that the receiving waters and Council stormwater systems are protected from the adverse affects that potentially could be created by sediment eroded off the earthworks reaching a receiving waterway, or stormwater system, protecting the mauri and life supporting capacity of the receiving waters.

### 8.1.3 Native Vegetation, Vegetation and Fauna Habitat

The proposed development will remove all the existing landscaping on the site to allow for the development. This includes the removal of a large Oak Tree that has landscape and cultural value to the site and the wider Henderson community. There are a number of trees on the site ranging in size from the large Oak in the rear of 11 Blacklock Avenue and the Pine in the front of 9 Blacklock Avenue. However the Oak is the only tree given protection via the District Plan Rules.

A183-A186

Council's Arborist for Consent Services, Simon Miller, has assessed the application and provided specialist comments in a report are attached at pages A183 to A186. Mr Miller has stated in his report that the "most significant trees on site are an unprotected Pinus adjacent to the western boundary of 9 Blacklock Avenue (identified as a Cedar in the information supplied by the applicant) and a protected Oak on the eastern boundary of 11 Blacklock Avenue. All other vegetation on site is unprotected due to size, girth or status (ie on the Removable Vegetation Appendix)." Mr Miller goes on to state that the amenity value of the Oak is "considered to be moderate", in that the tree is "visible (upper crown) from Blacklock Avenue and from properties adjoining the eastern boundary of 11 Blacklock Avenue" and that these properties also "enjoy the benefits of shade and privacy that this specimen provides."

However, Mr Miller has also stated in his report that the Oak "is considered to be structurally poor as a result of the ... pruning history and the fact that the specimen is co-dominant (twin stemmed/ leadered) from ground level."

The applicant has proposed a landscaping plan for the site and to mitigate the removal of the larger vegetation from the site, including the Oak, has proposed some specimen trees within the plan. Mr Miller has stated that "*provided the proposed mitigation planting is undertaken, it is considered that the ultimate effect on the protected vegetation environment will be no more than minor*" and concluded that he generally supports the application "*provided the suggested conditions of consent are included in the final planning report and followed when work commences on site.*"

It is therefore considered that in terms vegetation alteration that there would be no more than a minor effect as a result of the proposal as conditions of consent would require the implementation of the landscape treatment plan and long term maintenance. As a condition of the consent Council would impose a maintenance period of 5 years to ensure that the landscaping is sufficiently looked after until growth reaches a suitable maturity.

### 8.1.4 Land / Soil

There would be only minor adverse effects on soil or the existing landform as a result of the proposed activity as the site is within the urban area, is not known to Council to be affected by hazards and is already modified. The earthworks are confined to the site development of the four duplex building platforms and the shared driveway, with the remainder of earthworks for retaining and battering sloping out from the building platform. Retaining is proposed along the east boundary and along the southern boundary of the site. Retaining is also proposed through the middle of the site, between the unit blocks and at the front of the site in the north corner in front of unit 8. The retaining has a maximum height of 1.15m and in the southern corner behind unit 4 and along the southern boundary at the southern corner of unit 2 the retaining has been stepped to retain a human scale.

The development has been stepped in between the unit blocks to provide for the development to retain a more natural association with the topography of the site. The development proposes to construct retaining to provide for the changing levels within the development. Council's Earthworks Specialist, Karen Pegrume, has noted that "*where retaining has exceeded 1 metre in height then the retaining has also been stepped*" and that this has kept the retaining at a "*human scale.*"

It is considered that with the implementation of erosion and sediment control measures in accordance with TP90 standards, that there would be no more than a minor adverse effect on soil or existing landform as a result of this proposal. Conditions of the consent will ensure that the earthworks are undertaken with erosion and sediment control in place as described in paragraph 8.1.2.

#### **8.1.5 Air**

The proposal does not involve any air emissions of any kind, and is therefore not considered to result in any adverse effects to air quality.

#### **8.1.6 Ecosystem Stability**

The proposed development is to be constructed over two sites within the existing built urban area of the city. The existing dwellings will be removed to make place for the proposed development. The removal of the Oak tree and other vegetation is detailed above, however this vegetation is not considered to provide a significant environment, although it is acknowledged that it does provide an aspect of the urban environment ecosystem. The vegetation on site provides part of the wider urban ecosystem and provides habitats for a variety of species. However this ecosystem is not unique to the site in that it occurs throughout the city. The proposed development would have a temporary effect on a de minimis scale on this ecosystem and with appropriate landscape treatment being provided as per the proposed plans this would be restored over time.

The earthworks and development of the site would be covered by conditions of consent requiring that appropriate sediment and erosion control measures are implemented, as discussed above, which would mitigate the potential adverse effects on aquatic ecosystems in receiving waters by preventing the flow of sediment into streams and water bodies.

It is therefore considered that the development would have no more than de minimis adverse effects on the ecosystem stability.

#### **8.1.7 Outstanding Natural Features; Landforms, Geological Sites**

The site is not in an area identified as having outstanding natural features, landform, or geological sites (refer maps 3.5(C) - 3.5(E) & 3.6(B))<sup>1</sup>. Accordingly, it is not considered that the proposal would have an adverse effect. However, as earthworks are proposed it is considered appropriate to impose a condition to ensure that if any archaeological evidence is found that all works stop, and Council is contacted.

#### **8.1.8 Natural Character of Coast and Margins of Lakes, Rivers and Wetlands**

The proposed development is within the built urban area of the city and is not near any water bodies or wetlands. Sediment and erosion controls will prevent the transportation through stormwater systems of any sediment from the development to receiving waters. It is therefore considered that the development will not impact on the natural character of the coast or margins of any lakes, rivers or wetlands.

#### **8.1.9 Outstanding Landscapes**

The site is not identified in or near an area of outstanding landscapes (refer Map 3.6(B)). Therefore, the proposal is not considered to have an effect on any outstanding landscapes.

<sup>1</sup> Map 3.5(E) Outstanding Natural Features: High Fertility Soils has been deleted by Plan Change 3

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

#### Density

The proposed development is outside of the 1km radius circle of the central point of the Henderson Community Environment. This 1km circle from the central point Henderson Community Environment is a tool to assist with the activity status of the rules related to density and the locations of higher density housing forms such as the medium density development proposed for this site. The circles are loosely developed around acceptable walking distances from the nodal town centres and the transport hubs. They do not however take into consideration that the major shopping malls of Henderson are located to the southern end of the Henderson Community Environment or the requirement for roads to be followed as walking routes. With respect to the proposed development the site is located within a 1km walk via footpathed roadways of both the Westfield Shopping Centre and Henderson Plaza. The site is also close to Henderson Primary located approximately 800m down Great North Road. Great North Road is also considered a major public transport route.

The proposal would result in the 8 units having net unit areas of approximately 225m<sup>2</sup> each. Four of the units would be two storey in two separate duplex style blocks, and four of the units would be single storey in the same two separate duplex style. All the units would be two bedrooms with a single bathroom, however the two storey units would provide an additional toilet on the ground floor. The units would each have separate outdoor spaces of complying area and orientation as discussed further below.

Overall on site the building coverage complies with the permitted building coverage for separate dwelling developments on site and also complies with the maximum impermeable surfaces for dwelling developments on reticulated sites. The permitted density for a dwelling development on the sites are 4 full sized dwellings. The proposed development would have similar bulk and location and occupancy capacity to the potential permitted development in that it is comparable to 4 four bedroom dwellings. With the development being designed in 4 duplex style blocks it would also have a similar streetscape appearance.

A173-A175

Peter Joyce, Council's Urban Design Specialist has reviewed the application and provided comments in the form of a Specialist's Report are attached at pages A173 to A175. Mr Joyce has stated in his report *"although technically outside the Henderson urban consolidation circle as shown on DP [District Plan] maps, the location of this development would have strategic value in terms of the residential intensification objectives of the DP. The amended building and site designs would provide an acceptable solution from an urban design perspective..."*

The proposed development is also seen as being consistent with the Auckland Regional Growth Strategy: 2050 and the concept of intensification of urban development around town centres and along transport routes. This is discussed in greater detail in paragraph 8.5.4, however it is recognised that the development is in general accordance with the concept of the Regional Growth Strategy in that the proposal is contributing to increased concentration of density around town centre nodes and transport routes.

#### Visual Amenity

The proposed development is considered to be comparative with the permitted built aspects of a complying dwelling development on the site. The surrounding area is a mix of low density development (ie- single houses on medium size sections) to multi unit developments. A wide variety of housing types are present within the streetscape, with both single and two storey dwellings on sites within the adjacent area.

The applicant has prepared a landscape treatment plan to mitigate the removal of vegetation from the site and also mitigate the visual amenity of the site. Also through consultation with the Council on the previous application the applicant has redesigned the development to meet Council officer's requests for a more active street frontage. The two housing styles, one single storey and the other two storey helps to maintain a variety of building styles. The fencing along the road frontage of the site has been proposed at 1.6m high timber board fence with a further 0.2m of trellis on top.

A176-A182

The Council's Landscape Architect, Gordon Griffin, has reviewed the application and prepared a specialist report which are attached at pages A176 to A182. Mr Griffin has noted that the Oak tree provides an important aspect of the visual amenity of the site and should be retained. The Council street tree, located on the road berm should be retained and a condition of consent will require the retention of this tree as a aspect of the streetscape.

#### Height in Relation to Boundary

The proposed development also encompasses a height in relation to boundary infringement on the front gable of unit 1 adjacent the southern boundary. The infringement is created by the gable end apex projecting through the height in relation to boundary recession plane by 988mm at the apex point. The district plan rule allows gable ends to project through the recession plane by a maximum of 1/3. This results in a true infringement of the permitted activity status of 508mm at the apex point. The infringement occurs for a length of approximately 4.2m across the gable end. The effect of this height in relation to boundary infringement would be to cause a shadowing effect on the adjacent property to the south, with the impact of this increasing in winter when the angle of the sun is reduced. A minor physical dominance effect could also be experienced from the adjacent site at 7 Blacklock Avenue.

The site at 7 Blacklock Avenue has the driveway entrance running adjacent the northern boundary of the site up along the side of the existing dwelling, giving access to the rear of the site. As such the potential effect of the shadowing produced by the height in relation to boundary infringement is somewhat lessened as it would cast the majority of the shadow onto the driveway rather than a building. It also provides for a setback between the proposed building on the subject site and the existing building on the adjacent site allowing for reasonable daylight access to both the dwelling and the proposed unit.

#### Outdoor Space

The proposed outdoor space for the development is provided at in excess of 25m<sup>2</sup> per bedroom to the correct orientation of between 135° and 255° to the north as would be required for a permitted dwelling development on the site. This allows the outdoor space provided to receive good sunlight and sufficient potential for passive solar access to the site. The provision of the outdoor space in excess of 50m<sup>2</sup> is consistent with the suggested area of Outdoor Space within the Assessment Criteria of the Medium Density Housing Criteria.

The medium density development design elements do not require that developments meet a shape factor and the proposal does not provide an outdoor space capable of containing a 6m diameter circle. However the orientation of the outdoor spaces are to the north and each area contains a paved patio for all year usage of the area. Individual clotheslines are provided for each dwelling, in a location where their usage would not impact on the use of the outdoor space. The outdoor spaces are generally provided on flat usable areas with retaining of a human scale.

Within the surrounding area there are two parks within an approximate 5 minute walking distance, Lavelle Reserve and Cron Reserve. However these require the crossing of Great North Road and Te Atatu Road, which are major transport routes.

### Traffic Generation and Parking

The development provides for two car parks per unit meeting the permitted standards for a dwelling development and exceeding the Medium Density Housing Assessment Criteria requirements. One car park is provided for each unit within an attached garage and another is provided stacked in front of the garaging. No specific visitor parking is provided for other than the stacked parking in front of the garages. The proposal complies with the tracking/manoeuvring curves of the District Plan for the manoeuvring of vehicles. However, Council has no control over the occupancy of the units. Whether a family of four, a couple, a single person, or two individuals sharing a flat occupy each unit is unforeseen.

It would be difficult to prevent people from parking on the fringe of the shared driveway and obstructing manoeuvring on site. Should the units be occupied by residents who own more than two vehicles per unit, visitor parking or a third vehicle space would be unavailable on the site. This may lead to vehicles being parked within the access way, which would create adverse effects in terms of vehicle manoeuvring, safety and access for other users of the right of way.

The application has been reviewed by Council's Traffic Engineer, John Carroll who has stated that the "*The proposed development will generate about 35 vehicle / movements per day in total. As the permitted baseline for the subject site/s is four dwellings the effect on the roading network from the additional dwellings will be negligible.*" This is supported by traffic generation details for residential establishments in the Council's Code of Practice, which quantifies vehicle movements generated by low density housing as double that generated by 1 to 2 bedroom medium density housing. Medium density housing generally has a lower traffic generation component to low density housing due to the use of alternative modes of transport, such as public transport, biking and walking. Medium density housing is commonly located close to shopping facilities and public transport, as is proposed with this development, which reduces the need for vehicle trips, as it is convenient to use other transport modes. Mr Carroll has supported the proposal subject to inclusion of conditions of consent related to the demolition of the existing crossings and the construction of the new driveway to the required Code of Practice engineering standards.

Blacklock Avenue is considered a Local Road with a Household Unit Catchment of less than 150. The proposed development does not increase the Household Unit Catchment above 150 houses and therefore under the Code of Practice the street carriageway width is sufficient with engineering standards required by the Council. It is acknowledged the development will inevitably lead to parking of visitors vehicles within the street carriageway, but it is considered as it is a low traffic volume road and the carriageway is sufficiently wide enough to park vehicles on both sides and still have traffic access along the road that there would be no more than minor adverse effects as a result of the proposal. Parking of vehicles on the roadway also has a benefit in that it results in slower traffic speeds down the road.

### Privacy/Noise

The increase in vehicle numbers using the site and the increase in occupants of the site has the potential to increase the anticipated levels of noise and to decrease the levels of privacy to adjoining sites. While the bulk and location of the units with the exception of the height in relation to boundary infringement are comparable to that which could be permitted on the site (ie. four units of similar total bulk, height, setback, building coverage) the increased density results in potentially more occupants on the site. However, it could also be argued that 4 four bedroom dwellings could have a similar occupancy. It is considered that this would create effects that would be more than de minimus (ie. are noticeable) from adjoining sites.

Privacy is maintained between units as the design of the development has provided for screening in the form of a 1.6m high fence between units. In the only case where the living rooms look out on each other the areas are separated by approximately 8m of outdoor space. Units 2 and 3 have upper floor windows that potentially overlook the outdoor spaces and neighbouring site. These two units however have a greater separation than the single storey units and the rooms on the upper floor are bedrooms and a bathroom rather than living areas. The window placement in the main bedroom also increases privacy as the main window looks out over the driveway with only a high window looking towards the neighbouring unit. The larger window on the 2<sup>nd</sup> bedroom would potentially look towards the kitchen rather than living room. The combination of screening, location of windows and separation distance between units is considered sufficient to maintain the privacy between the units within the development.

### 8.1.11 Heritage

The site is not identified in the District Plan as being a site with any historical significance. Accordingly, the site is not known to be of any historical significance. Therefore, the proposed development is not considered to impact on matters of heritage.

### 8.1.7 Summary

In addition to density the main concern of the proposal is the visual amenity of the development with the proposed removal of all mature vegetation, including the protected Oak tree and the earthworks involved in creating building platforms changing the natural levels of the site. The applicant has proposed a landscape treatment plan, providing fencing and planting to mitigate the effects of the proposal. While it is acknowledged that Council's Landscape Architect, Gordon Griffin, has stated that the Oak should be retained as it may have a more than minor effect in terms of the visual effect resulting from the removal, it is considered that sufficient mitigation is proposed and the effect will diminish with time.

It is considered that the proposed density will have similar effects (in terms of bulk and location, potential occupancy, privacy and traffic generation) as a complying dwelling development could potentially have. The earthworks proposed for the development will be mitigated through appropriate sediment and erosion controls as required by conditions of consent.

It is considered that the actual and potential adverse effects from other aspects of the proposed activity would be no more than minor and could be remedied, avoided or mitigated by means of conditions of consent.

## 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 relevant objectives and policies in relation to this proposal are:

#### **Objective 1**

***“To manage the effects of land use on the environment and, in particular, avoid, remedy or mitigate effects on the quality and quantity of the City's water resource, including maintaining:***

- ***the life-supporting capacity of water;***
- ***the ability to use aquatic ecosystems as a food source;***
- ***the availability of water as a healthy place of recreation.”***

**Policy 1.2**

***“Activities should be located within s the reduction of vehicle trip length and numbers, and the promotion of public 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 location of Medium Density Housing within and adjacent to central locations.”***

**Objective 4**

***“To manage the effects of land use on the environment and, in particular, to maintain air quality, including contributing to maintenance of the atmosphere at a local, national and global level.”***

**Policy 4.2**

***“Medium Density Housing should be encouraged in areas where it will help to reduce emissions from motor vehicles by reducing vehicle trip length and numbers and support public transport, in particular around main town centres, train stations and major roads.”***

Objectives 1 and 4 and policies 1.2 and 4.2 seek to manage effects of land use on water quality and quantity and air discharge by reducing road usage and thus minimising contaminant discharges off roadways and air emissions by minimising the length and number of vehicle trips. The location of the proposed development is close to the public transport bus routes along Great North Road and Te Atatu Roads. The proposed development is also within walking distance of the shopping area of Henderson, only slightly over 1km from the Henderson train station and within 500m of Glendene shopping facilities. It is therefore considered that the proposal would satisfy District Plan requirements as it would be close to public transport and within walking distance of shopping facilities.

**Objective 3**

***“To maintain the life-supporting capacity of the City’s land resource.”***

**Policy 3.1**

***“Medium Density Housing should be encouraged around main town centres, railway stations and major roads to help provide for the efficient use of land within the urban area.”***

Objective 3 and policy 3.1 seek to maintain the life-supporting capacity of the City’s land resource by encouraging Medium Density Housing around transport hubs; avoiding, remedying or mitigating adverse effects from soil disturbance; and ensuring that effects from natural hazards are not exacerbated. The proposal is close to public transport and earthworks activity would be confined to the sites, be of short duration and controlled by means of consent conditions.

**Objective 10**

***“To maintain and enhance those natural and physical characteristics (amenity values) that contribute to the wellbeing of residents and workers, including maintaining:***

- ***an acceptable level of quiet and freedom from nuisance created by noise, odour, dust and vibration;***
- ***adequate levels of daylight and sunlight in dwellings;***
- ***adequate levels of darkness for sleep;***
- ***a safe environment;***
- ***an accessible environment, which includes enhancing public access to and along the coast and waterways and between areas of public land;***
- ***adequate levels of on-site privacy;***
- ***healthy air quality.***

***This Objective is intended to achieve, at the very least, a minimum level of physical health and wellbeing for residents, workers and visitors. The Resource Management Act requires the District Plan to manage the effects of activities on the environment and humans. It also requires the Plan to have particular regard for the maintenance and enhancement of those natural and physical characteristics that contribute to people's appreciation of, amongst other things, its pleasantness. Any enjoyment or sense of pleasantness derived from the environment is fundamentally dependent on whether residents, workers and visitors find it a healthy place to be."***

**Policy 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 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 outdoor space is located to the north, and would benefit from good sunlight access. The size of the outdoor space for all the units is greater than 50m<sup>2</sup> and greater than the minimum requirement of 25m<sup>2</sup> per bedroom. Such an outdoor living area is therefore considered to be more than sufficient for the anticipated number of occupants of the dwelling. Furthermore, the area is of a usable size and is considered sufficient for children's play and the relaxation and leisure of others. Patio areas will provide all year usability for the outdoor space allowing outdoor entertaining and providing a good indoor outdoor flow living from the living area of the units. The development also provides a small area at the end of the driveway which would enable residents to sit and talk in the open communal area of the development. It is therefore considered that the development will be consistent with Policy 10.4.

**Policy 10.5**

***"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 proposed development of unit 1 will create a height in relation to boundary infringement on the southern boundary of the site resulting in a true infringement of the permitted activity status of 508mm at the apex point. This would create a shadowing effect on the adjacent site to the south 7 Blacklock Avenue as discussed above in paragraph 8.1.10 of this report. The setback of the adjacent dwelling will provide for sufficient daylight and sunlight levels to be received by the onsite buildings and the dwelling on the adjacent site. The unit is orientated towards the shared driveway and outdoor space adjacent the road and the infringement occurs on the back wall of the small 2nd bedroom. This room does have a window in the infringing wall below the level of the infringement but the main window looks out towards the road. Therefore the development is considered consistent with Policy 10.5.

### **Policy 10.8**

Land use development and subdivision must recognise the need for a transportation strategy which provides for the safe and efficient movement of people through private and public transport in a way that avoids, remedies or mitigates potential adverse effects on the environment and which does not compromise the needs of future generations, through ensuring the:

- **safe movement of pedestrians, cyclists and vehicles around the City;**
- **recognising and providing for the interdependence between transportation and other activities;**
- **supporting the creation of an efficient public transport network which provides an integrated system with appropriate levels of convenience and services;**
- **protection of the transport corridor for public transport purposes, conveyance of goods and communications;**
- **ensuring that the impact of activities on the capacity and safety of the road system is adequately catered for;**
- **maintaining amenity values that contribute to the well-being of residents and workers;**
- **integrating roads with safe and efficient pedestrian cycle routes;**
- **minimising impacts of noise and traffic movement on the amenity of surrounding sites;**
- **contributing where required to an upgrading of the transport system, proportionate to the pressures on that system created by the development proposed.**

This policy seeks to integrate the land use and development activities within the city with the transportation system and adequately manage and provide for the needs and health of communities and the sustainable management of the City's environment. The proposed location is somewhat hemmed in by the major arterial roads of Great North Road and Te Atatu Road. These pose a safety concern in terms of crossing the busy roads safely, especially for young children, and cyclist safety amongst the fast moving traffic on narrow and congested lanes. Both of these roads however are bus routes providing public transport and pedestrian crossings are present to allow relatively safe crossing of the roads. As stated above the proposed development is within walking distance of the Henderson Community Environment, shopping facilities at Glendene and the public transport. Intensification around these nodal points is advocated in the District Plan, Regional Growth Strategy and Urban Area Intensification Regional Practice and Resource Guide.

Council's Traffic Engineer, John Carroll, as stated above in section 8.1.10 of this report has reviewed the application with respect to the safety of the shared driveway and traffic generation from the site. Mr Carroll has concluded that the design and capacity of the access lots and parking would be adequate to serve the development and has stated that Transport Assets support the application.

The District Plan explanation to this policy acknowledges that the safe and efficient movement of vehicles is considered important, but that the health of residents and the need to provide for adequate public transport, pedestrian and cycle access are also important. It is considered that this development does demonstrate consideration of these factors and is therefore concluded to be consistent with policy 10.8 and overall with Objective 10.

**Objective 11**

***“To achieve a quality of settlement and associated activities within each of the City’s Human Environments which is sympathetic to, and protects and enhances, the dominant natural and physical (including building) features which contribute to the amenity value and the neighbourhood character of an area, including maintaining and enhancing:***

- ***the quality and character of different patterns of settlement within the City’s intensively settled residential areas...”***

The District Plan Strategic Direction promotes medium density housing as an important tool in the District Plan’s overall consolidation and City form strategies. The plan concentrates medium density housing around railways and main transport routes as part of a strategy centralising key activities around central nodes and points, as a way of improving viability of passenger transport. It also promotes a high quality urban environment to counter pressures for outward spread of the urban area. Medium density housing also addresses the lack of housing choice. This approach is consistent with the Regional Growth Strategy, as discussed further below. It is considered that the proposed location for the development meets this strategic direction.

A173-A175

The applicant has revised the development with direction from Council Officers prior to re-submitting the proposal as various aspects of the design were considered detrimental to the visual amenity and lacking in design when assessed against the design guidelines. The new design of the individual units and their site layout is considered to satisfy and remedy the earlier concerns expressed by Council’s Urban Designer, Peter Joyce, regarding the eight-unit development. A copy of Mr Joyce’s full report is attached at pages A173 to A175.

**Policy 11.2**

***“Activities should be managed in a way that avoid the clearance of or damage to trees and vegetation, to extent that the following characteristic are adversely affected:***

- ***The visual dominance of trees on private property within the neighbourhoods of the Living Environment...”***

The proposal has been designed to optimise the density yield of the site while promoting good design features and minimising the loss of amenity to adjacent residents. However, by designing for the maximum density yield of the site the development would require the removal of the existing mature vegetation from the site. This includes the Oak tree which has been noted by Council’s Landscape Architect, Mr Griffin, as an important natural feature of the site. The Council’s Arborist, Simon Miller, has supported the development in that the proposed landscaping plan provides sufficient mitigation for the removal of the oak, however, Mr Griffin has stated in his report *“since there is limited natural vegetation in the surrounding area, keeping at least the oak ... is surely desirable”* and that *“retention of this tree is desirably a constraint and may reduce the number of dwellings that can be established on the sites.”* While the removal of the Oak tree will create an adverse effect on the visual amenity it is considered that overall the level of mitigation is sufficient to compensate for the loss of the tree, and the loss of visual amenity is limited to the immediate area and would be diminished as the proposed landscaping matures. The Oaks form is also considered by Mr Miller as “structurally poor” and he considers the tree to have “moderate” amenity value.

### **Policy 11.27**

**“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 area currently provides for a mix of housing styles, and the proposed development provides another variable of the mix of housing in the area.

### **Policy 11.28**

**“Medium density housing should be comprehensively designed so that a high quality of internal amenity is provided to the overall development. Particular regard should be given to:**

- **designing for visual and aural privacy, safety, sunlight and daylight access, on-site parking and outdoor space in a way that is appropriate to and consistent with the medium density settlement pattern;**
- **protecting the privacy and amenity of surrounding residential areas;**
- **integrating the development with any adjacent public open space and road system such that safe use of these areas is ensured;**
- **integrating the development with the surrounding neighbourhood, and community focal points, so that they are accessible, where possible, on foot.”**

It has already been established that all the units are considered to have more than adequate areas of outdoor space. The design of the proposal has included a landscape plan to address the visual amenity concerns. The landscape plan has incorporated important design requirements, such as provision for passive solar energy through allowing for sunlight access and maintaining surveillance. As previously stated the parking provided for each unit would exceed that which the design elements suggest is required, with the attached garage and stacked outdoor park provided for each unit. The development is fully fenced with a 1.8m high fencing which is considered to maintain the level of privacy to neighbouring sites. Four of the units are single storey and the remaining four two storey units are orientated away from neighbouring sites predominantly orientated towards the central shared driveway. Although such density is not always appropriate outside the Medium Density Housing Radius, it has also been concluded that the increased use of Blacklock Avenue would be manageable and would not adversely impact on current road operation. Additionally the proximity of the Henderson and Glendene shopping centres and the public transport bus route provide for the development to be considered consistent with the District Plan Strategic Direction and the Regional Growth Strategy. For these reasons it is considered consistent with Policy 11.28.

## **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:

### ***LIVING HUMAN ENVIRONMENT – DENSITY ASSESSMENT CRITERIA***

- 2(a) *The extent to which the development complements amenity values and neighbourhood character.*
- 2(b) *The extent to which the development is compatible with the size of the site.*

- 2(c) *The extent to which the development complements existing development on the site, having regard to:*
- *separation distances between dwellings*
  - *the visual impact of access to rear dwellings*
  - *the visual appearance of the development from the road*
  - *privacy between buildings and of outdoor space.*
- 2(d) *The extent to which the development has regard to and where possible incorporates natural features on or around the site.*

The proposed development is located outside the 1km radius around the centre point of the Henderson Community Environment. The proposal increases the density to an extent that the development is considered medium density housing. If developers wish to build medium density housing the District Plan encourages them to concentrate the developments within one of the town centres (ie- 1km radius) or along the transport corridors (ie- have street frontage to an arterial road). This development is outside of those parameters however it is considered that the development is still meeting the intent of the district plan. Mr Joyce has commented in his specialist report that *“consideration is being given [by Council] to a proposal to extend the limits to include further urban consolidation circles around other smaller town centres and allow for more intense developments along a strip 200m wide each side of arterial roads”* to meet the intentions of Council’s Growth Management Strategy and the intentions of the Auckland Regional Growth Strategy.

A176-A182

As previously stated above Mr Griffin, Council’s Landscape Architect, has commented *“that the development would have a reasonable fit with the landform”* and *“the proposal would have a reasonable fit with the neighbourhood.”* Mr Griffin has however tempered his support with comments related to retention of the Oak tree and further stepping of the levels within the development as commented in his report attached at pages A176 to A182. The development is of a mix of single and two storey buildings and has a comparable building and impermeable surface coverage to a permitted 4 dwelling development on the sites.

As stated earlier in the report the development generally complies with the bulk and location controls for a dwelling development on the sites insofar as building height, coverage and yard requirements meet the permitted standards for such a development.

Mr Joyce has commented that *“the two units adjacent the street frontage (Units 1 & 8) now either have windows which overlook the street or doors that open out onto a street side outdoor living space. Both for greater visual surveillance of the street.”* The outdoor space provisions for the site are of the required 25m<sup>2</sup> per bedroom for each of the sites. They are screened with planting and fencing to provide privacy. The units are designed in 4 duplex style blocks joined at the garages to provide a separation between living areas of the units. The design of the development is such that no living rooms look directly into living rooms of the adjacent unit, except between units 2 and 3 where the area is separated by the outdoor spaces and screened by fencing between the outdoor spaces. The single driveway replaces two existing driveways and it is considered common for driveways to lead to a rear dwelling within the urban environment. A permitted dwelling development would potentially have a similar driveway style.

The development of the 8 unit development requires the removal of all the mature trees on the site. This includes the protected Oak. Discussion on this subject is expanded below. Landscape treatment is proposed to mitigate this removal.

It is considered that the proposed development is generally in accordance with the relevant density assessment criteria 2a-e as outlined above.

*LIVING ENVIRONMENT - HEIGHT IN RELATION TO BOUNDARIES/SEPARATION OF BUILDINGS  
ASSESSMENT CRITERIA*

- 5(a) The extent to which the height, location and design of buildings will allow for reasonable sunlight and daylight access to adjoining sites.*
- 5(b) The extent to which the height, location and design of buildings will allow for reasonable sunlight and daylight access to the proposed building.*
- 5(c) The extent to which each habitable room in a building is located to allow for reasonable daylight access.*
- 5(d) The extent to which privacy is safeguarded by the provision of planting or screening.*

As previously stated the development has a height in relation to boundary infringement on the southern side of the gable end roof of unit 1. The dwelling on the adjacent site is a two storey dwelling set back from the site boundary with 9 Blacklock Avenue due to the driveway running up the northern side of the dwelling giving access to the rear of the site. The dwelling is also set back approximately 10m from the front boundary meaning that the impact of the infringement, further forward on the site, would be further reduced on the adjacent dwelling. It is therefore considered that both the buildings on the subject site and the dwelling on the adjacent site receives adequate daylight and sunlight into habitable rooms.

The proposal includes full landscape treatment of the site including screening by fencing and planting. With the set back between units on the subject site and the dwelling on the adjacent site it is considered that the effects on privacy are not significant as a result of the infringement of the height in relation to boundary control.

The proposed development is therefore considered to meet the relevant height in relation to boundary assessment criteria 5a-e as outlined above.

*GENERAL NATURAL AREA - VEGETATION CLEARANCE  
ASSESSMENT CRITERIA*

- 2(a) The extent to which vegetation alteration adversely affects amenity values and neighbourhood character*
- 2(b) The extent to which vegetation alteration will threaten natural ecosystems.*
- 2(c) The extent to which vegetation alteration creates, contributes to, or exacerbates stability problems.*
- 2(d) The extent to which development is located or can be designed in a way that avoids the need to remove vegetation, and in particular the removal of any trees which are notable examples of their species.*
- 2(e) The extent to which the proposed vegetation alteration is necessary:*
  - to accommodate development otherwise permitted by the Plan;*
  - to ensure the safety or integrity of existing development on the site.*
- 2(g) The extent to which the vegetation alteration adversely the historical, cultural or spiritual significance of any site or waahi tapu of significance to iwi or archaeological site.*
- 2(j) The extent to which vegetation alteration can be offset by restoration or enhancement around and within the area subject to the application.*

The proposed development is the result of a number of meetings with staff after an initial application was made to council in late 2003 for the redevelopment of this site with a medium density housing concept. A number of design changes were made to the initial design to encompass concerns raised by Council officers. As previously stated Housing New Zealand seek to gain the maximum yield out of the site. Unfortunately this creates a situation where the existing mature vegetation must be removed to accommodate the design and new landscape treatment be undertaken to remedy and mitigate the vegetation removal. The application has been reviewed by Council's Arborist, Mr Miller, and also by Council's Landscape Architect, Mr Griffin, who have prepared specialist reports with regard to their fields of expertise.

Mr Griffin, has commented on the visual amenity of the site with respect to the proposed development and the proposed removal of the mature vegetation on the site. He has particularly commented on the Oak at the rear of 11 Blacklock Avenue and the large Pine in the front of 9 Blacklock Avenue. Mr Griffin has stated the "...Oak, *Quercus pedunculata*, towards the rear of 11 Blacklock Avenue that is a protected tree and should be kept. Retention of this tree is desirably a constraint and may reduce the number of dwellings that can be established." Mr Griffin has commented that the large pine is a "fine specimen" but not protected and "would not be kept." This is an established neighbourhood and retention of the trees would provide instant maturing of the landscape treatment and provide shelter and shade. Mr Griffin has concluded in his report that he considers that "the proposal would have reasonable fit with the neighbourhood" and is "in support of the proposal, subject to making modifications... to improve amenity and neighbourhood fit by keeping the tree and fitting the development more to the existing ground form." However, it is accepted that the proposed dwellings could not be located outside of the drip line of the Oak and that the density yield would need to be reduced if the Oak was to be retained.

It is considered that the removal of the Oak tree, being the only protected tree on the site, will not threaten the natural ecosystems of the area. The site is within the built urban environment and the Oak is an exotic, not a native, most probably planted some time ago. The removal of this single tree is not likely to have significant impact on the ecosystem balance within the urban environment.

The site is not known to have any instability issues, and while it is noted that trees form an important function of stabilising soil, the applicant has proposed the use of retaining walls to stabilise the site once earthworks is carried out to create level building platforms. It is therefore considered that the tree removal will not impact on site stability.

The proposal of developing 8 units on the site would not be able to be accommodated on the site without the removal of the Oak tree. As stated by Mr Griffin and Mr Miller the intrusive nature of the proposal require that the Oak be removed or that the development be redesigned with the removal of unit 5 to accommodate the tree, thereby reducing the density yield of the site.

The development requires consent for density due to the medium density nature of the development. A permitted dwelling development could potentially incorporate the tree into the development design. However, this would reduce the capacity of the site and result in simple infill housing. This would result in a development contrary to the Regional Growth Strategy concept as discussed below in paragraph 8.5.4. Pruning of the Oak would not provide a solution that would keep the tree, as according to Mr Miller the structure of the tree is "poor" and "it is considered that the Oak could not accommodate the proposed dwelling" as "any earthworks within its drip line would further serve to undermine the structure of the tree."

The Oak tree can be considered part of the historic and cultural fabric of Henderson as many Oak trees were planted throughout the area during settlement. However, it is not considered that the removal of this single specimen would significantly effect this fabric and due to the poor structure and the rear site location it is not considered a notable example.

*Mr Miller has assessed the removal of the vegetation from an arboricultural position. He has stated in his report that "Amenity value is considered to be moderate. The tree is visible (upper crown) from Blacklock Avenue and from properties adjoining the eastern boundary of 11 Blacklock Avenue. These properties also enjoy the benefits of shade and privacy that this specimen provides." Mr Miller goes on to comment "the tree is considered to be structurally poor as a result of the above mentioned pruning history and the fact that the specimen is co-dominant (twin stemmed/ leadered) from ground level" and that "Provided the proposed mitigation planting is undertaken, it is considered that the ultimate effect on the protected vegetation environment will be no more than minor."*

Mr Miller finally concludes *"The application is generally supported by Council's Arborist for Consent Services provided the suggested conditions of consent are included in the final planning report and followed when work commences on site."*

While the removal of the Oak tree does not meet all the relevant assessment criteria 2a-k it is considered that overall the vegetation alteration activity can be supported as the level of mitigation is sufficient to compensate for the loss of the tree, and the level of lost visual amenity is limited to the immediate area and would be diminished as the proposed landscaping matures.

#### GENERAL NATURAL AREA – EARTHWORKS ASSESSMENT CRITERIA

- 3(a) *The extent to which the scale of earthworks is consistent with the scale of development being undertaken.*
- 3(b) *The extent to which earthworks adversely affect the potential for restoration or enhancement around the area of earthworks.*
- 3(c) *The extent to which earthworks reduce the amount, range and linkages between representative vegetation, fauna habitat and natural features.*
- 3(d) *The extent to which earthworks adversely affect the significance or landscape value or natural character of natural landscape elements or other natural features.*
- 3(e) *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.*
- 3(f) *The extent to which earthworks adversely affect or contribute to degradation of natural water-courses in a way that destroys or reduces their ability to support instream vegetation and fauna, their ability to be used as a healthy food source, their clarity, quality and flow and their suitability for swimmers.*
- 3(h) *The extent to which earthworks adversely affect the visual amenity of the site or adjoining sites.*
- 3(i) *The extent to which cut and fill activities involving earthworks are confined to the site rather than being transported off the site.*
- 3(n) *The extent to which a driveway requiring earthworks is designed to minimise earthworks, particularly by limiting the distance of the driveway on the site.*

As previously stated the development has been redesigned from the original proposal to incorporate Council officer concerns with regard to the volume and scale of earthworks and the lack of conformity to the natural landscape slope. The result of this redesign is that there has been a change to the driveway gradient, reduction of the height of retaining walls, provision of 400mm planter boxes to reduce visual impact of retaining walls, and stepping of the development between unit blocks.

A170-A172

Karen Pegrume, Council's Earthworks Specialist, has reviewed the application and commented on the earthworks proposed by the development. A copy of her report is attached at pages A170 to A172. To reduce the amount of earthworks and retain some of the natural slope of the site the development has been stepped between the unit blocks. Ms Pegrume has comment with regard to this stating *"Stepping between the blocks of units and retaining some of the natural slope has reduced and avoided un necessary earthworks. It would have been possible to step between the units themselves using the garage as the step which would have further reduced un necessary earthworks but overall the additional stepping probably wouldn't significantly improve the visual amenity of this development as most of the retaining is of a human scale."*

The applicant has provided a landscape treatment plan to mitigate the visual effects of the development including rehabilitation of the site after construction has been completed it is therefore considered that earthworks will not adversely effect the potential for restoration or enhancement around the earth worked site.

As previously stated the mature trees including the Oak are being removed to accommodate the development but it is not considered that the amount of or requirement for vegetation alteration is altered by the level of earthworks being carried out on the site.

*Ms Pegrume has commented in her report on the visual amenity created by level of earthworks stating "Because of the stepping of the units with intermediate smaller scale retaining the effect on the boundaries is somewhat reduced and the visual amenity from both within the site and looking into it from outside is acceptable." Mr Griffin has also commented in his Specialist's Report with regard to landscape architecture that "...the development would have a reasonable fit with the landform..." However he has also commented that the visual amenity would benefit from a further stepping of the levels between the garages and the units. This however would reduce the ease of access from the garages to the units, by requiring a level change from the garage into the unit (ie-steps or a ramp). The applicant has indicated that one of its main design criteria is access, particularly for mobility restricted clients.*

The site is not known to be subject to flooding in the past and it is not considered that the level of earthworks proposed will exasperate or create any flooding issues. Conditions of consent will require appropriate drainage of the retaining walls.

The site is not near any water bodies or waterways and it is not considered that the development will cause degradation of any natural watercourses. The conditions of the consent will ensure that the earthworks undertaken on site are carried out with the appropriate erosion and sediment controls in place to protect the life supporting capacity, quality and Mauri of receiving waters and natural waterways. Ms Pegrume has stated "The sediment and erosion control plan is inadequate for a development of this size and should meet TP90 standards." Ms Pegrume has commented that "prior to the start of development a sediment and erosion control plan must be provided that meets the approval of the environmental monitoring officer." This will be ensured through the conditions of consent.

The earthworks are confined to the site and the visual effects of the earthworks will be mitigated through landscape treatment planting as submitted by the applicant. As previously stated Mr Griffin and Ms Pegrume have stated that the visual amenity of the earthworks is acceptable.

The development involves earthworks in the form of both cut and fill. This means that cut material will be reused on site as fill where possible, however there is a difference of around 600m<sup>3</sup> cut material that will be required to be transported off site. Conditions would be imposed to ensure that any effects within the sites or beyond them are avoided, remedied or mitigated. Duration of earthworks would be short and hours of work controlled by conditions of consent. Within this highly modified environment it is anticipated that effects from the earthworks would be short term and confined to the site.

The development has been designed with one single driveway up the middle of the development servicing all 8 units. This is in contrast to the current situation where the two existing dwellings on the sites are accessed via separate driveways.

The proposed development is therefore considered to meet the relevant earthworks assessment criteria 3a-q as outlined above.

#### *MEDIUM DENSITY HOUSING CRITERIA - DESIGN ELEMENTS*

As a medium density housing development the proposed development requires assessment against the relevant medium density housing criteria design elements.

#### *DESIGN ELEMENT A - DESIGN AND LOCATION OF STRUCTURE*

The proposal has been redesigned to include an active street frontage and provide surveillance from doors and windows of the road. The redesign has also introduced a mixture of single and two storey units providing variety but also staying compatible with the surrounding neighbourhood housing mix. Fencing along the front of the development will be only 1.6m high with an additional 200mm of trellis to provide for surveillance of the street. The fences within the development are proposed to be timber fencing to provide texture. Landscape planting will also provide variety and break up fencing. Garaging is located off the driveway which prevents garages facing the roadway. Provision has been made for gates into fenced areas, letterboxes and rubbish bin placement at the roadside. As previously stated the mature trees on the site have been removed to meet the applicant's development requirements however landscape treatment mitigation has been proposed. It is considered in general that the proposal meets the assessment criteria for design and location of structure.

#### *DESIGN ELEMENT B - SITE LAYOUT*

The proposal is to be established within the existing street network which provides existing linkages and connections. The development itself provides a separate footpath adjacent the driveway. The units have been designed to have frontages to the driveway with the roadside unit (units 1 and 8) also designed to have active road frontage. Only a single driveway has been provided to serve the development, running down the centre of the site servicing the units on both sides. Screened outdoor spaces are provided where possible to minimise overlooking and increase privacy. The outdoor spaces are north orientated providing maximum potential for passive solar exposure within the development and increased sunshine exposure in winter. The eaves and overhangs have also been minimised within the development to maximise passive solar exposure to the outdoor spaces. It is considered in general that the proposal meets the assessment criteria for site layout.

### *DESIGN ELEMENT C - BUILDING LOCATION*

The proposal has been designed to comply with the 3m front yard setback for dwelling developments as permitted by the District Plan. The development in fact would generally comply with all bulk and location requirements for a dwelling development with the exception of the small height to boundary infringement on the gable roof of Unit 1 as discussed above. The duplex style of the development proposes a good mix of housing types, maintaining visual amenity and neighbourhood character as well as providing efficient use of the site. Impermeable surfaces comply with the 60% impermeable surface for reticulated sites and the development as previously state has a good orientation to the north. The outdoor living has been designed to have access from the living rooms of the units providing a good indoor outdoor flow and maximise passive solar efficiency. It is considered in general that the proposal meets the assessment criteria for building location.

### *DESIGN ELEMENT D - VISUAL AND ACOUSTIC PRIVACY*

The outdoor space for the individual units is proposed to be screened by 1.6m high screen fencing within the development and a 1.8m high fence around the perimeter boundaries of the site. It is also proposed to have landscape planting around the exterior of the site providing further screening. Between the two storey units of Units 2 and 3 is a separation distance of approximately 8m. The units are connected garage to garage in their duplex arrangements with separate connections for stormwater and wastewater. The brick construction ground floors and concrete slab construction in general will provide appropriate noise resistant construction. It is considered in general that the proposal meets the assessment criteria for visual and acoustic amenity

### *DESIGN ELEMENT E - CAR PARKING AND VEHICLE ACCESS*

The proposal exceeds the minimum requirement under parking providing 2 parking spaces per unit, which is in line with a permitted dwelling development. The parking is provided for each unit by an attached garage and an external stacked parking space in front of the garage. The driveway and parking provisions has been reviewed by the Council's Transport Engineer, John Carroll, who has supported the application and provided conditions to ensure that the parking and driveway is built to the Council's Code of Practice standards. No specific visitor parking has been provided within the development however it is considered that as the design elements only require a single parking space per unit the stacked parking space in front of the garage is sufficient to provide for visitor parking. Parking is also available on the road outside the development. It is considered in general that the proposal meets the assessment criteria for car parking and vehicle access.

### *DESIGN ELEMENT F - OPEN SPACE*

The outdoor space includes a patio area for all year round use of the space and provides for a good outdoor indoor flow from the living rooms of the units. North facing the Outdoor space maximises passive solar energy and sunlight received. The two bedroom units are each provided with 50m<sup>2</sup> or more private outdoor space. A small communal area is also supplied at the end of the driveway where the landscape plan has included a seat. The applicant has indicated that their strict leasing contracts and inspections will require maintenance of the sites and that communal driveway areas will be up kept by Housing New Zealand contractors. Conditions of consent will also require a maintenance period for the landscaping of 10 years to ensure that the planting can reach a level of maturity. It is considered in general that the proposal meets the assessment criteria for open space.

#### DESIGN ELEMENT G - DWELLING ENTRY

The entrance to the development will be clearly visible as the front of the site is fenced with the opening of the footpath and driveway in the middle of the site. The units all have front doors facing the driveway and Mr Joyce, Council's Urban Design Specialist has reviewed the application and proposed a further design change "*on units 1 to 4, extend entry path from front door straight through to the internal site footpath to ensure visibility of entrance to each unit and to ensure ease of access to the front door if a car is parked in the driveway in front of the garage door.*" This will be included as a condition of consent and can be implemented through Building Consent drawings. As a Housing New Zealand Corporation development the design of the buildings has incorporated requirements for mobility impaired clients by ensuring one level entries and ground floors. It is considered in general that the proposal can meet the assessment criteria for dwelling entry as a condition will be included relating to the path to the front doors.

#### DESIGN ELEMENT H = SITE FACILITIES

Hardstand areas have been included for the placement of rubbish bags for collection and mailboxes are included in the design. The applicant states that the tenants will be responsible for the upkeep of the grounds associated with their units however no provision has been made for external storage facilities. Mr Griffin, Council's Landscape Architect has commented that an external storage facility should be provided and it could be incorporated within the garage. It is considered that lockable outdoor storage is necessary for the storage of ground maintenance tools and as the applicant has not provided external storage facilities it will be provided for as a condition of consent requiring that the applicant provide external storage facilities which could be either incorporated within the garage or provided appropriately elsewhere. This requirement would be required to be provided to the satisfaction of the Manager Resource Consents. Individual clothes lines have been supplied for each unit within the fenced outdoor area, however for units 1-4 they are located to the south of the dwelling. Mr Griffin has commented that it would be "*desirable to place these with more solar access, towards the west or east limits of the associated building.*" However, this is not being required as in their present locations the clotheslines are easily accessed from the laundries within the rear of the garages and alternative locations would impact on the usage of outdoor space. Mr Iszard, Council's Water and Drainage Engineer has provided conditions with regard to the provision for a fire hydrant which will be included, and it is not anticipated that the provision of any other emergency service would be restricted by the proposal. It is considered in general that the proposal can meet the assessment criteria for site facilities as a condition will be included relating to the provision of external lockable storage.

#### DESIGN ELEMENT I - LANDSCAPE TREATMENT

As previously stated the applicant has proposed a landscape planting plan to mitigate adverse visual effects of the development. It has been reviewed by Mr Griffin, Council's Landscape Architect, who has commented on the removal of the Oak tree as previously stated. It is however considered that over time the adverse effect of the removal will diminish and that the development can be supported with the removal of the Oak and all other mature vegetation. Mr Griffin has commented that the development will have "*reasonable fit with the neighbourhood*". A separate footpath has been provided next to the single driveway entrance, servicing the 8 units. The development has a north orientation of its outdoor spaces to enable good passive solar efficiency. The services are provided under the shared driveway and it is therefore considered that the landscape treatment will not affect the services. The fencing along the road frontage has been limited to 1.6m timber fencing with 200mm of trellis on top to form a textured fence which continues to allow surveillance of the road.

Mr Griffin has supported the planting plan with the exception of the removal of the Oak tree and the inclusion of a communal seat area at the end of the driveway commenting that *“there would be a framework of trees established as part of the landscape development and these would generally be consistent with maintaining surveillance and solar access.”* Ongoing maintenance would be required as a condition of consent and the rental leases would require property upkeep and sites would be regularly checked by Housing New Zealand. It is considered in general that the proposal can meet the assessment criteria for landscape treatment.

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

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.

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 areas [contributing to run-off into coastal waters] and to avoid, remedy or mitigate adverse effects from sediment discharge to waterways.

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”.*

To be consistent with the Auckland Regional Policy Statement it would be necessary to ensure that elevated levels of sediment do not enter the watercourse as a result of any works. It is noted that measures to control sediment entering the stormwater reticulation and receiving waters during construction are contained in the Erosion and Sediment Control Measures Appendix in the Waitakere City District Plan. With conditions in place requiring the implementation of the recommendations of this Sediment and Erosion Control Measures Appendix, it is considered that the proposal would mitigate adverse effects from development on the natural character and would avoid adverse effects from the sediment discharge to waterways.

Auckland Regional Policy Statement is also concerned that expansion of activities beyond the Metropolitan Urban Limits does not threaten environmental qualities and thresholds (Urban Growth Management) and is not exploiting cheaper land costs. In this case the application is clearly an intensification of land use for residential purposes close to a transport hub that would be consistent with objectives of promoting use of public transport by encouraging residential development within the Metropolitan Urban Limits close to public transport.

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

#### **8.4 Any Other Matters the Consent Authority considers relevant and reasonably necessary to determine the Application (104(1))(c)).**

##### **8.4.1 Other Issues Raised by Submitters Not Covered Elsewhere in Report**

###### Property Values

Through the submission process the issue of property values was raised. The Resource Management Act and the associated resource consent process deals with the environmental effects of the development and therefore does not consider property values as such. However, property values to a certain degree are associated with the visual amenity of the development and the surrounding environment. The visual amenity of the proposed development has been commented on several times throughout this report and it is considered that the development would have a reasonable fit with the neighbourhood character and visual amenity. The conclusion could therefore be drawn that property values would not necessarily be adversely affected by the development.

###### Pets

One of the submissions has recognised that the increased density and number of household units has the effect of providing a situation where an increased number of pets can be accommodated on the sites. As to the type and number of pets within developments it is not a situation which the District Plan controls. There is no control under the District Plan elsewhere within the urban environment that limits the number or type of pets kept on the site. Dogs are controlled through Bylaws by Bylaw No.29 (7) & (8) and Bylaw No.4 (1312.1). These bylaws control the maximum number of dogs and require that no dog create a nuisance to residents in the neighbourhood. Bylaw No.4 Chapter 13 in general controls the keeping of animals, poultry and bees.

###### Views

While the bulk and location rules do not provide for the specific protection of views, owners are entitled to rely on the general expectation that these rules will be complied with and plan their own houses accordingly, with the expectation that the benefits of those standards will not be encroached upon (such as a view). The proposed development complies with the bulk and location rules with the exception of the height in relation to boundary infringement on Unit 1. This infringement being on the front unit is screened from the sites to the east of the development, which experience views across Henderson, by the units further to the rear of the site. It is therefore, considered that this infringement has little effect on extent of views.

###### Asbestos Sheeting

The process for dealing with any asbestos sheeting on the dwellings to be removed is covered under the Health and Safety and Employment Act 1992. As such an advice not informing the applicant of this matter will be included on the consent. It is considered that following the appropriate process for removing asbestos under the Health and Safety and Employment Act 1992 would avoid any health and safety concerns.

##### **8.4.2 Bonds/Reserve Contributions/Development Levy/Financial Contributions**

A Preliminary Reserve Contribution levy has been calculated pursuant to Section 293(2a)ii of the Local Government Act 1974/ Section 409 of the Resource Management Act 1991. This allows the council to specify an amount of money that would, in the council's opinion be sufficient to purchase, at the time of the lodgement of the development plan an area determined by the council, being not more than 20 square metres of land for every such household unit after the second new such unit or first additional such unit. In the event of a freehold or cross-lease subdivision being carried out in the future, a further Reserve Contribution levy will be calculated at 6% of the value of the new sites created and the above amount will be credited to the account.

The calculated preliminary reserve contribution of \$18 972.29 (inclusive of GST) shall be paid to the Council, prior to the issue of building consent for the development. The contribution has been calculated on the value of 20m<sup>2</sup> of the site for the third and subsequent new unit. The contribution shall be paid in cash or bank cheque only and shall be included as a recommended condition of consent.

A Development Contribution in accordance with the Local Government Act 2002 and the Council's Long Term Council Community Plan 2003-2013 will be payable on the development at the Building Consent stage.

#### **8.4.3 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 silt and erosion controls (Site Management Plan), implementation of the Landscape Plan and compliance with the site layout plan.

#### **8.5.4 Any Other Relevant Non-Statutory Documents**

##### Regional Growth Strategy

The Regional Growth Strategy takes an integrated management approach, encompassing a wide legislative context and involving all Auckland local authorities in partnership with central government, infrastructure operators, the private sector, Tangata Whenua and the regional community. The purpose of the Strategy is *"to ensure that growth is accommodated in a way that enables people and communities to provide for their social, economic and cultural well-being, whilst protecting the region's environment."* The Strategy seeks to avoid development of the most highly valued and sensitive catchments and coastal environment, and highly valued rural areas, landscapes, bush, habitats and public open space. The major concept of the Regional Growth Strategy is to focus most growth within the existing metropolitan area with development outside current urban limits only where environmental, accessibility and community principles can be met.

The Strategy promotes most urban growth to be focused around town centres and major transport routes to create higher-density communities with a variety of housing, jobs, services, recreational and other activities and places much less emphasis on lower density infill housing. It is considered that the proposed development, with its medium density concept, being located close to the Henderson and Glendene shopping facilities and public transport in the form of bus routes and the Henderson train station, meets this concept and will assist in achieving the desired outcome of the Strategy for Waitakere City and the greater Auckland Region.

##### Other Documents

There are no relevant designations or heritage orders that apply to the site or the immediate surrounds.

#### **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, 3 years after the date of commencement of the consent.

A standard five year period in which to give effect to this consent is not considered appropriate because it is anticipated that all earthworks will be completed and the site stabilised within one earth working season, and there would be an expectation within the community that if consent is granted, the development period would not be prolonged in order to avoid adverse effects from construction within this intensively settled residential environment. Therefore it is considered a 3 year time period is considered appropriate as the development can reasonably be expected to be completed within this time period.

## 9.0 PART II OF THE RESOURCE MANAGEMENT ACT 1991

It is considered that the proposal would be consistent 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.

## CONCLUSION

The applicant seeks consent to erect eight duplex style Medium Density Housing units over two sites located at 9 and 11 Blacklock Avenue, Henderson. Each site is within the Living Environment and the General Natural Area and lies just outside the Medium Density Housing Radius associated with Henderson Community Environment. Infringements generated by the proposal include density, height in relation to boundary, vegetation alteration, earthworks and impermeable surfaces.

It is considered that the proposal **meets** the criteria for granting consent as the potential adverse environmental effects, while in some aspects are **more than minor, can** be adequately mitigated through the imposition of appropriate conditions of consent. It is considered that the establishment and operation of Medium Density Housing activity **will 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 District Plan which seek to promote increased intensity of residential development around transport hubs, public transport routes and town centres whilst protecting, maintaining and enhancing existing local area and neighbourhood character, amenity values and the health and wellbeing of residents.

It is considered that the issues raised by the submitters **are** adequately addressed in the proposal or can be mitigated 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 Section 104 of the Resource Management Act 1991.

### RECOMMENDATIONS

That pursuant to Sections 104,104B, 104D, 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 Housing New Zealand Corporation to construct an 8 two bedroom unit medium density housing development at 9 and 11 Blacklock Avenue, being Lot 22 and 23 DP 20993 for the following reasons:

- (i) The proposal generally meets the design criteria for medium density housing as included in the district plan, providing appropriate design principles to maintain and enhance the urban design of the city.
- (ii) The visual amenity of the development is considered to be adequately mitigated through proposed landscape treatment. It is recognised that the effect of removing the Oak will potentially have a more than minor adverse effect on the visual amenity, however it is considered that this effect will diminish over time as planting matures.
- (iii) The proposal has a comparable bulk and location to a permitted four dwelling development over the four sites.
- (iv) It is considered that the proposed development being located close to the Henderson and Glendene shopping facilities and public transport in the form of bus routes and the Henderson train station, meets the intention of the medium density housing and will assist in achieving the desired outcome of the Strategy for Waitakere City and the greater Auckland Region.
- (v) The proposal is considered to be consistent with the Objectives and Policies of the Waitakere City Council District Plan
- (vi) The proposal is not contrary to Part II of the resource Management Act 1991.

Consent shall be subject to the following conditions:

#### General Conditions

1. The development shall proceed in accordance with the plans titled (Proposed Dwelling for Lundo Holdings Limited at 9 & 11 Blacklock Ave, Henderson, Waitakere - Sheets R01, R02, R03, R04, R05, R06, R07, R07.1, R08, & R09) prepared by (Fuller Design) and dated (Sept '03) and all referenced by Council as RMA 20042341 and the information, including further information, submitted with the application.
2. 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.
3. Prior to the commencement of any works on the site, Lot 22, DP 20993, CT NA107B/495 and Lot 23, DP 20993, CT NA107B/496 shall be held together as one site in such a way that they cannot be disposed of separately without the prior consent of Council. Written confirmation thereof shall be provided prior to construction commencing and shall be to the satisfaction of the Manager, Resource Consents.
4. The street tree in front of 11 Blacklock Avenue shall be retained and protected from damage at all times. If damage occurs appropriate rehabilitation or replacement planting shall be undertaken to the satisfaction of the Manager Resource Consents.

EcoWater Conditions

5. Before the commencement of any work, 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" and in accordance with plans approved via this consent detailing the nature and extent of any proposed work. Advice Note: To avoid delays in processing of building consents, provide amended engineering plans to EcoWater for approval at least 10 working days prior to submitting plans for building consent.
  
6. Design, provide and install a complete public wastewater reticulation system to serve all Units in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer Section 5.0). Specific requirements:
  - (i) To minimise the number of connections to the principal lines provide a dry chamber at the end of a single connection and serve 2 Units from one chamber. This is required to reduce infiltration to public drainage lines.
  - (ii) Separate systems are to be provided from each Unit to the point of connection to the dry chambers.
  - (iii) Under specific engineering approval extend a Public wastewater system to within the site to serve the proposed development. Specific requirements
    1. Obtain complete and return a road opening notice prior to commencing work on the road reserve.
  - (iv) Either grout fill, or remove, the abandoned private drainage under Council's supervision.
  - (v) Locate all drainage lines in the shared driveway where possible to provide ease of access for future maintenance requirements.
  - (vi) Advice Note: 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.
  
7. Design, provide and install a complete public stormwater drainage system to serve all dwellings and paved areas in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer section 4.0). Specific requirements:
  - (i) Under specific engineering approval extend a Public stormwater system to within the site to serve the proposed development. Specific requirements
    1. The proposed stormwater line is to be thrust under the carriageway using nominal diameter PE80 SDR 17 pipe and not open trenched.
    2. The contractor is to confirm the exact location of the 50mm diameter water main passing along the road frontage of Blacklock Avenue at the stage of setting out and prior to construction of the stormwater line. If a conflict exists between the water main and proposed stormwater line then the developers representative is to be contacted in the first instance.
    3. Obtain complete and return a road opening notice prior to commencing work on the road reserve.
    4. Ensure the design allows for the drainage of all sub-soil drains behind retaining walls.

- (ii) To minimise the number of connections to the principal lines provide an inspection chamber at the end of a connection and serve 2 Units from one chamber. This is required to reduce infiltration to public drainage lines.
  - (iii) Separate systems are to be provided from each Unit to the point of connection to the inspection chambers.
  - (iv) Locate all drainage lines in the shared driveway where possible to provide ease of access for future maintenance requirements.
  - (v) Advice Note: EcoWater policy permits stormwater manholes or manhole connections to be constructed by the applicant's contractor with engineering plan approval and under EcoWater's Quality Assurance supervision or by EcoWater Solutions maintenance contractor.
8. Design, provide and install a complete water supply to serve all Units in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer section 6). Specific requirements:
  - (i) Either pay the sum below to Council to install a fire hydrant within 90 metres of the farthest point of fire risk or comply with Condition 7.
  - (ii) The provisions of section 6.3.3.6 for servicing medium density developments are to apply.
  - (iii) Units 1 and 8 are to use the existing water connections serving the existing dwellings on 9 & 11 Blacklock Avenue respectively.
    1. All Units are to be individually metered at the road reserve boundary.
  - (iv) Ducting of private service lines is recommended.
9. It is recommended that residential fire sprinkler systems to meet the requirements of the NZ Fire Service as set out in NZS PAS 4505:2003 'New Zealand Fire Service Fire Fighting Water Supplies Code of Practice' be fitted. NOTE: If these are to be fitted then a new fire hydrant will not be required.
10. Contact EcoWater's Development Services Secretary (extn 8248) to arrange a pre-start meeting with EcoWater's Quality Assurance Inspector. Plans are required to be submitted and Engineering Approval obtained before requesting a pre-start meeting.
11. Provide an As-Built drainage plan for the property, prepared by a registered drain layer, showing the separate private drains from the existing buildings/new Lot(s) to the point of connection to the public drains/dry chamber.
12. Provide an As-Built drainage plan prepared by a registered surveyor and CCTV video inspection of the new public drainage, in accordance with Waitakere City Council COP. Include lid and invert levels in terms of Land Information New Zealand datum, and two boundary offsets to each dry chamber.
13. Advise Council the name of the Consultant and/or person(s) who will be the developer's representative fulfilling engineering responsibilities as detailed in section 1.4.1 of Council's Code of Practice for City Infrastructure and Land Development.

Landscaping Conditions

14. All landscape planting shall be implemented and maintained in accordance with the approved landscaping plan before occupation of the units.
15. Landscape treatment shall be set in place prior to occupation of the associated unit and shall follow the following order:
  - (i) Retaining walls shall be set in place as per the approved plans, then
  - (ii) paving areas including any required steps shall be established with relation to proposed levels for paving, (Note: laying of the driveway would probably precede this paving however), then
  - (iii) ground levels shall be established, including any spreading and grading of topsoil required (with grass sown where required), then
  - (iv) fences and gates shall be set in place, then
  - (v) garden areas shall be prepared then
  - (vi) planting shall be set in place including tree planting.
16. Plants shall be planted in the first planting season (May till 7 September) following construction of the units, and with planting delayed until the planting season in all cases.
17. All garden areas shall be weed and debris free, be good quality topsoil or garden mix to 250mm depth minimum, and shall have a woodchip mulch to 60mm depth.
18. The retaining wall between units 6 and 7, and units 2 and 3 shall be offset by 350mm, towards the lower site (ie. units 2 and 7), with the screen fence at the boundary as shown on the landscape plan, and with a raised garden between the retaining wall and the fence.
19. If the development is staged then the landscape treatment and planting shall proceed in a staged manner according to the staging of the project.
20. Any trees planted within a grass area shall be put into a 600mm diameter weed free garden area with a woodchip mulch to 60mm depth.
21. All garden areas that meet a lawn shall have a 75mm concrete mowing strip.
22. The landscape planting shall be maintained for five years from the time of planting with replacement planting set in place as necessary to replace any losses in the planting season following the initial planting, or until the planting has established to the satisfaction of Council's monitoring officer, Resource Consents.

Earthworks Conditions

23. Before commencement of any works, a revised Sediment and Erosion Control Plan with adequate sediment and erosion control measures in accordance with Auckland Regional Council T.P.90, Erosion and Sediment Control Measures shall be provided to the satisfaction of Council's Environmental Monitoring Officer. A wheel wash facility should be included as part of the plan.
24. Before commencement of any works, adequate sediment and erosion control measures shall be constructed and maintained in accordance with the revised Sediment and Erosion Control Plan as approved by Council's Environmental Monitoring Officer in accordance with Condition 21 above. **Please contact the Environmental Monitoring Officer 48 hours prior to the commencement of any works to arrange an inspection of the sediment and erosion control measures.** If unsatisfactory a re-inspection will be required at the relevant hourly rate applicable at the time the re-inspection is carried out. Inspections can be requested through the Call Centre on 839 0400.

25. Prior to the commencement of consent a protective fence should be erected around all trees to be retained including those on the road berm.
26. All retaining shall be adequately drained to the satisfaction of Council's Environmental Monitoring Officer. It is recommended that a 100mm min. dia. Perforated drainpipe in free drain scoria is placed at base of the wall with fall to a silt trap with provision for cleaning. The pipe should be protected against silt infiltration with geotextile filter cloth.
27. In the event of archaeological evidence being uncovered (eg. shell, middens, hangi or ovens, pit depressions, defensive ditches, artifactual material or human bones) work shall cease in the vicinity of the discovery, the area secured, and the Council (Planning Helpline, 839 0400) contacted. Activity on the site will remain halted until the Manager Resource Consents gives approval for operations to recommence.
28. The consent holder shall implement suitable measures, such as wheel wash facilities or the construction of a stabilised entrance way, to prevent the deposition of earth on the surrounding streets from trucks entering or leaving the site, to the satisfaction of the Manager Resource Consents. These measures shall remain in place until the completion of the development. Should any material be deposited on the street, it shall be removed immediately at the expense of the consent holder.
29. 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.
30. The development works associated with the development are to be carried out in accordance with NZS 6803P:1984 'The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work' with the exception of the hours of work, which are to be limited as follows:

Monday to Friday:	7.30 am to 7.00 pm
Saturday	8.00 am to 5.30 pm
Sunday and Public Holidays:	No work
31. All earthmoving equipment, vehicles and machinery utilised on the site shall be well maintained and in good repair (particularly exhaust systems where applicable).
32. All necessary action shall be taken to prevent a dust nuisance to neighbouring properties to the satisfaction of the Manager Resource Consents.
33. All excess excavated material shall be removed from the site immediately following the completion of earthworks and disposed of to the satisfaction of the Manager Resource Consents.
34. Roof stormwater system connections shall be made prior to laying the roof or otherwise as soon as roof construction is complete to ensure stormwater is not able to discharge in a manner that causes soil erosion.

Roading & Traffic Conditions

35. Prior to occupancy of units demolish the redundant vehicle crossing and fully reinstate the kerb and channel, footpath, and grassed berms to the satisfaction of Council.
36. Prior to occupancy of units form the shared driveways over parts of Lots 23 & 22 DP 20993 and constructs thereon a carriageway and storm water control in accordance to Council's Code of Practice for City Infrastructure and Land Development, and to the satisfaction of the Council.
  - (i) The construction shall include the vehicle crossings using standard detail SD 3.13 Light Commercial Vehicle Crossing, and for which a vehicle crossing detail form shall be completed and returned to Council.
  - (ii) Inspection of the boxing prior to concrete pouring is required. Contact phone 836-8000 extension 8725, at least 48 hours prior to the inspection being required.
  - (iii) Ensure that the longitudinal section of the shared driveways and the vehicle crossings comply with standard detail SD 3.15 Maximum Vehicle Crossing Profile.
  - (iv) All bends shall have a minimum inside turning radius of not less than 6.5m.
  - (v) The minimum width of the carriageway on the private way is specified in Council's District Plan and the construction details are given in the Code of Practice for City Infrastructure & Land Development. Provide a carriageway width of 3.5m and 1.5m services strip, to the satisfaction of Council.
37. Ensure that a hard stand area for solid waste bins complies with standard detail SD 3.07 Urban Private Way Details.

Urban Design Conditions

38. Amend entry path to Units 1 to 4 to provide direct access from internal site footpath to the front door porch.

Reserve Contribution Condition

39. The proposal constitutes a development under the Local Government Act 1974 and is liable for a Preliminary Reserve Contribution pursuant to Section 409 of the Resource Management Act 1991. The contribution has been calculated as being \$18972.29 (inclusive of GST) and will be added to the fee schedule on the building consent application. The calculation has been based on the value of the 20m<sup>2</sup> of the site for the third and subsequent new unit (inclusive of GST). The land value has been based on the value for rating purposes done by Quotable Value New Zealand. The contribution shall be paid in cash or bank cheque only.

Monitoring Conditions

40. A consent compliance monitoring fee of \$747.00 (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 \$747.00 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. 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. Any retaining wall retaining more than 1.5m depth of ground and \ or supporting any surcharge and | or any load additional to the load of that ground (such as adjoining building or driveway) requires Building Consent and would need to be designed by a registered engineer.
3. Retaining walls in excess of 1.0m high, require ground water drainage control under the authority of a Building Consent.
4. Public drainage - prior to applying for a drainage test, As-built plans and CCTV videos must be lodged with EcoWater. Prior to applying for the Code Compliance Certificate, ensure that the drainage test / field check has been applied for.
5. Under a building or subdivision consent pay any EcoWater engineering, works supervision, processing, and administrative fees as incurred. These fees will be charged at Councils advertised schedule of fees either through the building consent or subdivision consent.
6. Under a building or subdivision consent 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.
7. Under a building or subdivision consent Pay Council the sum of \$1300.00 to provide and install a fire hydrant within 135 metres of the farthest point of fire risk. Note: This payment will not be required if a residential fire sprinkler system is to be fitted in each Unit.
8. Under a building or subdivision consent pay Council the sum of 1,518.00 (\$253.00 per additional unit X 6 units) towards providing a catchment wide stormwater quality treatment device in lieu of providing stormwater quality treatment to the development.
9. A development contribution for this proposal under the Local Government Act 2002 is estimated at \$44649.78 (incl GST) and will be calculated at building consent stage. Payment of this contribution in full is required prior to the commencement of construction. Commencement of the development prior to payment is unlawful and subject to prosecution under Local Government Act 2002. Please note this is a separate contribution to the Preliminary Reserve Contribution.
10. The applicant should test the dwellings prior to removal from site for any asbestos. If asbestos is found then the appropriate process for removal of the asbestos should be followed under the Health and Safety and Employment Act 1992. Contact OSH for more information.

Report prepared by: Devon Rollo BRP (Hons), Resource Planner.

