



Waitakere City Council
Te Taiao o Waitakere

NOTICE OF HEARING BY COMMISSIONERS

I hereby give notice that a Hearing By Commissioners will be held on:-

DATE: Tuesday, 22 April 2008 **TIME:** 9.30 am

VENUE: Waitakere Central, 6 Henderson Valley Road, Henderson, Waitakere

to consider an application for resource consent 17 & 19 Rata Street, New Lynn and to take any necessary action connected therewith.

11 April 2008

Sharon Simiona
COMMITTEE SECRETARY

Telephone (09) 836 8000 extn 8820

MEMBERSHIP:

Commissioners:	Cr	VS	Neeson, JP (Chairman)
	Cr	DQ	Battersby, JP
	Cr	WW	Flaunty, QSM, JP

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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 HEARING BY COMMISSIONERS TO BE HELD AT WAITAKERE
CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON,
WAITAKERE, ON TUESDAY, 22 APRIL 2008
COMMENCING AT 9.30 AM**

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GLOSSARY

Auckland Regional Growth Strategy	(ARGS)
Auckland Regional Policy Statement	(ARPS)
Local Government (Auckland)	
Amendment Act	(LGAAA)
Resource Management Act 1991	(the Act) (the RMA)
Roads and Traffic Authority	(RTA)
Traffic Impact Assessment	(TIA)
Auckland Regional Council	(ARC)
Waitakere City Council	(WCC)

APPLICATION DETAILS

Planner:	Jade Hunt
Site Address:	17 & 19 Rata Street, New Lynn
Applicant:	Networth Developments Limited
Date Received:	19/12/07
Resource Consent No:	LUC-2007-2245
Building Consent No:	Not lodged at time of writing.
Ward:	New Lynn 4
Legal Description:	Lots 1 and 2 DP 153766
Address for Service:	C/- MPC Consultants Limited, PO Box 8960, Symonds
Site Area:	1997m ²
District Plan:	
Human Environment:	Living 1 (Medium Density Circle) Living 5 – Proposed Plan Change 17
Natural Area:	General Natural Area
Landscape Elements:	WSL sewer crosses 19 Rata Street.
Hazards:	None Known
Roading Hierarchy:	Regional Arterial
Further Information Required:	Yes
Date Requested:	Various
Date Received:	Various

Ward: New Lynn 4

RMA: LUC-2007-2245

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

1.0 INTRODUCTION AND RECOMMENDATION

1.1 Nature of the Application

The applicant seeks consent to establish a 36 Unit, part three, part four storey apartment development as a residential development in the Living Environment.

Resource consent is required for infringements to the rules contained in the operative District Plan relating to density, height, internal height in relation to boundary, front yard, building coverage, outdoor space, vegetation alteration, earthworks and impermeable surfaces. In addition the site is known to Council to be subject to flooding.

Resource consent is also required under Proposed Plan Change 17 (New Lynn) for density, front yards and car parking. Proposed Plan Change 18 requires consent for balconies and outlook/amenity.

Overall, consent is required as a discretionary activity.

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. A consent authority may also have regard to any other statutory planning documents.

This report concludes that the development itself is appropriately designed for its location and would support land use and land transport integration and the intensification of the New Lynn Town Centre and public transport activities. The key resource management issues posed by this application and raised by submitters is whether the proposal achieves appropriate amenity, provides a quality environment for occupiers and has a no more than minor adverse effect on neighbouring properties or the surrounding receiving environment. The scale, intensity and character of the proposal shall be considered within the context of the local environment and the strategic context of the Regional Growth Strategy, the City's Growth Strategy, Operative District Plan and Plan Change 17. Consideration should also be given to the effects of traffic generation, pedestrian safety and infrastructure capability.

The proposal must be assessed against both the operative statutory planning documents and the proposed plan changes. In considering these statutory planning documents consideration must be given to the appropriate weight to be accorded to each document.

It is considered that given that the application was lodged following the notification of the decisions on the plan changes to the District Plan and Auckland Regional Growth Strategy, considerable weight can be accorded to Plan Change 16, 17 and 18 as they relate to the proposal.

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 to establish a 36 Unit, part three, part four storey apartment development as a residential development in the Living Environment. 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 and Plan Changes 16, 17 and 18 will be satisfied.

1.3.1 Additional/Revised Plans

Revised Design

Following Consultation with the applicant revised drawings RC05a (dated 14/02/08) and RC08a (dated 14/02/08) were received by Council 18/02/08 and shall replace those originally submitted with the application. These drawings reflect an amendment to the doors of Unit 6 and also the inclusion of 'protrusions' that would increase the width of the walkway to 1800mm in certain locations. Revised drawings RC01a and RC08b were received by Council 19/03/08 to accurately show compliance with the eastern height in relation to boundary control. The Landscape Planting Plan was revised twice during processing of this application and the plan entitled "Landscaping Planting Plan" prepared by Stephen Neate Landscape Design Consultant revision date 29/02/08 shall be the final plan considered for this application.

Further Supporting Information

- Acoustic Detail received by Council 29/01/08.
- Arboricultural Report prepared by Simon Miller of Peers Brown Miller Consultants dated 30/01/08 received by Council 05/02/08.
- Fencing detail received by Council 05/02/08.
- Landscape Treatment Plan prepared by Stephen Neath dated 23/01/08 received by Council 05/02/08.
- Drainage Detail prepared by Dainty Alderton Consulting Engineers dated 1 Feb 2008 (ref L384) received by Council 05/02/08.
- Interior drainage detail drawing RC13 received by Council 08/02/08.
- Amended drawings RC05a and RC08a received by Council 18/02/08.
- Additional infrastructure information.
- Additional information received by Council 11/03/08 – revised Landscaping Planting Plan prepared by Stephen Neate Landscape Design Consultant revision date 29/02/08. Earthworks and Treeworks Plan (Sheet RC11a dated 04/03/08).
- Additional infrastructure information received by Council 27/03/08 – Site and Service Plan, copy of CTV footage, correspondence from Dave McCain of Watercare Limited.
- Amended drawing RC01a and RC08b received by Council 19/03/08.

Drawings

This report and the development is based on the following drawings:

- RC01a – Site Plan (dated November 2007) received by Council 19/03/08
- RC02 – Basement Plan (dated November 2007) received by Council 19/12/07
- RC03 – Ground Floor (dated November 2007) received by Council 19/12/07
- RC04 – First Floor (dated November 2007) received by Council 19/12/07
- RC05a – Second Floor (dated 14/02/08) received by Council 18/02/08

RC06 – Third Floor (dated November 2007) received by Council 19/12/07
RC07 – Typical Floor Plans (dated November 2007) received by Council 19/12/07
RC08b - Elevations (dated 14/02/08) received by Council 19/03/08
RC09 – Elevations (dated November 2007) received by Council 19/12/07
RC10 – Sections (dated November 2007) received by Council 19/12/07
RC11a – Earthworks Plan and Treeworks Plan (dated November 2007) received by Council 11/03/08
RC12 – Site Analysis Plan (dated November 2007) received by Council 19/12/07

Revised “Landscape Planting Plan” prepared by Stephen Neate, Landscape Design Consultant, revision date 29/02/08 received by Council 11/03/08.

Revised “Landscape Treatment Plan” prepared by Stephen Neate, Landscape Design Consultant, revision date 29/02/08 received by Council 11/03/08.

Schematic section thru’ Kaponga Crescent boundary prepared by Stephen Neate, Landscape Design Consultant, received by Council 02/02/08.

1.3.1.1 Glossary

The following table provides a list of frequently used initials and terms appearing within this report.

Word	Definition
ARGS	Auckland Regional Growth Strategy
ARPS	Auckland Regional Policy Statement
Apartments	Means a dwelling or dwellings in a multi storey development and any associated common internal areas, recreation facilities or parking and access, but does not include medium density housing (Proposed Plan Change 18 definition)
LG(A)AA	Local Government (Auckland) Amendment Act
PC 6	Plan Change 6 (Auckland Regional Policy Statement)
PC 16	Plan Change 16 – Managing City Growth
PC 17	Plan Change 17 – New Lynn
PC 18	Plan Change 18 – City Wide Urban Design Rule
HIRB	Height in relation to boundary
EMO	Environmental Monitoring Officer

2.0 LOCATION PLAN

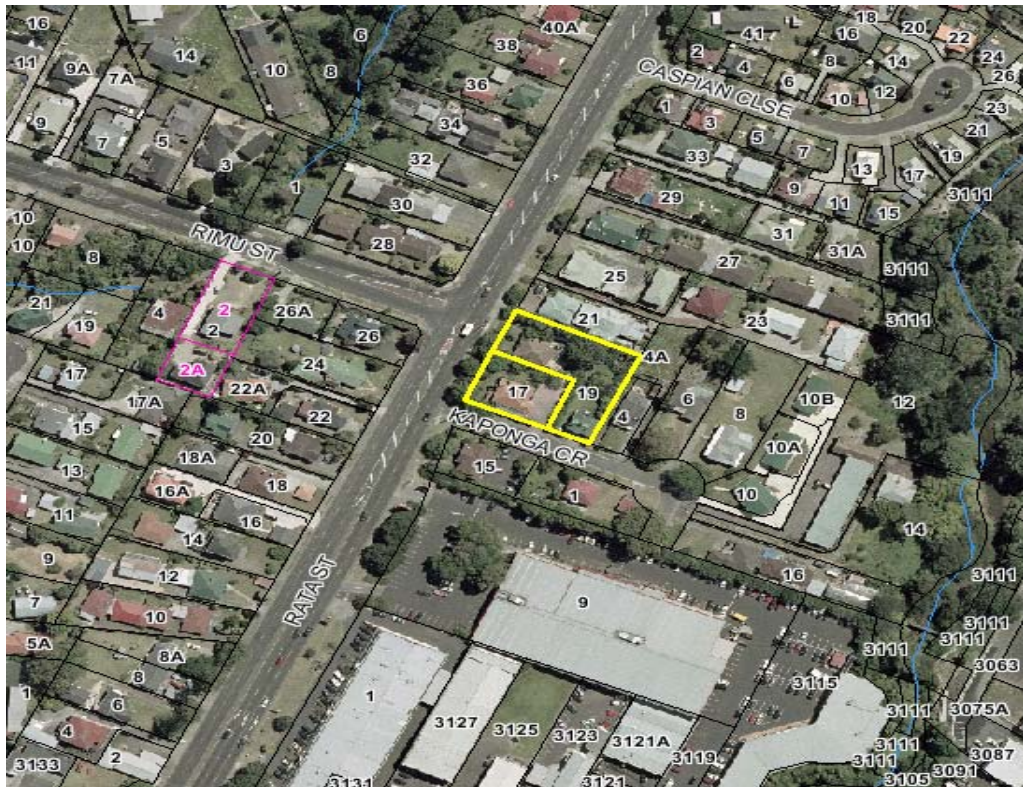


Figure 1: Site as shown on colour ortho photograph March 2005.

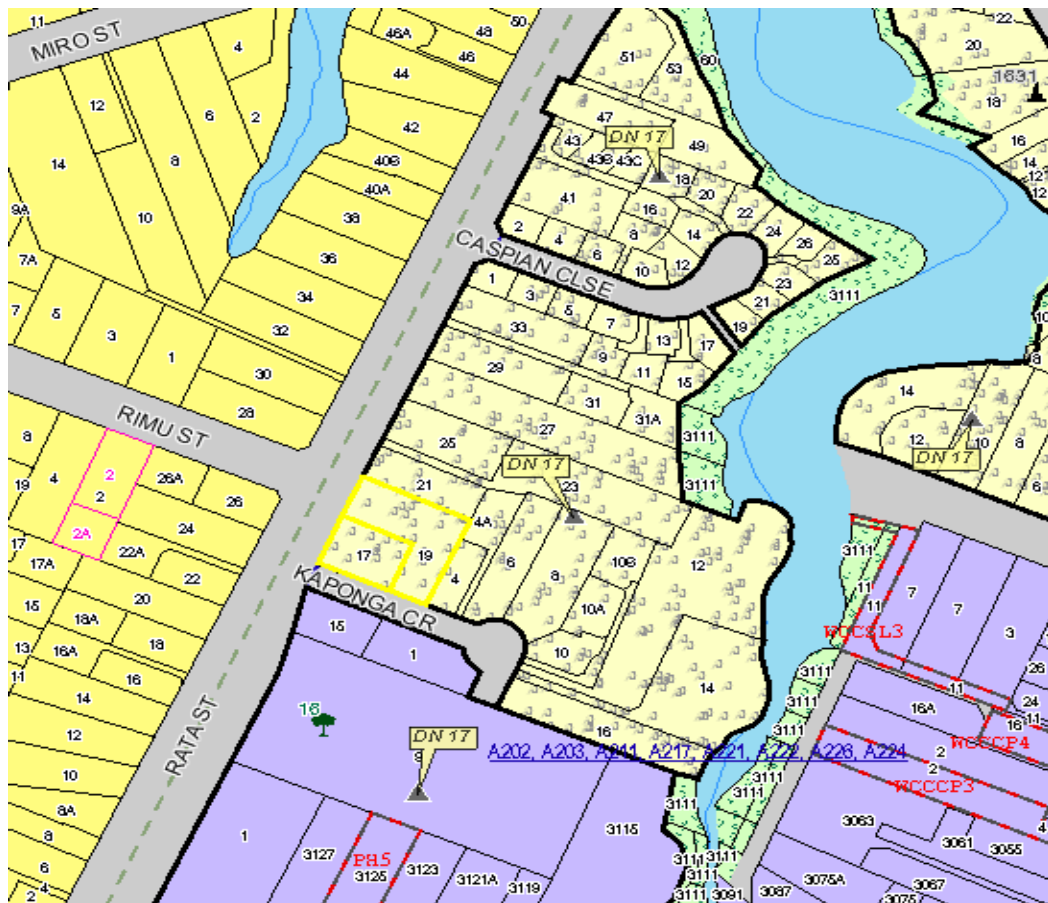


Figure 2: Plan Change 17 – Concept Plan

3.0 PROPOSAL

The applicant seeks consent to establish a 36 Unit, part three, part four storey apartment development at the site comprising 17 and 19 Rata Street, New Lynn.

The proposed apartment building would be arranged in two parallel blocks connected by a central access lift and stairwell. There would be a footbridge connecting each level. The development would be four stories in height along the Kaponga Crescent road frontage (southern boundary) reducing to three stories in height in the north.

As mentioned the development would be part three, part four stories in height. Units 1 – 10 are located on the ground floor. Access is via a pedestrian entry from Kaponga Crescent. A common courtyard area is provided in the area between the western and eastern block. This area contains three large planters with stormwater mitigation. The entry to the development is marked by two large planters either side of a keypad-controlled gate. A canopy of steel and glass would be located above. Letterboxes are located adjacent to the gates. The ground floor units are each provided with private courtyards.

Level 1 and Level 2 would also contain 10 units. Each unit at these levels would have an east or west facing balcony with a minimum width of 2.4m. A 1.2m wide walkway with a series of 1.8m “protrusions” in certain locations would connect the units to the access column.

The third level would contain 6 units which are located to the south of the development, near the Kaponga Crescent boundary (the northern end is lower at three storeys high). The third level units are arranged identical to those units on the lower levels and have private balcony areas with a minimum width of 2.4m.

There would be 36 units in total; 33 of the units would contain 3 bedrooms, 3 of the units would contain 2 bedrooms. The exterior of the development would be finished with painted pre-cast concrete walls. Aluminium louver panels are proposed on each of the street frontages. All joinery will be of a powder coated aluminium finish. Decks are to be enclosed with glazed balustrades.

Site Works

The applicant anticipates that earthworks will be carried out for a period of five weeks. The development would involve the excavation of earth to basement level (maximum depth 4.0m) across the majority of the site. Excavation to a depth of 0.6m is required outside the building platform to create useable outdoor living areas. These outdoor areas will be retained. Overall approximately 5100m³ of material is to be excavated over an area of 1800m². This volume is broken down into the following areas:

- 4,700m³ for the formation of the basement area.
- 250m³ for the formation of the basement access ramp.
- 80m² to create a levelled front yard.
- 70m³ to create levelled living courts.

All excess cut will be removed off site to an approved landfill. This would require approximately 850 six-wheel truck movements. A stabilised entranceway would be provided. An Earthworks Management Plan has been submitted with the proposal.

Retaining to a maximum height of 0.6m would be required in the south and west.

Access and Parking

Vehicle access to the development would be from Kaponga Crescent via the existing vehicle crossing, 40m from the Rata Street site boundary. This crossing would be widened to accommodate two-way vehicle movements.

Parking for 40 vehicles would be provided at basement level, which is accessed via a ramp. There would be no parking provided at grade. The basement area also provides a separate area for bicycle storage, 3m² of storage for each unit and a rubbish and recycling room. There is lift and stair access from the basement lobby area to the apartments.

A Traffic Impact Assessment has been submitted with the proposal.

Infrastructure

A 750mm WaterCare line passes through the north-western corner of the site. This line is at a depth of 9m. Bridging of the development to avoid damage to the line will be designed at building consent stage.

New stormwater, wastewater and water connections are proposed to the existing public services. In addition stormwater treatment devices are proposed within five above ground rain planters with 14m³ of stormwater detention storage.

Tree Removal

It is proposed to remove 23 protected trees from the site. There would be works within the driplines of six street trees that would remain in the road verge.

Landscaping

A revised landscaping plan was submitted with the application, which provides a comprehensive planting scheme. The proposed landscaping would occur mostly along the Rata Street and Kaponga Crescent boundary. Species include a range of native and exotic species. Planters would feature within the development. 1.6m fencing would feature on the Rata Street and Kaponga Crescent frontages. The entry gate and fence from Kaponga Crescent is to be 1.2m high and of open pool-style material.

Consultation with Council

A59-A242

The applicant attended a pre-application meeting with Council officers 6 November 2007. A copy of the pre-application meeting minutes are attached as Appendix 11 of the application documentation as notified. (Refer to Appendix 2 at pages A59 to A242).

4.0 REASONS FOR THE APPLICATION

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

Operative District Plan

Living Environment

- Discretionary activity resource consent is required under Rule 2.3 "Residential Activities/Density" for residential activities where there is more than one residential dwelling per 400m². The proposal provides for residential units at a density of one unit per 55.5m².
- Discretionary activity resource consent is required under Rule 4.2 "Building Height" for buildings having a maximum height exceeding 8.0 m. The proposed apartment building would have a maximum height of 11.0 m.
- Discretionary activity resource consent is required under Rule 5.3 "Height in Relation to Boundaries/Separation of Building" for an infringement of the *internal* boundary recession planes. As the proposal involves units adjoining each other, the unit area boundary of each apartment would infringe the relevant recession planes. The proposal would comply with all external boundaries.
- Limited discretionary activity resource consent is required under Rule 6.2 "Front Yards" for buildings set back less than 3.0 m from the road boundary. The proposed planter boxes, due to their size of 2 m² are defined as a 'building' in the District Plan definitions. The planters would adjoin the Kaponga Crescent road boundary.
- Discretionary activity resource consent is required under Rule 7.2 "Building Coverage" for buildings resulting in a building coverage of over 35% of the net site area. The proposal is for 1246m² or 63% building coverage.
- Limited discretionary activity resource consent is required under Rule 9.2 for residential buildings where 25m² of on-site outdoor space is provided per bedroom. The proposal would provide courtyards of between 7m² and 138m² to ground level apartments, and balconies of between 9.25m² and 14.9m² to above ground apartments.
- Limited discretionary activity resource consent is required under Rule 12.3 where the application fails to provide 2 on-site car parks for each dwelling. The proposal is for 40 parking spaces.

General Natural Area

- Limited discretionary activity resource consent is required under Rule 2.3 for the clearance of native and exotic vegetation which is more than 6.0m in height or more than 600 mm in girth (measured at 1.4 m above the ground). It is proposed to remove the majority of vegetation from this site, a total of 23 protected trees. There will be works within the dripline of vegetation within the road reserve.
- Discretionary activity resource consent is required under Rule 3.5 for earthworks exceeding 300 m³ and a cut depth exceeding 1.0 m. The proposal would require earthworks of 5100 m³, of which approximately 400 m³ is outside the building platform. A cut depth of 4.0m is required for the formation of the basement car park. An Earthworks Management Plan has been submitted with the proposal.
- Limited discretionary activity resource consent is required under Rule 4.2 for the establishment of impermeable surfaces exceeding 60% of the net site area where connection is available to a reticulated stormwater system. The site is connected to Council's reticulated stormwater system. Overall the development has impermeable surfaces totalling 1396 m² or 69.9%.

Proposed Plan Change 17

Living Environment

- Discretionary activity resource consent is required under Rule 2.3 for apartments located in the Living (L5) environment where the following criteria are not met:
 - (i) Net site area of 1500 m² and a minimum street frontage of 20 m.
Complies. Net site area of the proposal is 1997 m², street frontage = 42 m.
 - (ii) minimum density of 1 unit per 200 m² of net site area
Complies. The development provides for 1 unit per 55 m².
 - (iii) no greater than 70% of the site as impermeable area
Complies. 69.9% impermeable surfaces are proposed.
 - (iv) for apartments that comply with the Performance Standards of the City-Wide Rule 1 Apartment Design (Plan Change 18)
Does not comply. See assessment below.

Proposed Plan Change 18

Proposed Plan Change 18 introduces the definition of 'apartments' to the District Plan. The definition is as follows;

"Means a dwelling or dwellings in a multi storey development and any associated common internal areas, recreation facilities or parking and access, but does not include medium density housing"

Given the multi storey nature of the building the development meets the definition of apartments.

City-Wide Rule 1 Apartment Design

1.0 General Performance Standards

- Discretionary activity consent is required under rule 1.0 as the following performance standards are not met. The consent category shall be as discretionary as it relates to the relevant Human Environment Rule, Living 5.

- (i) Apartment Size – apartments shall have a minimum gross floor area of 40m²
Complies. The apartments would have a floor area of 83m² – 91m².
- (ii) Balconies, roof gardens, courtyards – each apartment shall be provided with its own balcony with a minimum area of 7.0m², accommodates a 2.0m diameter circle and is directly accessed from the main living room.
Does not comply. The private balcony area of Unit 6 would have a minimum dimension of 1.7m.
- (iii) Outlook/Amenity - appropriate outlook space shall be provided in accordance with Figure 1(iii).
Does not comply. The upper 0.7m of the roofline (for a width of 2.0m) fails to provide 10m of outlook space towards the eastern boundary.

City-Wide Rule 2 – Site Analysis Rule

2.0 General Performance Standards

- Discretionary activity consent is required under Rule 2.1 as it relates to the consent category of the relevant Human Environment Rule, Living 5. A detailed site and neighbourhood analysis and a design response brief has been submitted with the application and shall be assessed as per the relevant assessment criteria.

4.3 Overall, the application is considered to be a **discretionary activity**. The proposal complies with all other development controls under the District Plan, Proposed Plan Change 17 and 18 where relevant.

4.4 Consent is also required from the Auckland Regional Council for **Discharge** as impermeable surfaces would exceed 1,000m². Unit title subdivision would be required if the units are to have independent title.

No other consents are required in respect of this application.

5.0 THE SITE AND NEIGHBOURHOOD DESCRIPTION

Site

The subject site has a total area of 1997m² (3m² below that required for medium density assessment) and is currently held in two titles, which are to be amalgamated for the purposes of the development. There is a Building Line Restriction (BLR) registered on the title preventing buildings from being constructed within 10.06m of the centreline of Kaponga Crescent. The District Plan now controls building setback from the boundary of the site and the building line restriction is redundant. The applicant is requesting that the historical restriction be removed from the title as part of this application (s327A of the Local Government Act 1974).

The site is located on the northern corner of Rata Street and Kaponga Crescent, New Lynn, some 185m north of the Titirangi Road/Great North Road intersection (refer Location Plan, Figure 1, above). Vehicle access is from Kaponga Crescent only.

The site is virtually flat with a fall of approximately 0.8m from south to north. A 750mm WaterCare line passes through the north-western corner of the site at a depth of 9m. Two dwellings currently occupy the site, each with separate vehicle crossings to Kaponga Crescent. Both sites have well established vegetation comprising native and exotic species. There are 11 visually prominent trees within the road reserve (8 along the Rata Street frontage, 3 along Kaponga Crescent). Of these trees 6 are 'protected' due to their height exceeding 6m.

Neighbourhood

The site is contained within the New Lynn medium density circle radius. The site fronts both Rata Street (Regional Arterial Road) and Kaponga Crescent (Local Road).

The western side of Rata Street (on the opposite side of the street), is characterised by low to medium intensity residential development, comprising mostly single level dwellings with occasional two-storey dwellings. This area is not subject to a zoning change under Proposed Plan Change 17 and will therefore remain Living 1.

Land immediately to the north and east of the site is also occupied by low to medium intensity residential development, comprising mostly single level dwellings with occasional two-storey dwellings on reasonably well-vegetated sites. Recent medium density development in Caspian Close has seen the development of single storey dwellings on average sites of 250m². Land to the north of the site is subject to Living 5 zoning with future anticipated development up to 11m in height and 70% building coverage.

Land to the south on the eastern side of Rata Street is currently zoned Community Periphery Environment and is predominantly occupied by non-residential activities such as the Orthodontist Clinic at 15 Rata Street and retail stores at 1-5 Rata Street. The New Lynn Plaza with larger retailers such as The Warehouse and Bike Barn is located at 7-13 Rata Street.

The site is within 10 minutes walk of the New Lynn Town Centre, train and bus station. There is a regular bus service, in both directions, along Rata Street. The Manuawa Wetlands is within 1km of the site and other open space parks facilities include Olympic Park (Binstead Road) and Kenthauder Soccer Park.

6.0 ISSUES IDENTIFIED THROUGH THE SUBMISSION PROCESS

A306-A332

The application was publicly notified on 17 January 2008. The period for submissions closed on 15 February 2008. Seven (7) submissions were received. The submissions were all opposed to the application. Please refer to Appendix 4 attached at pages A306 to A330 for copies of the submissions that were received. A map showing the location of the submitters in the immediate vicinity of the site is attached at pages A331 to A332 as Appendix 5. It is noted that Council received one 'return to sender' letter from AL Johnston at 162 Waimumu Road, Massey.

6.1 Submissions

The submissions are summarised below:

Name	Address for Service	Date Rec	Points raised in Submission
S Hamid	3 Corregidor Place Avondale AUCKLAND 0600	13/2/08	<p><u>Oppose</u></p> <ul style="list-style-type: none"> Inconsistent with existing character of the area. Character would be altered. Adverse dominance, privacy, shadowing effects on surrounding environment because of size, location and bulk of the proposed

Name	Address for Service	Date Rec	Points raised in Submission
			building. <ul style="list-style-type: none"> • Width of Kaponga Crescent and increased on-street parking would compromise pedestrian and traffic safety. • 2 parks per unit should be provided with a passing bay adjacent to the development. • Outdoor space should be provided as per the rules of the District Plan.
D R J J Dolby & J Huxford	26A Rata Street New Lynn WAITAKERE 0600	13/2/08	<u>Oppose</u> <ul style="list-style-type: none"> • Loss of view. Visual impact of washing hung from balcony areas. • Loss of privacy to front yard area. • Loss of sunlight. • Overflow on-street parking. • Traffic Flow – existing situation made worse. • Residents – type of residents the development would attract. • Rubbish piled up at front gates.
J G Forrest & M J Forrest	3 Rimu Street New Lynn WAITAKERE 0600	14/2/08	<u>Oppose</u> <ul style="list-style-type: none"> • Out of keeping with existing residential character. Great North Road would be a more suitable location for the development. • Development would be an eyesore. Would in time become a slum and degrade the value of nearby residential area. • Rates would be increased.

Name	Address for Service	Date Rec	Points raised in Submission
C L Keane	9A Rimu Street New Lynn WAITAKERE 0600	13/2/08	<p><u>Oppose</u></p> <ul style="list-style-type: none"> • Horrified at the demolition of existing dwelling on site. Loss of trees. • Development would be unsightly. Loss of values of what is important. • Road traffic/parking – traffic congestion. Traffic safety. Pedestrian barrier opposite No. 17 Rata is dangerous, proposal will exasperate. • Left turn only from Kaponga Crescent to Rata, more traffic brings further delays. • School children/pedestrian safety. • Restricted parking period time along Rata Street. No parking (yellow lines) along Rata Street. • Existing streets have inadequate parking – proposal cause more problems (visitors and occupiers). People may park in The Warehouse causing problems to shoppers. • Increased foot traffic to train station, increased vehicle movements place extra strain on Rata Street. • House/health issues – tenants having no respect for the property or other residents in their vicinity. • Rubbish, rats, animals as strays, run down building. Mix of

Name	Address for Service	Date Rec	Points raised in Submission
			<p>cultures and style of living is a concern.</p> <ul style="list-style-type: none"> • Drying facilities – no provision for each unit to hang out their clothes. Visual impact of drying clothes in windows, clothes flying on main road. • Children – no area for playing, may play on road. • Pets – development not suitable for pets. • Building materials – deteriorate if not maintained. Views and maintenance. • Rates – would increase rates to others in area. • Crime and graffiti. • Property valuations – decrease. • It is time for New Lynn to have an upgrade. New Lynn offers conveniences and is in walking distance to Lynn Mall. Strong objection to large development built on a main road. Serious consequence to residents.
K Schnepel	3/28 Rata Street New Lynn WAITAKERE 0600	22/1/08	<p><u>Oppose</u></p> <ul style="list-style-type: none"> • Parking – increased on-street parking; safety of traffic entering Rimu Street. • Traffic Flows – added volume would exacerbate existing traffic crawl. Proposal would add pressure on Rata Street. • Crime – domestic violence and drug related offences. Type of residents the

Name	Address for Service	Date Rec	Points raised in Submission
			development would attract. <ul style="list-style-type: none"> • Garbage abandoned.
F M Turner	PO Box 15564 New Lynn WAITAKERE 0604 (15 Rata Street)	25/1/08	<u>Oppose</u> <ul style="list-style-type: none"> • Height would reduce sunlight to submitters' property. • Parking is insufficient and would result in an increase of on-street parking (Kaponga Ave). • Car safety entering and exiting Kaponga Crescent, increase movement Rata Street. • Removal of protected trees, effects on birdlife. • Development should be reduced to 3 / 2 stories. Traffic safety addressed.
Cathleen Hafu Petoki	21 Rata Street, New Lynn	15/1/08	<u>Oppose</u> <ul style="list-style-type: none"> • Height – majority of surrounding buildings are single storey with occasional double storey. 11m high Apartment block would be out of place in the area. • Density – exceeds 1 per 450m². • Building Coverage – almost the double allowable percentage. • Impermeable Surface – may result in increased risk of flooding. • Vegetation Alteration - removal of 26 protected trees will change amenity and character of area. Landscaping proposed is sparse in comparison to existing. More planting is required to provide privacy and visual amenity.

Name	Address for Service	Date Rec	Points raised in Submission
			<ul style="list-style-type: none"> • Parking – 2 per unit is not met. Likely to be an increase in on street parking which will decrease amenity and create hazards for other vehicles, reduce sightlines. • Amenity – shadowing, proposal contrary to Policies 11.1, 11.27, 11.28. proposal detracts from the amenity of area and does not fit the character of the surrounding area.

6.2 Late Submissions

There were no late submissions.

7.0 STATUTORY REQUIREMENTS

As detailed in Section 4 above the proposal requires assessment against the relevant operative District Plan rules of the Living Environment and those associated with Plan Change 17 (Living 5) and Plan Change 18 (Apartment Design) to which this site relates. As determined by case law the regard to be given to the different plans can be weighed up in relation to what stage in the process of becoming operative a proposed plan is, the weight generally being greater as a proposed plan moves through the notification and hearing process. On 20 June 2007 the Waitakere City Council adopted the recommendations of the Joint Regional Policy Statement and District Plan Changes Hearings Panel in relation to Proposed Plan Change 17 (PC 17) and Plan Change 18 (PC 18). The decisions (with amendments) were released 31 July 2007.

As the application was lodged following the decisions on PC 17 and PC 18 the proposal should be assessed as a discretionary activity under Rule 2.3 of the Living Environment (PC 17) and as a discretionary activity under Rule 1.0 and 2.0 of the City-Wide Rules, PC 18.

7.1 Discretionary Activities

A333-A485

The relevant policies and criteria which apply under the District Plan, PC 17, PC 18 and the Resource Management Act 1991 are set out in more detail in Appendix 6, 7, 8 and 9 attached at pages A333 to A485. 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)).

In evaluating adverse effects from the proposal, consideration must be given to the future environments anticipated by Regional and District strategies, objectives and policies for managing growth in town centres, particularly in New Lynn.

8.1 District Plan Weighting

The Operative rules relative to the site are the Living Environment, medium density assessment criteria and the General Natural Area. The current environment is characterised by single dwellings on large suburban lots with some existing two lot subdivision, infill housing and medium density housing.

This existing environment is not consistent with the environment anticipated by Regional and District strategies for managing growth, whereby significantly more intensive development is encouraged to intensify the residential population within and surrounding the New Lynn town centre. This intensification has been clearly signalled through Plan Change 17 and Plan Change 18 and as explained in section 7.0 above weighting may be given to the Plan Change policies that provide the context for the assessment of the proposal.

I note that both the operative and proposed environments have identified this area for intensification and there is no significant policy conflict between the Operative District Plan and Plan Changes; they are in line with each other in terms of their anticipation to meet urban consolidation objectives. I consider therefore that both the operative and proposed plan changes may be assigned weighting and that it is appropriate in this case to accord more weight to the Plan Change policies that provide the context for the Rules relating to the location of residential intensification, appropriate density and design. This is due to the specific inclusion of ‘apartments’ within the proposed plan changes, which sit outside the scope of the medium density housing assessment criteria and the absence of appeals to the L5 Environment and the Rules and Assessment Criteria of PC18.

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

8.2.1 Water Quality and Quantity

There are three elements of the project that have the potential to create adverse effects in relation to water quality and quantity. The extent of impermeable surfaces proposed can impact on both the quality and quantity of stormwater leaving the site; the construction earthworks have the potential to affect water quality if sediment controls are inadequate and the removal of vegetation has the potential to cause adverse downstream ecological effects on the aquatic receiving environment and riparian margin.

The District Plan provides for the establishment of impermeable surfaces up to 60% of a site area within the Living Environment and 70% within the Living 5 Environment. Under the proposal total impermeable surfaces of 1,396m² or 69.9% are proposed. EcoWater have reviewed the impact the development could have on the environment in terms of the servicing of the site and additional stormwater generation.

A486-A492

The development would connect to Council's reticulated water supply and stormwater system and includes the incorporation of detention planters. Each unit would be required to have a water meter provided. The application and supporting documentation has been reviewed by Council's EcoWater Engineer Ravi Chand (specialist report attached at pages A486 to A492 as Appendix 10). Mr Chand notes that the development is set back from the existing stormwater drain and pre-construction CCTV has shown that there are no defects on the line. Extension of the stormwater drain within the property is required to serve the proposed development. Engineering Plans provided by Dainty Alderton Consulting Engineers have outlined the layout of the new drain and this is generally accepted by EcoWater. Engineering Approval would be required prior to the commencement of construction. Stormwater detention devices in the form of rain gardens are included within the proposal. Given the above measures there would be no more than minor potential adverse effects created in relation to water quality or quantity as a result of the infringement. EcoWater Drainage Engineer, Mr Chand is satisfied that the proposed engineering design would appropriately mitigate for the excess of 60% impermeable surfaces. Suitable conditions of consent will be imposed to give effect to this design.

Council's hazard register shows that 17 Rata Street is affected by an overland flowpath. However the New Lynn East Catchment Management Plans (2003 and 2006) both indicate that there is no overland flowpath on the site. Mr Chand has recommended a condition of consent to ensure that the stormwater drainage system is appropriately designed for the development.

Overall Mr Chand states that the development is in general accordance with Council's Code of Practice for City Infrastructure and Land Development. Mr Chand is in support of the proposal subject to recommended conditions which will be imposed.

A515-A518

There is some potential for earthworks to have an impact on water quality. The applicant has provided an Earthworks Management Plan prepared by Dainty Alderton Consulting Engineers dated 13 December 2007. This Management Plan, the proposal and submissions made on the application have been peer reviewed by Council's Environmental Monitoring Officer, Ms Jasmine Gray. Ms Gray has recommended a series of conditions to ensure appropriate controls are put in place for the duration of the works. Such conditions will ensure that any potential or actual adverse effects of earthworks are no more than minor and limited to the site (Ms Gray's report attached at pages A515 to A518 as Appendix 14). Conditions of the associated building consent will ensure appropriate structural construction of the basement car parking area. A condition will also be imposed to ensure that any development has regard to the recommendations made in the Geotechnical Investigation Report prepared by Soil & Rock Consultants dated 14 November 2007.

Subject to the implementation of silt and erosion control measures and their monitoring during the earthworks construction phase, and the provision of proposed stormwater treatment devices (planter boxers) it is considered that there would be no more than minor potential adverse effects in relation to water quality or quantity arising from the proposed activity.

8.2.2 Native Vegetation, Vegetation and Fauna Habitat

A493-A498

The most prominent vegetation on site is those trees within the Rata Street and Kaponga Crescent road reserves. These trees are being retained and will provide significant visual amenity value to the site and integration of the development with the existing neighbourhood (refer to section 8.1.5). The development would require the removal of the majority of trees from within the site. The applicant has provided two arborist reports prepared by Simon Miller of Peers Brown Miller Ltd providing an overview of the trees on the site and their condition. This supporting documentation and the application have been reviewed by Council's Arborist Mr Stephen Bishop. Mr Bishop's report is attached at pages A493 to A498 as Appendix 11).

Mr Bishop concurs with the findings of the above mentioned reports. The majority of the trees on site are young exotics in poor form and health, providing little individual amenity value. The collective amenity these trees provide to the neighbourhood is not considered significant given their health and their supervised removal will not cause any adverse effect or detract from the overall character and landscape value of the area. Mr Bishop concludes that the majority of trees proposed for removal have a short safe useful life expectancy and their removal would have a no more than minor effect on the site. The loss of protected trees from the site can be mitigated by appropriate landscaping including the planting of trees. Mr Bishop does not consider that proposed works will cause any adverse effects to the natural character; landscape value of any natural features given the site is within a highly modified urban environment. The retention of those trees within the road reserve will allow for the maintenance of any existing natural ecosystems.

A499-A507

The applicant has provided a revised Landscaping Planting Plan for the site, prepared by Stephen Neate Landscape Design Consultant revision date 29/02/08 (received by Council 11/03/08). The planting that is proposed is practical and would compensate for any loss of vegetation. Landscape treatment is focused on the retention of vegetation within the road reserve and provides Grisilinea and Pittosporum hedges bordering the Rata Street and Kaponga Crescent boundary. All retaining and planting would be within the site boundaries. Hedging will provide screening, privacy, amenity and a sense of place to the development. The revised Landscaping Plan and supporting information has been reviewed and is supported by Council's Landscape Architect Mr Gordon Griffin (refer to Appendix 12 attached at pages A499 to A507). Following the revisions made to the landscaping component of the development Mr Griffin is satisfied that, subject to conditions, appropriate measures have been taken to ensure the site is adequately landscaped.

Overall it is considered that any minor adverse effects brought about by the removal of vegetation can be mitigated by the proposed landscaping, the retention of three trees on site, and those established trees within the road reserve. Appropriate conditions of consent may be imposed to ensure that works do not adversely affect those trees that are to remain.

8.2.3 Air Quality

As the site is within the urban area and the proposal does not involve air emissions that are controlled under the district or regional plans, there would be no adverse effects on air quality as a result of the development. Site and construction works have the potential to generate dust nuisance and a condition of consent is recommended to ensure that dust effects are minimised.

8.2.4 Traffic

A Traffic Impact Assessment (TIA) prepared by Geoff Brown of G & H Transportation Consultants Limited dated 26 November 2007 was submitted with the proposal. This report considers a number of matters, including the effects of traffic generation associated with the development, parking, site access, internal circulation and construction traffic effects. Mitigation measures necessary to minimise any identified impacts on the traffic environment are included. In this respect the TIA refers to a Traffic Management Plan that would be developed as part of the building consent process.

Council's Principal Engineer, Mr Sam Shumane of Transport Assets has reviewed the TIA and the submissions made on the application. Mr Shumane concludes that the proposed development is appropriate in terms of traffic impact and recommends a number of conditions should consent be granted.

Overall it is considered that the traffic effects associated with the proposed apartment development would be no more than minor, as the proposed parking supply is not contrary to Proposed Plan Change 17. The design of the basement car park and on-site circulation areas are acceptable for use by regular users. Furthermore, traffic generation associated with the proposal can be adequately accommodated by the existing road network.

The analysis and conclusions drawn by the applicant's Traffic Engineers and Council's Principal Engineer are discussed below.

8.2.4.1 Parking, Access and On-Site Circulation

Parking

It is proposed to provide a total of 40 car parks within the basement area, 36 spaces for residents and 4 visitor's spaces. The proposed development is required to provide 53 residents spaces and 12 visitor spaces under the operative District Plan. In terms of Proposed Plan Change 17¹, the development is required to provide a minimum of 36 parking spaces. Council's Parking and Driveway Guidelines do not include demand rates for high density housing developments but the Roads and Traffic Authority (RTA) Guide suggests between 36 to 43 spaces for residents for the proposed development.

Council's Principal Engineer, Transport Assets, has reviewed the application and considers the proposed parking provision to be adequate for the development. The carriageway width of Kaponga Crescent is too narrow to accommodate parking while maintaining two-way traffic and no stopping line restrictions restrict parking on Rata Street. Therefore there are no alternative parking zones to accommodate overspill. Transport Assets is of the opinion that tenants/residents will be forced to accept that the only available option is to have one vehicle per unit. Most notable is that the proposed parking supply is not contrary to the parking objectives of Proposed Plan Change 17. I note that the basement area of the development includes parking for approximately 9 bicycles.

It is noted that several submitters raised concerns relating to parking. One of the key concerns is the potential for overflow parking to occur on Kaponga Crescent. In this regard, it is considered that it has been demonstrated that a satisfactory level of parking would be provided on site (one per unit) and it is unlikely that overflow parking would occur. Given the sites close proximity to existing transport infrastructure, and the planned upgrades of transport infrastructure in New Lynn specifically and throughout Waitakere City there are other means of transportation readily available to the site. There is a

movement from maximum to minimum car parking requirements through the implementation of Proposed Plan Change 17.

As discussed it has been clearly demonstrated both within the applicant's TIA and in Council's review of this report and the application, that the level of parking proposed is appropriate.

Access

Access to the basement car parking is via a ramp from Kaponga Crescent, approximately 50m from Rata Street. Council's Principal Engineer considers that the proposed ramp and vehicle crossing is satisfactory. Manoeuvring, ramp gradient and visibility is adequate in both directions.

Private contractors would be used for rubbish collection. Contractors will use vehicles that will be capable of manoeuvring within the constraints of the site. The effects of smaller trucks manoeuvring between the ramp and basement will be limited to the site.

On-Site Circulation

All parking spaces have complying dimensions and adequate reverse manoeuvring spaces. A one-way operation between both sides of the basement parking area is considered acceptable and would enhance safety of circulation. Visitors' spaces 23-26 are provided with a slightly wider manoeuvring area.

8.2.4.2 Pedestrian Safety

To ensure safety to pedestrians and to avoid queuing of vehicles, security gates are located within the basement area. Entry and exit to the site would be from a single driveway.

8.2.4.3 Road Network

Rata Street is a designated Regional Arterial Road. There are two traffic lanes in each direction separated by a two metre wide flush median. Yellow no stopping lines front the site with limited on-street parking permitted further down. Kaponga Crescent is a short 'no exit' street with a carriageway width of five metres. Parking is permitted on both sides of this street.

No detailed analysis of the intersection operation is included in the TIA although Kaponga Crescent is a cul-de-sac and the proposed development will rely solely on the Rata Street intersection for access.

Traffic Generation

A508-A514

The TIA report includes a detailed analysis of the likely changes in traffic flows that would occur as a result of the apartment building being established. Council's Principal Transport Assets Engineer has reviewed the analysis and has also undertaken an independent assessment of traffic flows and the operation of the Rata Street intersection (report attached at pages A508 to A514 as Appendix 13). It is concluded that the potential development is likely to increase peak hour traffic movements however, any potential adverse effects would be absorbed by the existing road network.

Mr Shumane states that there would be acceptable AM and PM peak increases with no significant delays on Kaponga Crescent from the existing estimated delay of 15-20 seconds (on average) to 25-30 seconds. Peak queues would increase from the existing one vehicle to two-three vehicles. The presence of the flush median along Rata Street allows some right turning vehicles to use it as a staged turn.

Peak PM delays would increase significantly from 30-40 second delays to 60-70 seconds; this however is the direct result of the southbound traffic volumes on Rata Street. Queues on Kaponga Crescent would increase from the currently estimated queues of two-three vehicles to five-six vehicles (95th percentile). The current operation of this intersection limits the ability to turn right out in the PM Peak.

Council's Principal Engineer concludes that the effects of the proposed generation will not significantly alter the current operation of Kaponga Crescent / Rata Street intersection (no more than minor adverse effect). Mr Shumane expects the current de-facto right turn limitations to continue.

Overall it is considered that the actual and potential adverse effects of the proposal on the safe and efficient operation of the roading and traffic network will be no more than minor.

8.2.5 Amenity

Character

'Amenity values' are defined in s2 of the Act to mean '*those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes*'. In this case the site lies within the Living Environment (medium density circle) under the Operative District Plan. The plan provisions relating to this zone envisage 1 – 2 storey detached housing with a similar bulk and form on sites averaging 350m² - 450m². There are existing examples of infill subdivision within the immediate area. For sites over 2000m², fronting a major road, this zone also envisages the integration of new multi-house developments into existing low density areas to achieve urban consolidation objectives. Focus is placed on providing a high quality urban environment, the relationship with neighbouring properties and streetscape and on-site amenity. Assessment criteria rather than rules give flexibility to provide opportunities for site responsive designs. It is reasonable to state that the medium density assessment criteria envisage a built form whereby amenity values are slightly higher. The existing environment displays both living and medium density characteristics.

Proposed Plan Change 17 also identifies the site for intensification by rezoning the site as Living 5 and together with Plan Change 18 introduces a comprehensive suite of plan provisions and methodology that deal specifically with the desired urban form (amenity values) envisioned for New Lynn.

A519-A522

The Operative and proposed plan changes identify the site for intensification. The proposed plan changes contain provisions that are a significant departure from the provisions of the operative District Plan. Given the stage of notification and public awareness of the likely future character of this area it is not unreasonable to expect the proposed level of development (up to 11m in height) to occur on site. And in fact, a development of 11m in height could reasonably be expected on this site give the medium density assessment criteria of the Operative District Plan. The medium density assessment criteria does not specifically cater for 'apartment style' development and therefore the design elements as envisaged by Plan Change 18 become important and have in this case been achieved. The proposal has been reviewed by Council's Project Manager – Urban Design, Mr Peter Joyce (specialist report attached at pages A519 to A522 as Appendix 15). Mr Joyce provides a review of the proposal in terms of the provisions of Proposed Plan Change 17 and 18 noting that the proposed apartment development reflects the scale, density and building typology intended under the proposed plan changes in this location within the New Lynn urban intensification area.

Urban Design

A number of pre-application meetings were held with the applicants, their consultants and Council specialist advisors. The Assessment of Environmental Effects submitted with the application details the various design issues relating to the urban and architectural design rules and criteria of Plan Change 18. Council's Project Manager, Urban Design, is generally satisfied that the design quality of the building and individual apartment spaces exemplify the type and scale of residential development intended in the proposed Living 5 zone. Strategically the development would give a good indication of the nature of residential development that is anticipated.

The proposed apartment development, whilst some 11m in height, is attractively designed with a good use of materials. Openings, balcony arrangements and textural contrast provide visual interest. Overall it is considered that the building would be an attractive addition to the immediate area and would enhance the existing amenity values. The development would encourage increased pedestrian movements, reflecting its location on the edge of the town centre core and adjoining an arterial route.

Although the site is zoned Living it is adjoined by Community Environment to the south and Living 1 to the west. Rata Street and Kaponga Crescent provide a road reserve buffer between these zone changes. In terms of the existing receiving environment, it is considered that the proposal would have a minor effect on immediately adjoining properties to the north and east in terms of loss of outlook, dominance and building bulk, however, the proposed design is an enhancement on the current built form of the environment and is the likely future character of this area, as publicly notified by Proposed Plan Change 17 and 18. Actual effects, District Plan effects and the context of the development are discussed in further detail below.

Visual Amenity

As described in Section 5 of this report the existing neighbourhood character is varied and would intensify with the progression of PC 17 and PC 18. Residential intensification is anticipated to the north and east. Increased commercial and retail activity with some high density residential development is planned for land to the south.

The proposal would have a positive effect on existing character through design and density (vibrancy). Located on a prominent street corner, the development would introduce a structure of increased scale, modern design and intensity that is above the current character and visual amenity level of the immediate area. Retention of trees (8m – 9m in height) within the road reserve would give effective integration and softening/screening of the building from the outset, while providing some linkage to its previous character. An additional tree would be planted in the southwestern corner of the site to provide further amenity as viewed from Kaponga Crescent.

The building would be constructed with modern materials and has been broken into two separate blocks on either side of a central access void. This arrangement gives a reduced visual bulk with proposed landscaping softening the visual appearance of the building. The floor plan of individual apartments creates articulation to the façade as apartments are stepped in and out between wall planes and recessed decks. Large louvered panels on the western and southern (street frontage) façade provide further articulation. This feature also provides solar relief. The orientation of the building and balcony areas towards Rata Street and Kaponga Crescent provides an interactive streetscape to create a sense of place. Pedestrian access is clearly defined with planters and a canopy of steel and glass floats. The use of pavers within the public footpath to mark this pedestrian access gives further integration and also recognition to the development.

District Plan effects and Context

In terms of actual amenity effects, the development would give rise to a change in character of the existing environment from low-medium intensity residential dwellings to include a medium rise apartment block. The proposal has achieved higher amenity values as envisaged in a medium density circle and the L5 environment. Potential effects are mitigated by the design quality of the building and proposed landscaping. The development exemplifies the type and scale of residential development intended in the Living 5 zone. Therefore the likely future effects are mitigated by the provisions of Plan Change 17. The site does not stand alone and is rather centrally located within the L5 environment. The site is within close proximity to future greater intensity development that would be likely to the south (25m in height). There would in time, be a good scale relationship between this site and the surrounds. Council's strategic direction for the New Lynn Town Centre and surrounding residential areas identified in Plan Change 17 has been widely publicised over recent years.

Basement car parking would not be visible from the street.

Scale, form, height, bulk, physical dominance

The scale, height and bulk of the development is out of keeping with the existing medium-low density character of the immediately adjoining residentially zoned surrounds. The visual bulk of the development would have a minor effect on the outlook of existing single storey residential development to the north and west.

District Plan effects and Context

The proposal has been designed to comply with the height and design controls under Proposed Plan Change 17 and 18. The development would also comply with the Operative District Plan external height in relation to boundary controls and the maximum height guidelines (11m) of the medium density housing assessment criteria. The design therefore reflects the scale of buildings envisaged in the L5 Environment whilst maintaining an acceptable level of daylight and sunlight to existing single storey dwellings to the north and east of the site. This relief addresses concerns raised by submitters with regard to sunlight and daylight access. A deliberate transition from one and two storey single dwellings on adjoining sites to a multi storey, multi-unit development over several sites has been provided and is likely to become increasingly prevalent.

The retention of trees within the road reserve and landscaping as per the proposed planting plan will maintain and enhance visual amenity.

On-site amenity

The medium density housing assessment criteria and Proposed Plan Change 18 provide certainty of quality urban design outcomes. Council's Urban Design Specialist was involved with the pre-application meeting and has had several discussions with the applicants' architect. Mr Joyce considers the design quality of the building and individual apartment spaces to exemplify the type and scale of residential development intended in the proposed Living 5 zone. There would be no more than minor actual effects on the amenity of future residents. Apartment orientation, design and layout provides for adequate levels of on-site amenity. The development comprises a mix of two and predominantly three bedroom apartments with main living areas separated from sleeping areas. The floor areas of the apartments sit above Plan Change requirements providing for acceptable living and storage areas. The proposal contains a storage area at the basement level of the development which provides 3m² of storage area to each unit. In addition every unit is provided with multiple built-in storage cupboards.

Daylight, solar access, visual and acoustic privacy have been addressed in the applicants Assessment of Environmental Effects. All bedrooms have windows facing external walls. Windows facing onto the common internal walkway allow access to natural light and ventilation and will be placed at a high level to maintain privacy. 'Protrusions' within this walkway provide additional amenity/space relative to each unit. Internal bathrooms would have mechanical ventilation and artificial lighting to the requirements of the Building Code.

Each unit has been provided with between 7m² - 138m² of useable outdoor space that would receive adequate daylight. Master bedrooms of the 3 bed apartments are located adjacent to, with access onto outdoor balconies. Screening to a height of 1.6m has been provided where outdoor living areas adjoin. A condition of consent would be imposed to ensure that acoustic measures to be taken at building consent stage to give effective mitigation of on-site privacy and noise. The District Plan also provides performance standards in relation to noise and outdoor lighting. I conclude that the proposal complies with the outcomes sought by medium density housing and PC 18.

8.2.6 Social and Economic

The proposal provides a choice of living environments which have been designed to achieve on-site amenity. Located close to the New Lynn Town Centre and within convenient walking distance of public transport options residents would have less reliance on vehicles as their main mode of transport. Occupants would be able to reduce their 'carbon footprint'. Sufficient measures have been taken in terms of rubbish collection and recycling. The regulations of the Building Code set standards to achieve healthy living.

The proposed development would provide a vibrant living environment that is suitable to its residential surrounds and nearby town centre amenities.

8.2.7 Summary

The site is located within an identified intensification node (medium density circle) and elements of the building design comply with the relevant assessment criteria. Effects have been anticipated during this transitional phase between the operative Living Environment rules and the provisions of the proposed plan changes (Living 5).

It is considered that the actual and potential adverse effects of the proposed activity are no more than minor and can be adequately mitigated through appropriate conditions of consent. Trees retained within the road reserve would provide immediate integration of the building and soften the view of the development from the outset. Additional landscaping is proposed within the site boundaries. Individual units have been appropriately designed to provide sufficient on-site amenity with the overall appearance of the development contributing to residential amenity. The proposal would not adversely affect the safe and efficient functioning of the surrounding road network and the site within 10 minutes walking distance from the New Lynn bus and train stations. It has been demonstrated that sufficient measures would be taken with regard to infrastructure.

8.3 Relevant Provisions of a Statutory Planning Document – Section 104(1)(b)

Subject to Part II of the Act, consent authorities must have regard to the relevant provisions of statutory planning documents. The following statutory planning documents, national, regional and district based, are considered relevant to the proposal:

8.4 National Policy Statement (104(1)(b)(i)(ii))

The proposal does not give rise to any matters that require consideration in the context of the National Policy Statement (Electricity Transmission) and New Zealand Coastal Policy Statement.

8.5 A Regional Policy Statement or Proposed Regional Policy Statement (s104(b)(iii))

The Auckland Regional Policy Statement (ARPS) seeks to maintain a quality environment for the Auckland Region and at the same time, maintain and enhance opportunities for the region's future growth. The ARPS is concurrently being updated through Plan Change 6 to reflect and incorporate the requirements of the Local Government (Auckland) Amendment Act (LGAAA).

The ARPS encourages urban intensification at selected locations (Policy 2.5.2.3 (iii)). The ARPS in policy 2.6.1.2(i) establishes that urban development shall be planned and undertaken through an integrated process, consistent with the Strategic Directions and include provision for urban intensification around selected nodes and along selected transport corridors. These policies support the Council's approach in the Operative District Plan of intensifying employment and residential activities in New Lynn, centred on the town centre and train and bus public transport interchange. The role of New Lynn as a sub-regional centre and a desirable location to accommodate employment and residential growth is already part of the Operative ARPS.

The LGAAA requires that all Councils in the Auckland Region integrate their land transport and land use provisions and ensure these are consistent with the Auckland Regional Growth Strategy, give effect to its growth concept and contribute to the matters specified in Schedule 5. The LGAAA raised the statutory weight of the ARPS from a document that District Plans must not be inconsistent with, to one that District Plans must give effect to. Since the Waitakere District Plan became operative New Lynn has been identified as a growth node and in my opinion the strategic policies of the ARPS directly support the direction embodied in the District Plan. As will be discussed later, PC 17 does not seek to change this strategic direction; rather it addresses the mix and arrangement of activities in the town centre and the quality of development. The Living 5 and 6 'Apartment' Zones provide methods to achieve the ARPS's approach of encouraging growth in 'selected nodes'.

Proposed Plan Change 6 amends Chapters 2 and 4 of the ARPS (decisions version 31 July 2007), enhancing the policies for the management of growth to give effect to the Auckland Regional Growth Strategy (ARGS) and its Growth Concept. Since the ARGS was adopted by the Region's Councils in 1999, New Lynn has been identified as a sub-regional town centre and a preferred location to provide for intensification of business, employment and residential activities. The ARGS identifies that high rise and low rise apartments are appropriate within and surrounding town centres. This is further supported by the Auckland Regional Passenger Transport Plan which identifies opportunities to increase residential densities within walkable catchment of public transport nodes (the site is within a 10 minute walk of the train station). The New Lynn train station has the 4th highest patronage in the Auckland region, making it a significant passenger transport node and strategic regional objectives and policies seek to support and encourage intensification.

Policy 2.6.5.1 of Plan Change 6 to the ARPS identifies that urban intensification should occur in specific locations identified in Schedule 1A, including New Lynn. While not a rule, Appendix H identifies as a target that minimum residential gross densities of 60 households per hectare should be achieved in sub-regional centres such as New Lynn. To achieve these densities more intensive forms of residential development are required, including medium density housing, low-rise and high-rise apartments. The existing residential development in proximity to the Rewarewa Creek is predominantly detached housing which is low density, averaging between 8 to 16 households per hectare, too low to support the intensification of New Lynn. I consider the Living 5 Apartment Environment proposed with Plan Change 18 is a 'method' which seeks to achieve the strategic policy intent of Plan Change 6.

In my opinion there is a strong and clear policy platform in the regional planning documents for the intensification of New Lynn with higher density development such as that proposed with the application. Therefore I believe the proposal is consistent with, and gives effect to the ARPS, ARGS and PC 6.

8.6 A Plan or Proposed Plan (s104(b) (iv))

8.6.1 Waitakere City Council – Waitakere Operative District Plan; Proposed Plan Change 16, Proposed Plan Change 17 and Proposed Plan Change 18 to the Waitakere District Plan.

The Act directs consent authorities to have regard to both an operative plan and any proposed plan (subsection (iv) of s104(1)(b)). In this instance, the Waitakere City District Plan became operative on the 27th March 2003 and Proposed Plan Changes 16, 17 and 18 were notified on 31 March 2005 and decisions released on the 31 July 2007. The provisions of the Plan Changes are subject to appeal and therefore cannot be considered operative. However, these Plan Changes simply reinforce the role of New Lynn as a sub-regional town centre and advance apartments as an additional method to medium density housing to achieve the intensification of residential development in New Lynn.

The rules and policies of the plan change, of which the public are aware, give a clear indication of likely future development. As mentioned Plan Changes 16, 17 and 18 have been notified and therefore there is a public awareness of the changes that include new Growth Management objectives and policies (Plan Change 16) place based concept plans and rules (Plan Change 17 for New Lynn) and city wide design criteria for urban sites, apartments, street frontages and mixed use developments (Plan Change 18). Plan Change 17 in particular identifies the site for Living 5 development, within which the District Plan rules will encourage intensive residential development of predominately medium rise apartments (up to 4 stories) on sites with a minimum area of 1500m². The proposed residential apartment development reflects the scale, density and building typology (design outcomes) intended under the proposed plan changes in this location, being within the New Lynn town centre identified in the Operative District Plan for intensification.

The resource management approach taken under the Operative District Plan and the Proposed Plan Change do not differ significantly. The plan changes are intended to close the gap between the current rules of the district plan and give rise to greater sustainability. The plan changes aim to integrate land transport and land use provisions to give effect, in an integrated manner, to the 'growth concept' in the Auckland Regional Growth Strategy. In particular Proposed Plan Change 16 introduces new Growth Management objectives and policies in which New Lynn has been identified as a primary town centre in the Auckland Regional Growth Strategy (ARGs). New Lynn has been identified as a significant town centre in the Operative District Plan and therefore there is no significant overall change in policy approach to managing growth in New Lynn. Residential development will be in the form of medium to high density with a high level of local amenity and easy access to local facilities. Compact urban development, as the preferred form of development, would provide enough local catchment to support public transport, employment and retail. Plan Change 17 offers further focus to manage and encourage intensification in and around the New Lynn Town Centre, encouraging a higher standard of development so as to support community well being and economic growth. Plan Change 18 gives appropriate design criteria to provide certainty, in the case of apartments, that the type of development is site responsive in design, providing a positive contribution to character and amenity of the particular neighbourhood in which they are located. A further aim is to provide a good level of amenity for residents.

The proposal supports the resource management approach taken under Plan Changes 16, 17 and 18. This type of intensive residential development, in this type of location, would provide for a resident population that will support sustainable functioning of the New Lynn Town Centre, and public transport systems. The design quality of the

apartment building and individual apartment spaces are an appropriate example of the type and scale of residential development intended in the proposed Living 5 zone. Strategically the development represents the standard and nature of residential development that is anticipated.

On balance it is considered that Proposed Plan Changes 16, 17 and 18 should be given considerable weight and because there is no significant policy conflict between these Plan Changes and the Operative District Plan I believe it should be considered as the dominant planning document. For the reasons explained above it is appropriate in this case to accord weight to the Plan Change policies that provide the context for the Rules relating to the location of residential intensification, appropriate density and design.

8.6.2 Council's Strategic Direction and Proposed Plan Changes

The Council has a policy of directing growth in a manner consistent with Policies 1.2 and 4.2 of the Operative District Plan, which includes locating growth within the New Lynn Town Centre. This is reinforced by the ARPS, ARGS, PC 6 and Plan Changes 16 and 17. As Waitakere City faces increased population trends over the next 50 years, New Lynn, as a main town centre of the City, must intensify if the Council is to achieve its responsibilities related to accommodating urban growth identified in the ARGS, ARPS and the North and Western Sector Agreement. To facilitate and proactively manage this growth Council notified proposed Plan Change 16 under the Local Government (Auckland) Amendment Act 2004 (LGAAA).

The city's growth is largely driven by increases in residential population. The District Plan requires that intensive development is consolidated within the urban area to avoid significant adverse effects on the environment from the spread of urban activities. Consolidation will also help promote land use patterns that will reduce people's dependency on the motor car, thereby reducing the effects of motor vehicles on the environment. The plan changes under the LGAAA introduce new objectives, policies and rules to support the implementation of strategy for the intensification of the town centres.

There is recognition that the role of town centres is changing to accommodate a range of non-residential activities but also increasingly, residential living. Hence Plan Change 17 and the introduction of Living 5 and Living 6 Environments to support the intensification of the New Lynn Town Centre. Plan Change 17 is specific to intensification around New Lynn and gives recognition that residential development will be in the form of medium to high density requiring a high level of local amenity and access to local facilities. Such mixed use development must be managed by standards and design criteria to ensure there is good amenity for residents and the avoidance of nuisance and disturbances between activities.

As an area intensifies urban design becomes important in delivering good quality environments and town centres. While the Operative District Plan recognises New Lynn as a sub-regional centre and provides for medium density development within this location (medium density circle), it does not provide much direction on design outcomes. Further, the provisions for medium density housing development did not differentiate between apartments, terrace housing and town houses and the Section 32 analysis for Plan Change 18 identified that additional performance standards were required to manage apartment developments and to differentiate these from existing medium density housing provisions. Plan Change 18 introduces a suite of City-wide rules and supporting policies intended to ensure that intensification occurs only after careful consideration of amenity and urban design issues. Plan Change 18 also creates specific rules addressing apartment design, site analysis, building design in relation to street frontages, noise mitigation in mixed use areas, and building design for mixed use development.

To ensure that residential land close to the centre is efficiently utilised (consistent with Section 7 of the RMA), Proposed Plan Change 17 introduces minimum densities of development which are achieved by the proposal. Plan Change 17 does not introduce new objectives into the District Plan.

The New Lynn Town Centre is an area where the existing amenities (retail shops, café, fast food outlets Supermarket, large format retail, New Lynn Mall.), social infrastructure (community centre, gym, New Lynn Library, Manawa Wetlands, Ken Maunder Park (Binstead Road), Olympic Park), utility systems and the transport network have more capacity to service higher density forms of residential development than other areas of the City. The site is appropriately located within a 10 minute convenient walking distance from this town centre and the development has been designed to provide residential accommodation at a density that would support economic and social activity and passenger transport facilities within New Lynn. It is also within convenient walking distance of employment opportunities and light industrial businesses. As discussed in Section 8.5.2 of this report the design of this proposal provides for on-site amenity to the minimum standard that Council has identified. The design of the development has had specific regard to the streetscape of the development in relation to the surrounding residential neighbourhood and to the busy New Lynn town centre to which it is closely located. The overall design has addressed PC 18 and provides a good level of amenity for residents.

Overall, the proposal supports the Council's strategic direction for growth, providing an appropriate standard and density of residential accommodation within an area that is supported by existing public transport, employment opportunities, retail and services. New Lynn has been identified for further intensification in the Operative District Plan, ARGS, ARPS, ARC Plan Change 6 and WCC Plan Changes 16 and 17. The development would assist with attaining a more liveable and prosperous region and is an important link in the overall redevelopment of New Lynn. The proposal represents an improvement to the quality of the built environment that is intended by the Operative District Plan and Plan Changes.

8.6.3 District Plan Policies and Objectives

In-line with the LGAAA and changes to the ARPS, the Waitakere District Plan is being modified to make more explicit the Council's growth strategy. A new growth chapter is being added that will add to and extend current policies relating to the location, mix, density and quality of urban growth.

The objectives and policies of the Waitakere City District Plan and proposed plan changes outline the adopted (and proposed) methods for managing the effects of activities on natural and physical resources. These policies (Particularly 1.2 and 4.2) and objectives are based around the general strategic direction taken by the City in response to key matters such as population growth, city form and amenity.

Although Plan Change 17 and Plan Change 18 are not yet fully operative, given that the application was lodged following the release of decisions (31 July 2007) considerable weight may be given to the PC policies that provide the context for the performance standards.

A59-A242

The relevant policies and objectives of the Proposed Plan Changes are not too dissimilar to those of the operative District Plan. The main difference is the prescribed intensification of development close to urban centres that forms part of Plan Change 17 and the performance measures for assessing responsive designs found in Plan Change 18 (apartments). Policies and objectives of the operative District Plan and plan changes generally support each other. The operative rules of the District plan have been listed in section 4.0 of this report. An assessment of the relevant policies and objectives of the operative District Plan has been noted in the applicants Assessment of Environmental

Effects at pages 23, 24 and 25 of the application as notified (Appendix 2 attached at pages A59 to A242). I fully concur with this assessment and add the following comments with regard to the plan changes.

Proposed Plan Change 17

PC 17 does not introduce any new objectives into the District Plan. The application site is zoned Living 5 under this plan change document. Plan Change Policies 4.2, 10.4, 10.5, 11.1, 11.8, 11.28A and 11.46 in particular seek to manage the effects of intensification within Living 5, relative to neighbourhood character and apartment living.

New Lynn lies on the Western Rail line and has a major bus transfer station. It is also proximate to regional strategic road networks (eg SH 16 and the planned SH 20). The site is within acceptable walking distance of the New Lynn Town Centre with its high frequency of Public Transport (bus and train) and considerable number of services and retail premises. These established factors make the location appropriate for denser, urban residential development because they can easily be reached by walking, cycling or relatively short bus trips, consistent with Policies 4.2, 11.28A and 11.46.

The Section 32 Assessment for Plan Change 17 identifies that in terms of residential areas, targets associated with the Regional Growth Strategy and the North and Western Sector Agreement seek to increase New Lynn's population by around 9,000 people between 2001 and 2021. In 2005 there were around 1,100 dwellings and 3,200 people in the New Lynn node (defined by the 1km circle). A review of development option supporting PC 17 indicated that these target figures can be met, provided that a number of areas are identified and protected for residential development and redevelopment. Mixed use development within the commercial area of the centre is important, but cannot by itself meet all demands. Neither can continued infill of the existing residential area around New Lynn meet all demands. Estimates in 2005 of infill potential suggested that the residential areas around the centre (within the 1km radius) could accommodate a further 200 dwelling units. Within the commercial area of the centre up to 1,600 dwelling units may be able to be accommodated. This assumes that 40% of floor space in the peripheral areas of the commercial area, and 20% of floor space in the commercial core will be taken up by residential development. This left a shortfall of around 1,600 dwellings.

To this end a new Living 5 and Living 6 Environment has been created. The new Living 5 Environment provides for medium density housing and low-rise apartments in the Rewarewa Creek and Reid Road area in the north-west of the New Lynn Town Centre and in the Ambrico Place area which is currently zoned as Working Environment, although it is almost exclusively used for medium density housing.

Policy 11.8 refers specifically to the Living 5 environment. This policy is concerned with ensuring structures are of a scale and height that does not overwhelm the generally low-rise building character of the human environments. Within the Living Environment, the construction of buildings that have no reference to surrounding building form and scale would lead to domination of sites and loss of the overall cohesiveness that is characteristic of these areas. This is a transitional phase between the operative District Plan and proposed plan changes. Policy 11.8 gives specific recognition that development in the Living 5 environment will create some overshadowing and dominance of adjoining sites. These are effects anticipated by the development of areas with more intensive forms of housing. The change in zone proposed with Plan Change 17 from Living Environment to Living 5 changes the context in which this proposal must be considered, cognisant that with 3m² additional area the site would be eligible for medium density housing under the Operative District Plan. As mentioned in section 8.1.5 above a degree of effect is unavoidable given that this would be the first site to be developed to the intensity required and envisaged by Living 5. However, this site does not stand alone, it is contained within an area zoned Living 5 and therefore we can reasonably expect future development to be subject to the same assessment criteria. There is some relief in this

case as the development complies with the operative District Plan height in relation to boundary controls, thereby allowing sufficient daylight and sunlight to adjoining residential sites (east and north). The residential design of the apartment blocks, use of windows, placement of entrances and balconies contributes to residential character.

Private outdoor space becomes important within more intensively settled areas, in particular where higher densities increase usage of a limited resource. In accordance with Policy 10.4 each unit has been provided with an area of private outdoor space suitable in size and orientation to ensure adequate levels of daylight and sunlight exposure for at least some part of the day. Communal open space has been provided on site.

As discussed the proposal provides a residential development adjacent to a town centre that is of appropriate design and density to contribute and enhance the character of the town centre and provide vitality and vibrancy to these areas. In this manner the proposal supports Policy 4.2 11.1, 11.28A and 11.46.

Council's Urban Design Specialist has commented that the design quality of the building and individual apartment spaces exemplify the type and scale of residential development intended in the proposed Living 5 zone. This policy does not seek to keep densities similar to present levels in all parts of the city and the public notification of the plan change has given the community an awareness of the anticipated future level of development for this site and surrounding neighbourhood. Policy 11.1 seeks to manage the rate and quality of change within certain defined parameters and the proposals general compliance with Plan Change 18 – Apartment Design Criteria supports this Policy. It is further noted that the development complies with the operative rules of the District Plan as they relate to height and height in relation to boundary when assessing medium density housing.

The proposal represents an increase in urbanisation that would have an apartment block character. As described in Section 8.5.3.1 the apartment blocks have been positioned and orientated to “anchor” the development with surrounding residential sites and provide for suitable daylight and sunlight amenity to these neighbours. The amenity of the site as designed (includes facade and landscaping components) is suitable for what it is, an apartment building, and that is the likely future for this area. The position and orientation of private balcony areas/outdoor living areas allows surveillance of and linkages to the street environment. Maintenance of land and the apartment building by the Body Corporate would ensure amenity is maintained.

A number of the submitters refer to a loss of privacy, reduction in daylight and sunlight and a loss of outlook. The proposed policies within Plan Change 17 give recognition to the potential for such effects on adjoining properties but also provides for the rezoning of areas of land to allow appropriate development to occur within locations that would support appropriate growth. These new provisions/rules have been publicly notified. The plan change submissions do not relate to the design criteria of apartments or the density nodes that have been identified adjoining the town centres.

Proposed Plan Change 18

The *City Wide Urban Design Rules* were prepared to support the implementation of the strategy for the intensification of the town centres. To achieve this, provisions were introduced to provide for the development of apartments.

The Waitakere City District Plan contains rules and design criteria for the development of Medium Density Housing, but did not have rules which specifically address the design of apartments. Within the last five years, with market acceptance of apartment living, a number of resource consent applications for apartment developments have been made under the Medium Density Housing rules. These rules, while adequate to address the

design of town houses and terrace developments are not adequate to address the particular design of vertically stacked apartments. Therefore, the Council identified the need to introduce specific rules, assessment criteria and design criteria for apartment activities within PC 18.

As residential densities increase and more apartments locate in town centres, some aspects of amenity that are naturally provided at low densities must be carefully considered and designed for, including the provision of outlook from main windows (main glazing) and the attenuation of noise of adjacent business activities. Good building design is critical to ensuring that developments provide a quality urban living experience, with sufficient amenities and a range of apartments to accommodate a diverse residential population within and around town centre.

Plan Change 18 does not introduce additional policies relating to apartment developments. The enabling policies are located in the location specific Plan Changes (eg. PC 16 and PC 17). However, one additional policy (11.47) relates to the quality of development and street frontages, which in the last bullet seeks that design attention is paid to the design of buildings in streets with a predominance of residential activities. As indicated in the Council's urban design assessment, the façade treatments of the proposal are appropriate.

On careful consideration of the application it is considered that the proposed development would be consistent with the relevant objectives and policies of the District Plan and proposed PC 17 and PC 18.

8.6.4 Waitakere City Council Rules and Assessment Criteria

A333-A485

The rules and assessment criteria of the operative District Plan and proposed PC 17 and PC 18 are relevant to the proposal. The plan change rules and assessment criteria introduce a comprehensive suite of plan provisions and methodology that deal specifically with the desired urban form envisioned for New Lynn. They seek to give continued effect to policies and objectives and provide guidance for achieving a quality living environment. Plan Change 18 effectively replaces the medium density assessment criteria as the new 'method' for providing apartments with adequate living environments. PC 18 will be discussed separately in Section 8.6 of this report. Refer to Appendix 6, 7, 8 and 9 attached at pages A333 to A485 for a full copy of the relevant assessment criteria.

8.6.4.1 Living (Medium Density Circle) & Living 5 Environments

8.6.4.1.1 Rule 2 – Density

- *Assessment of discretionary activities made under Rule 2.3(b) will be assessed having regard to Assessment Criteria 2(a) – 2(g), the Assessment Criteria of the City-Wide Rule 1 Apartment Design, City Wide General Noise Standard Rule 1.10 Residential Activities – Noise Attenuation, and Rule 7A of the Community Environment and any other matters which are relevant under section 104 of the Act.*

The site is contained within an identified intensification area (medium density circle). Given the bulk and height of the development it would have some contrast with the traditional neighbourhood character. Nevertheless the development, due to its form, materials, scale and design, would have suitable amenity relative to the surrounding residential and retail/commercial environment to the south. It could be reasonably said that the development has some architectural merit in comparison to the existing character of the area. Conditions of consent will ensure landscaping is maintained in order to give amenity and privacy. The bulk of the development has been stepped down (north) or set in (east) from those boundaries that adjoin residential land use. In this manner the proposal complies with all external height in relation to boundary controls and would not

adversely reduce daylight and sunlight to these neighbours. This set back distance also maintains a reasonable sense of space and separation.

Privacy is achieved with screening to a height of at least 1.6m between outdoor living courts and solid screening of 1.8m on external boundaries (except the road boundary). Spatial amenity is enhanced by the courtyard/void areas between the two apartment blocks. Adequately sized and positioned balcony areas increase on-site amenity whilst their orientation will not reduce privacy of neighbouring residents.

PC 17 introduces Assessment Criteria 2(f) and 2(g) to the Density Rules of the Living Environment, both relevant to this development. In accordance with these assessment criteria the proposed apartment development is of a sufficient density (complies with Rule 2.2(c)(ii); 55 units per 200m² of net site area) to support the intensification of the New Lynn Town Centre. This density would bring vibrancy to the nearby New Lynn Town centre and associated employment opportunities, retail and social services. The proposal exemplifies the principles that will increasingly determine the form of compact urban residential development intended in Council's Growth Management Strategies and the District Plan operative and plan change policies and objectives (17 & 18).

The Kaponga Crescent road reserve separates this site from land to the south that would have a future zoning of Community which would allow for 'mixed use' (including L6 apartments). In accordance with assessment criteria 2(f) this separation distance would ensure that any potential adverse effects on residents from being in close proximity to non-residential activities are minimised. A certain level of outlook would be maintained by the width of the road with acoustic standards required by the building code providing effective noise mitigation. It is noted that main living areas and the outdoor balconies associated with the apartment units are orientated in a north east/ north west direction, and would not directly overlook development to the south of the site. Development has been orientated in two blocks that stretch south to north across the site giving a predominantly residentially zoned outlook.

Refer to Section 8.6 below for an assessment of City-Wide Rule 1 (PC 18).
Refer to Section 8.7 for medium density housing assessment.

8.6.4.1.2 Rule 4 – Building Height

- *Assessment Criteria 4(a) – 4(d) relating to matters of neighbourhood character, physical domination, views and privacy.*

Building height has the potential to physically dominate, result in a loss of daylight / sunlight and/or compromise privacy of adjoining sites.

The development would have a maximum height of 11m (four stories) adjoining the Kaponga Crescent frontage, for a depth of 22m, reducing to 8.5m (three stories) for a distance of approximately 13.8. There would be a contrast with existing residential provisions, which set a maximum building height of 8m for conventional residential development within the Living environment, but allow for medium density to 11 metres. Similarly Proposed PC 17 permits height to 11m in the L5 environment.

For a medium density development there is a provision that level changes relative to an adjacent dwelling on an adjacent property should be no more than one storey, so that there is a scale relationship with dwellings on adjacent sites. Medium density provisions include keeping existing trees, providing good amenity and fitting with the neighbourhood character. The site adjoins residential development on the northern and eastern boundary. A 4.7m set back is provided at the northern boundary and the building is reduced in height to three stories (8.2m). The development is set back 6.7m from the eastern boundary with the driveway of this adjoining site offering further separation

between buildings. This positioning of the development provides for an area of visually open space between adjoining residential properties and provides for a better scale relationship with dwellings on adjacent sites. Retention of established vegetation in the Rata Street and Kaponga Crescent road reserve, and proposed landscaping of the external boundaries would soften and integrate the development into the street scene. It should be noted that the development would comply with the operative District Plan external HIRB requirements. This is the extent that Council can 'protect' adjoining properties access to a reasonable level of daylight and sunlight. Balcony areas would be screened to a height of 1.0m to provide privacy. 'Part walls' extend where balcony areas adjoin.

The proposal represents an increase in urbanisation of which the public have been notified. Given that this is the first development based around concepts of the L5 future zoning there is going to be an interim effect of dominance on adjoining sites and this is recognised in the policies that support Plan Change 17. The level of effects would reduce as adjoining sites are developed in accordance with the future zoning land. The effects in the interim are mitigated by the quality of design, landscaping and set back relief that is provided to adjoining residential sites.

Although not strictly consistent with the above assessment criteria the proposed development is consistent with the relevant objectives and policies for the Living and Living 5 environment.

8.6.4.1.3 Rule 5 – Height in Relation to Boundary

- *Assessment Criteria 5(a) – 5(d) relating to matters of reasonable sunlight and daylight access to adjoining sites.*

The intent of the height in relation to boundary rule is to ensure adequate levels of daylight and sunlight to adjoining sites and to the proposed building. The proposal complies with all external height in relation to boundary controls and therefore neighbouring sites will not be unfairly shaded by the development. The design of the site makes it impossible to comply with the internal height to boundary recession plane between each unit. This is a technical infringement as all adjoining units share common walls and the two main building blocks can not be considered separately as the site is not yet subject to subdivision. The infringement would not compromise access to daylight and sunlight either within the site or between sites to any extent greater than anticipated by the performance standards. Each ground floor unit has been provided with private outdoor courtyard areas between 36m² - 138m². The outdoor balconies on the upper levels provide between 9.3m² and 14.9m² with all but two units (unit 6 & 7) capable of containing a 2m diameter circle. In all cases this private outdoor space is considered useable and orientated north to receive adequate levels of daylight/sunlight. Privacy of these areas is maintained by screening to a height of 1.6m and the opportunity for landscaping. The internal layout of the site is therefore considered to allow for reasonable daylight and sunlight to each unit. It is further noted that the applicant is the owner in this case and therefore has given themselves written approval for the internal infringement. The buildings themselves will have to comply with the Building Code which requires that all habitable rooms have direct access to external openings. It is noted that PC 18 introduces 'setback' criteria which is discussed in further detail in section 8.6 of this report.

8.6.4.1.4 Rule 6 – Front Yards

- *Assessment Criteria 6(a) – 6(e) relating to matters of location, screening and planting.*

The proposed planter boxes exceed 2m² in area and are therefore defined as a 'building' under the District Plan. Two planters would be located within the 3m front yard from Kaponga Crescent.

The planters, due to their modest size and aesthetic attributes would enhance amenity values and neighbourhood character. The planters would not dominate the street scene. These planters would also provide some stormwater mitigation and would not interfere with pedestrian or traffic safety. The planter boxes would complement landscaping within the front boundary.

8.6.4.1.5 Rule 7 – Building Coverage

- *Assessment Criteria 7(a) – 7(e) relating to matters of amenity values, neighbourhood character, opportunities for landscaping and physical domination.*

The development would have a building coverage of 1,246m² or 62%. As explained above the proposal would result in some domination of adjoining sites but due to site layout, design features and landscaping, would not adversely affect the amenity values of the surrounding area. The apartment blocks would be residential in appearance with windows, balcony areas, louver features and clearly marked pedestrian and vehicle entrances. Sufficient landscaping has been provided within this site and the retention of trees along the Kaponga Crescent and Rata Street frontage will effectively soften the view and integrate the building into the street scene. Set backs from site boundaries and the courtyard/void area between each apartment block would provide spatial amenity and further visual interest. The site is located within the L5 environment of which there is public awareness of the level of future residential development. Policies based around this intensification recognise that there would be some over shadowing and domination of adjoining sites.

8.6.4.1.6 Rule 9 – Outdoor Space

- *Assessment Criteria 9(a) – 9(e) relating to matters of size, usability, reasonable sunlight and daylight access.*

Although the development fails to provide 25m² of outdoor space per bedroom, the layout of the development achieves useable and private outdoor space for each unit as per the assessment criteria of the operative and proposed and proposed District Plan. The outdoor areas are generally orientated due north- east/west and are considered of useable dimensions to meet the needs of future occupants. The orientation and design allows adequate levels of daylight/sunlight to reach habitable rooms of the development. Each outdoor space is directly accessible from the principal internal living room providing indoor/outdoor flow.

The outdoor living courts of each block are suitably offset from one another to ensure privacy with screening to a height of 1.6m (as required by the modified and approved landscaping plan) provided between each unit. This will maintain privacy. The orientation of the outdoor living space of units fronting Kaponga Crescent allow for surveillance and a visual relationship with the streetscape. At ground floor low level retaining and landscaping is provided to differentiate this private space from the public road frontage.

For the reasons stated above it is considered that the proposed individual outdoor space for each unit is consistent with the assessment criteria having no more than minor effects on the site or surrounding residential land use.

8.6.4.1.7 Rule 12 – Car parking and Driveways

- *Assessment criteria 12(a) – 12 (d) limited to matters of design, location, safety, efficiently, driveway capacity, number of car parks and planting.*

As discussed in Section 8.1.4 the proposed development would have a no more than minor adverse effect in terms of parking, on-site circulation, access, pedestrian and traffic safety and the safe functioning of the existing road network. Parking would be below ground level and therefore would not adversely affect residential amenity.

Rule 12.1(d) of PC 17 introduces the requirement for one car park for each apartment dwelling as a permitted activity. The proposal complies with this rule.

The site is within 10 minutes convenient walking distance to the New Lynn train and bus station making it ideal for apartment development as identified by Policy 11.46. Council's Transport Assets Engineer is satisfied with the provision of one car park per apartment unit and comments that residents will be able to make use of nearby public transport facilities. Any overspill of parking is unlikely to occur to the width of the carriageway of Kaponga Crescent.

8.6.4.2 Conclusion

For the reasons stated above I consider that the proposal is in general accordance with the assessment criteria of the Operative District Plan and PC 17 and PC 18. The design of the apartment is suitable for the site and has had consideration of future residents and of adjoining residential properties, existing and as anticipated by the proposed plan changes.

8.7 Plan Change 18 – City Wide Rules (Apartment Design Criteria)

Proposed PC 18 introduces assessment criteria relating specifically to apartment design and related considerations (Appendix 7). As detailed in Section 4.0 of this report the proposal would fail to comply with City Wide Rule 1 (Apartment Design) 1.0(ii) and (iii) relating to balconies and outlook space and is therefore a discretionary activity.

- *Assessment of discretionary activities made under Rule 2.3(b) will be assessed having regard to Assessment Criteria 2(a) – 2(g), the Assessment Criteria of the City-Wide Rule 1 Apartment Design, City Wide General Noise Standard Rule 1.10 Residential Activities – Noise Attenuation, and Rule 7A of the Community Environment and any other matters which are relevant under section 104 of the Act.*

City Wide Rule 1 Rule 1(a) General

1(a)(i) The extent to which each apartment and apartment building meets the design criteria of the *Apartment Design Criteria Appendix* to this rule.

The applicant has included a detailed tabled analysis of the proposal against the PC 18 City Wide Rule 1 Apartment Design Criteria Appendix (pages 26, 27, 28, 29, 30, 31, 32 of their AEE). I have carefully reviewed this assessment and concur with their interpretation and analysis of the proposal. Given that the proposed layout would fail to comply with City Wide Rule 1.0(ii) balconies and City Wide Rule 1.0(iii) outlook space, I will focus specifically on assessment criteria **B3, B9, B10 and B13 as are relevant to the fore mentioned rules**. My assessment is as follows:

<p align="center">City Wide Rule 1 APPENDIX – APARTMENT DESIGN CRITERIA</p>	<p align="center">COMMENT</p>
<p>B3 The internal layout of each <i>apartment</i> should provide for the following:</p> <p>(i) convenience and efficiency in the layout and room proportions with good circulation and relationships to glazing</p> <p>(ii) habitable rooms with a minimum floor to ceiling height of 2.4m (see also ventilation requirements)</p> <p>(iii) Living areas that are adequately sized and proportioned. As a guide, living and dining areas should have a minimum width of 3.2 metres and a minimum area of:</p> <p>(a) studio 11 m², (b) one bedroom 21 m², (c) two bedroom 30 m² (d) three bedroom unit 38 m² (in all cases exclusive of kitchen and circulation areas)</p> <p>(iv) the provision of basic furniture items (to be illustrated on scale drawings of the <i>apartment</i> floor plan):</p>	<p>✓ Logical layout.</p> <p>✓ 2.4m internal floor to ceiling height. ✓ Width of 3.6m provided.</p> <p>✓ Minimum area of 31m² provided.</p> <p>Furniture provided to reasonable scale (Sheet RC07).</p> <p>The proposal contains a storage area at the basement level of the development which provides 3m² of storage area to each unit. In addition every unit is provided with multiple built-in storage cupboards.</p>
<p>Balconies, Roof Gardens and Courtyards</p> <p>B9 The extent to which the balconies, roof gardens or courtyards are:</p> <p>(i) a reasonable size, dimension and orientation to be usable by residents (7m² minimum size)</p>	<p>✓ All units are shown to provide at least 7m² of balcony space (7m² - 138m²). All balcony areas except unit 6 & 7 can accommodate a 2.0m diameter circle.</p> <p>It is considered acceptable in this case that a 1.7m diameter circle is provided for the balcony area of units 6 and 7 as unit 6 has a secondary area of outdoor space fronting Kaponga Crescent.</p> <p>Unit 7 would also have a 30cm shortfall which is offset by the communal area provided on site, and the sites proximity to public open space (Manawa Wetlands (Margan Ave) Kenmaunder Park.</p> <p>Sufficient, useable, private space is therefore provided and both units have a generous floor area of 91m² (51m² above that required by the plan change).</p>

<p align="center">City Wide Rule 1 APPENDIX – APARTMENT DESIGN CRITERIA</p>	<p align="center">COMMENT</p>
<p>(ii) be orientated to achieve privacy from adjoining apartments and are protected from wind.</p> <p>(iii) are orientated to provide passive surveillance of public spaces, internal access ways or communal (but privately owned) outdoor space.</p> <p>(iv) be orientated to maximise sun and daylight access.</p> <p>(v) add visual interest and aesthetic coherence to the façade.</p> <p>(vi) avoid being located adjacent to any air discharge vent.</p>	<ul style="list-style-type: none"> ✓ Privacy between apartments is maintained through the provision of ‘part walls’ where balconies adjoin. Each balcony area would be fitted with a 1.0m high ‘privacy screen’. ✓ Those balconies on the western block are orientated to Rata Street to provide passive surveillance and interaction with the street scene. Balcony areas on corner units (southeast and southwest) extend to the Kaponga Crescent frontage. ✓ All balcony areas are directly accessed from the main living room with a northerly aspect. ✓ Balcony design and placement provides visual amenity through articulation. ✓ Complies.
<p>Outlook and Amenity</p> <p>B10 The setback from the main outlook and glazing of an apartment to any site boundary, other than a boundary with a road, or building on the same site, should ensure access to daylight and air providing for the amenity of residents (Note: compliance with City Wide Rule 1.0 (iii) Outlook/Amenity satisfies this criterion).</p>	<p>A small portion of the roof area of the upper storey (0.7m height over a distance of 2.0m) encroaches the 10m set back required by City Wide Rule 1.</p> <p>Adjoining land to the east of the site is zoned Living 5 and could therefore potentially be developed to a height of 11m. Given the modest degree of non-compliance the proposal is not expected to result in a loss of outlook or amenity from adjoining sites.</p> <ul style="list-style-type: none"> ✓ The majority of the building bulk would be sufficiently set back 10m from the eastern boundary, allowing sufficient access to daylight and air. Amenity would therefore be maintained.

<p align="center">City Wide Rule 1 APPENDIX – APARTMENT DESIGN CRITERIA</p>	<p align="center">COMMENT</p>
<p>B11 As a guide, secondary glazing should maintain an outlook space for light, air and amenity from other habitable rooms with a minimum dimension of 3.0m for buildings up to a height of 12m.</p>	<p>✓ The building is set back at least 3.0m from adjoining residential land.</p>
<p>Visual Privacy</p> <p>B13 Reasonable levels of privacy should be maintained between the main indoor and outdoor living areas of the <i>Apartment</i>. Windows and balconies should be designed to reduce overlooking of the private open space in the same or an adjoining <i>Apartment Building</i>. Proposals will be assessed in terms of the use of window positioning and dimensions that are integrated within the building design without adverse effect on amenity for residents or neighbours.</p>	<p>✓ 1.6m screening is provided where outdoor living areas are adjoining.</p> <p>✓ External boundaries are sufficiently screened.</p> <p>✓ ‘Part walls’ extend to separate adjoining balcony areas.</p> <p>✓ Balconies would not directly face one another.</p> <p>It is anticipated and acceptable that there would be some overlooking during the transitional phase of L1 and L5 development occurring on surrounding sites. Balconies are screened to a height of 1m.</p>

It is considered that the proposal has been designed to achieve a good level of amenity for residents and would generally comply with the apartment design criteria appendix of PC 18. The proposal would comply with the relevant performance standards for apartment sizes and the outcomes sought for solar access, ventilation, storage, outlook and amenity and visual privacy. The apartment building as a whole would have a good relationship with surrounding properties and is a good example of the type of development we could reasonably expect, and that which has been publicly notified within the L5 Environment. Landscape character and amenity values are maintained through architectural style, the retention of vegetation and proposed landscaping.

Mailboxes have been provided at the point of the covered pedestrian entry. This achieves identity whilst being safe and secure. The proposed form of urban development allows for active surveillance of the street through the positioning of balconies to provide passive surveillance. High solid fences have been avoided along the road frontage with screening to a height of 1.6m provided where outdoor living courts adjoin. Rubbish and recycling facilities are adequately provided and are supported by Council’s Transport Assets Engineer.

Exterior materials and articulation of design allows for maintenance and provides visual residential amenity. The Body Corporate will be responsible for the management of the site. Landscape design would act to enhance the development and integrate it into the surrounding neighbourhood whilst providing a quality living environment. The retention of vegetation within the road reserves gives integration and retains a sense of place associate with the site. Council’s Landscape Architect is satisfied that plant types are

appropriate and would provide a good level of amenity. Stormwater detention has been incorporated within the design of the proposed planters (Kaponga Crescent frontage). Council's EcoWater Engineer is satisfied that sufficient measures have been taken with regard to infrastructure and the receiving environment.

Council's Transport Assets Engineer has confirmed that sufficient car parking has been provided on site (one per unit). Car parking would be located in the basement area (not visible from the street) to preserve an uninterrupted streetscape. The vehicle access ramp will not adversely affect the functioning of the street and security gates are provided at the point of entry. Pedestrian areas are clearly separate from areas of vehicle circulation. There is provision of bicycle storage within the basement area.

Overall it is considered that the proposal would provide a qualitative living environment in accordance with the Apartment Design Criteria Appendix to City Wide Rule 1, Proposed Plan Change 18.

1(c) Balconies, roof gardens, courtyards

- Assessment criteria 1(c)(i) – 1(c)(v) relating to matters of size, accessibility, amenity values, orientation

A reduction in the minimum area of a balcony may be considered as follows:

- (i) where complimentary or secondary open spaces such as juliet balconies accessible from other rooms of the apartment are provided, or
- (ii) if indoor and/or outdoor communal recreation facilities are provided in the development for the use of occupants.
- (iii) for the retrofitting of existing buildings in a town centre.

In accordance with Rule 1(c) all units are shown to provide at least 7m² of balcony space (7m² - 138m²), are accessible from the main living area and all balcony areas except unit 6 & 7 can accommodate a 2.0m diameter circle. It is considered acceptable in this case that a 1.7m diameter circle is provided for the balcony area of units 6 and 7 as in accordance with the above mentioned assessment criteria unit 6 has a secondary area of outdoor space fronting Kaponga Crescent and Unit 7 would have access to the communal area provided on site. The 3.4m x 1.7m dimension of these balconies would provide a functional outdoor space with the generous floor area of these units (91m²) complying with that required by the plan change (90m² for a 3 bedroom apartment).

1(d) Outlook/Amenity

- Assessment criteria 1(d) - 1(f) relating to matters of sunlight, daylight, air admissions, amenity and outlook design solutions

The area of non-compliance is the upper 0.7m of roofline on the eastern boundary. No windows are affected. Each unit has designed with glazed doors that lead to the balcony area. This design feature would ensure adequate sunlight, daylight and air admission. All habitable rooms will have windows for natural ventilation. Mechanical fresh air ventilation will be provided within bathroom areas.

Conclusion

Overall, the applicant has demonstrated through their assessment against PC 18 City Wide Rule 1.0 Apartment Design that individual apartments and the apartment building as a whole can meet the relevant assessment criteria whilst also reducing impact on nearby free standing residential units. As per comments from Council's Urban Design Specialist the development exemplifies that we could reasonably expect to see in the L5 environment.

8.7.1 City Wide Rule 2 – Site Analysis (PC 18)

Policy 11.33 of Plan Change 18 explains the importance of new developments to be in keeping with the optimum capacity of their site and of ensuring that the development is well integrated in the wider neighbourhood. Apartment developments are required to provide a site analysis which is a record the physical features or characteristics of the neighbourhood and site. It is the intent of this policy that any development responds to the existing and future character of the neighbourhood. The requirement to provide a site analysis is contained within City Wide 1 Apartment Design Criteria, Element A, Design Criteria A1.

In accordance with this requirement the applicant has provided a Site Analysis. I have read this analysis and agree with the points made. The west, north and east of the site is currently occupied by low-medium intensity residential living that could be developed to a height of 11m. To the west the zoning would remain L1 (medium density circle) and to the north and east the future character is anticipated to change with the proposed Living 5 zoning. Multi-level modern apartments would become the common building form. To the south, commercial activity will continue and buildings will typically be multi-storey up to 25m in height.

The development is site responsive in that it has been designed to allow sufficient daylight and sunlight to adjoining neighbours, would not exceed the medium density height criteria of 11m and would improve the urban design character of the existing area, to a level that would be the likely future character of this area. The amalgamation of the two sites has contributed to the level of amenity that is provided on site and aids in achieving urban consolidation. Each unit has been provided with adequate and usable private space and the living areas are above that required by PC18. The existing area has a 'well-treed' appearance and the retention of existing 8m – 9m high trees within the Rata Street and Kaponga Crescent road reserve will give integration of the building and retain the sense of place attributed by these trees. Additional landscaping as proposed would enhance privacy and residential amenity.

8.8 Medium Density Housing

The site is contained within the medium density circle associated with the New Lynn train station. The medium density assessment criteria are the way in which the Operative District Plan assesses the liveability and appropriateness of the development in the proposed location. To qualify for such assessment the site must be at least 2000m², have frontage to a main road and be contained within an identified intensification node (normally within 1km of train stations or town centres).

As mention PC 17 and PC 18 reinforce the role of New Lynn as a sub-regional town centre and advance apartments as an additional method to medium density housing to achieve the intensification of residential development in New Lynn. The rules and policies of the plan change, of which the public are aware, give a clear indication of likely future development. Plan Change 17 in particular identifies the site for Living 5 development, within which the District Plan rules will encourage intensive residential development of predominately medium rise apartments (up to 4 stories) on sites with a minimum area of 1500m². PC 18 provides minimum design standards to achieve residential amenity. The resource management approach taken under the Operative District Plan and the Proposed Plan Change do not differ significantly. The plan changes are intended to close the gap between the current rules of the district plan and give rise to greater sustainability.

The apartment design and layout of the site is of greater intensification than "medium density housing development" and therefore I believe it is more appropriate to use the assessment criteria associated with PC18 to ensure residential amenity. As discussed in

Section 8.6 of this report the proposed residential apartment development reflects the scale, density and building typology (design outcomes) intended under the proposed plan changes in this location, being within the New Lynn town centre identified in the Operative District Plan for intensification.

I do note however that the proposal complies with the medium density housing assessment criteria. The site is within an acceptable walking distance (less than 10 minutes) of high frequency Public Transport (bus and train) routes. The surrounding area, mainly the New Lynn Town Centre, has a considerable number of services and retail premises that make the location appropriate for denser, urban residential development because they can easily be reached by walking, cycling or relatively short bus trips.

Local services and amenities that can be easily accessed by walking, cycling or short bus trips from the site include:

- New Lynn Train and Bus Station.
- AMP Lynn Mall shopping centre.
- New Lynn Library, Community Centre.
- Retail shops (including veg/fruit, dairy) restaurants, cafés etc. along Great North Road, Totara Avenue, Todd Avenue.
- The Warehouse, three supermarkets (Clark Street, New Lynn Mall and Kelston).
- Recreational facilities and parks – Ken Maunder Park (Binstead Road), gym facilities (Les Mills), Manawa Wetlands (Morgan Avenue) Olympic Park – one train stop.
- Employment opportunities – commercial and light industrial businesses within the New Lynn town centre and surrounds.

With further urban intensification planned in the future, more such services, amenities and employment opportunities will be easily accessible from this location.

A463-A485

The medium density housing design elements relate to design and location, site layout, building location, visual and acoustic privacy, car parking and vehicle access, outdoor space, open space, site facilities and landscaping (refer to Appendix 9 attached at pages A463 to A485 for a full copy). The aggregation of two sites has achieved good design and on-site amenity. As described above Council's internal and external experts have reviewed the application and its amendments and have concluded that the proposal would meet the assessment criteria for each of the design elements (A-I) whilst meeting the requirement for increased housing intensification close to amenities and services on within the New Lynn Town Centre. A degree of overlooking is unavoidable (and anticipated) in the Living 5 environment and is somewhat mitigated by generous living areas, balcony screening and the level of on-site amenity provided. The proposed style of development fulfils Council's desired strategic outcome for intensification of housing close to the town centre and has had regard to PC 17 and 18, the likely future character of the area.

The medium density assessment criteria does not relate specifically to apartments and therefore the assessment criteria and specific rules associated with PC 18 give more accurate guarantees that the proposal can provide a reasonable level of amenity to future residents and neighbours on surrounding sites. As discussed in Section 8.6 the proposal has been designed to achieve a good level of amenity for residents and would generally comply with the apartment design criteria appendix. The L5 environment recognises that there will be some compromise/shortfalls during this translational stage of the operative

and proposed plan changes. As designed the development provides diversity and the proposed intensity drives a good outcome in terms of a reduction in vehicle numbers, increased support to existing retail and community services within the nearby town centre.

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

8.9.1 Other Issues Raised by Submitters Not Covered Elsewhere in Report

Intensification

The Operative District Plan has identified this area for intensification (medium density circle) and the development would be no greater than 11m in height as per the relevant assessment criteria of the operative District Plan and L5 provisions of PC17. Neighbours of the site have had the chance to participate in the Plan Change process, none of whom have made submissions to Council.

Social effects

Some submissions referred to detrimental social effects that are likely to arise as a result of the proposal. Reference was made to the development giving rise to cultural and crime issues. Such social issues are dealt with by Council under other legislative requirements.

Rubbish

The site would be appropriately serviced by rubbish and recycling services. Rubbish bins would be collected on a weekly basis.

Drying Facilities & Graffiti

An advice note will be included to ensure that these matters are appropriately managed by the Body Corporate and that any drying facilities on balcony areas are below the balustrade. I note that each unit will have a laundry facility.

Property Values

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, it is considered that property values are often reflected to a certain degree by the visual amenity of a development and/or subject site and the surrounding environment. The visual amenity of the proposed development has been addressed throughout this report and it is considered that the development would have good residential amenity and character. It is also considered the proposal would increase the visual amenity of the site over that which is existing. The conclusion could therefore be drawn that property values would not necessarily be adversely affected by the development. Furthermore, case law on the effects that such a development would have on property values has been clear that economic value of property cannot be considered as an environmental adverse effect.

The main planning concerns raised by submitters relate to matters of increased traffic, pedestrian crossing safety, landscaping and density. These matters have been fully addressed within the body of this report. It is noted that it is only planning matters that can be addressed within this report and in this case these can be adequately addressed through conditions of consent.

8.10 Bonds/Reserve Contributions/Development Levy/Financial Contributions

Development Contributions

The Local Government Act 2002 includes a provision for councils to use development contributions as a funding tool if they wish. This proposal is considered to be a development in terms of the Local Government Act 2002 and will therefore be subject to a development levy. These levies are identified by the Waitakere City Council's Long Term Council Community Plan 2003 (LTCCP) as capital expenditure and a calculation of the charge, based on the increase in units and impermeable surfaces, has been calculated as part of this application.

A Development Contribution of **\$336,766.79 (not incl GST)** has been calculated, based on 36 units and 1,396m² impermeable surfaces. As agreed with Council, this sum shall be payable upon the issue of the associated building consent.

There are no other contributions applicable to this application.

8.11 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 landscaping, engineering requirements and earthworks.

8.12 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 three- four storey apartment design, being located close to the New Lynn Town Centre and public transport in the form of bus routes and the New Lynn Train and Bus Station, meets this concept and will assist in achieving the desired outcome of the Strategy for Waitakere City and the greater Auckland Region.

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

8.13 Lapsing of Consent

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

For this application, there is no reason to depart from the default five year consent period. Further there is no reason to defer the commencement date of the consent. In these circumstances, it is recommended that the consent period be set as five year from the date of the granting of consent.

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.

10.0 CONCLUSION

The applicant seeks consent to establish a 36 unit part three, part four storey apartment development as a residential development at 17 and 19 Rata Street, New Lynn. The site is located in the Living Environment (medium density circle) and the General Natural Area. The site has been identified for L5 zoning as part of Plan Change 17 and the apartment design rules and assessment criteria of Plan Change 18 apply.

The development would provide a level of urban consolidation, in a suitable location, in accordance with Council's strategic direction. The design of the development has been based on the provisions of Plan Change 17 and consideration has been given to the requirements of Plan Change 18. Resource consent is required under the Operative District Plan for density, height, internal height in relation to boundary, front yard, building coverage, outdoor space, vegetation alteration, earthworks and impermeable surfaces. In addition the site is known to Council to be subject to flooding. Resource consent is also required under Proposed Plan Change 17 (New Lynn) for density, front yards and car parking. Proposed Plan Change 18 requires consent for balconies and outlook/amenity.

It is considered that the proposal **meets** the criteria for granting consent under the Operative District Plan and Proposed Plan Changes 17 and 18 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 this residential 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 and proposed plan change 16 and 17 which seek to promote increased intensity of residential development where the development would be supported by 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. The proposed design and site layout achieves expected levels of outcome under the operative district plan and proposed plan changes.

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.

11.0 RECOMMENDATION

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 Networth Developments Limited to establish a 36 Unit, part three, part four storey apartment development as a residential development in the Living Environment.

Resource consent is required for infringements to the rules contained in the operative District Plan relating to density, height, internal height in relation to boundary, front yard, building coverage, outdoor space, vegetation alteration, earthworks and impermeable surfaces. In addition the site is known to Council to be subject to flooding.

Resource consent is also required under Proposed Plan Change 17 (New Lynn) for density, front yards and car parking. Proposed Plan Change 18 requires consent for balconies and outlook/amenity.

At 17 and 19 Rata Street, New Lynn, being Lots 1 and 2 DP 153766 for the following reasons:

1. The adverse effects on the environment would be no more than minor because:
 - (a) The site is within 10 minutes walking distance to the New Lynn town centre where existing amenities, social infrastructure, utility systems, employment opportunities and the transport network make the location appropriate for denser, urban residential development.
 - (b) The proposed development would be reasonably connected with the surrounding neighbourhood with adequate pedestrian links.
 - (c) The increase in traffic movement is not considered significant and can be accommodated within the local road network. Safe access to and movement within the site is achievable and may be controlled by conditions of consent. Sufficient On-site car parking has been provided. All parking dimensions comply with the requirements of the Code of Practice.
 - (d) Visual amenity is adequately mitigated through proposed landscaping and the retention of established trees within the Rata Street and Kaponga Crescent road reserve. The setback of the buildings from the road frontages, articulated design and use of materials maintains residential appearance whilst enhancing the character of the area. The apartment buildings have been adequately set back from external boundaries to allow sufficient daylight and sunlight to adjoining sites.

- (e) The internal layout, design and quality of the units provide sufficient on-site amenity with private, useable outdoor space available for each unit. Areas of outdoor space are orientated northward to receive acceptable daylight and sunlight.
 - (f) The site would be appropriately engineered to ensure the health and safety of residents.
 - (g) The adverse earthworks and construction effects on the amenity of neighbouring properties will be controlled by conditions of consent and would be temporary in nature.
 - (h) Mitigation of the potential adverse effects in terms of infrastructure and the receiving environment can be appropriately controlled by conditions of consent. Stormwater generation will be adequately mitigated to ensure that no additional pressures will be placed on the receiving environment.
 - (i) Acoustic design would be controlled by conditions of the associated building consent.
2. The proposal supports the policy platform for intensification under the Operative District Plan and the development is in general accordance with the assessment criteria for medium density housing.
 3. The proposal would have a positive effect on existing character through design and density (vibrancy). The site location has been identified in the operative District Plan and Proposed Plan Change 17 for intensification. The apartment development reflects the diversity, scale, density and building typology (design outcomes) intended under the proposed plan changes in this location, being within an area identified for intensification, and within walking distance of the New Lynn Town Centre and associated amenities.
 4. The proposal supports the policy platform of relevant regional planning documents for the intensification of New Lynn as identified in Plan Change 16 and 17.
 5. The proposal is considered to be consistent with the relevant assessment criteria, objectives and policies of the Waitakere City Council District Plan and is not contrary to the Auckland Regional Plan or the Auckland Regional Policy Statement.
 6. The proposal is not contrary to Part II of the Resource Management Act 1991.

Consent shall be subject to the following conditions:

General

- G1 The development shall proceed in accordance with the plans titled " Proposed Apartments 17 – 19 Rata Street, New Lynn (Networth Development Ltd) prepared by Davis Hawksworth Architects, specifically -

RC01a – Site Plan (dated November 2007) received by Council 19/03/08
RC02 – Basement Plan (dated November 2007) received by Council 19/12/07
RC03 – Ground Floor (dated November 2007) received by Council 19/12/07
RC04 – First Floor (dated November 2007) received by Council 19/12/07
RC05a – Second Floor (dated 14/02/08) received by Council 18/02/08
RC06 – Third Floor (dated November 2007) received by Council 19/12/07
RC07 – Typical Floor Plans (dated November 2007) received by Council 19/12/07
RC08b - Elevations (dated 14/02/08) received by Council 19/03/08
RC09 – Elevations (dated November 2007) received by Council 19/12/07
RC10 – Sections (dated November 2007) received by Council 19/12/07

RC11a – Earthworks Plan and Treeworks Plan (dated November 2007) received by Council 11/03/08

RC12 – Site Analysis Plan (dated November 2007) received by Council 19/12/07

Revised “Landscaping Planting Plan” prepared by Stephen Neate, Landscape Design Consultant, revision date 29/02/08 received by Council 11/03/08.

Revised “Landscape Treatment Plan” prepared by Stephen Neate, Landscape Design Consultant, revision date 29/02/08 received by Council 11/03/08.

Schematic section thru’ Kaponga Crescent boundary prepared by Stephen Neate, Landscape Design Consultant, received by Council 02/02/08.

and all referenced by Council as LUC-2007-2245 and the information, including further information, submitted with the application.

- G2. Pursuant to section 125 of the Resource Management Act 1991, this consent shall lapse after a period of five (5) years after the commencement of the consent.
- G3. All noise and vibration associated with the development and use of the site shall comply with District Plan standards at all times (Rule 12 and 13 of the Living Environment).
- G4. All lighting associated with the development shall comply with District Plan standards at all times (Rule 13 of the Living Environment).
- G5. All development works on the site, including earthworks and the use of associated heavy machinery shall be undertaken between the following hours only:
- | | |
|-----------------------------|--------------------|
| Monday to Friday: | 8.00 am to 6.00 pm |
| Saturday | 9.00 am to 5.00 pm |
| Sunday and Public Holidays: | No work |
- G6. A consent compliance monitoring fee of \$1,363.00 (inclusive of G.S.T.) has been 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 reinspection shall be required at the relevant hourly rate applicable at the time of reinspection.

The monitoring fee has been paid as part of the resource consent and the resource consent holder shall be advised of any further monitoring fees if they are required.

- G7. All reticulated services, including power and telephone, shall be provided underground.
- G8. WaterCare consent shall be obtained **prior to the issue of the associated building consent.**
- G9. The consent holder shall be responsible for establishing a Body Corporate to ensure the development is adequately managed and maintained on an ongoing basis. A copy of the **Body Corporate Rules** shall be provided to the satisfaction of the Manager: Resource Consents prior to occupancy of the buildings.

Earthworks

- EW1. **Before commencement of any works** and until completion of exposed site works, adequate sediment and erosion control measures shall be constructed and maintained in accordance with Appendix 3, Erosion and Sediment Control Measures Appendix to the Natural Area Rules of the Waitakere City Council Operative District Plan. The consent holder shall notify Council’s Monitoring

Officer – Resource Management (ph 8390400) when controls are in place. If unsatisfactory a re-inspection will be required at the relevant hourly rate applicable at the time the re-inspection is carried out. Work shall not commence until approval has been gained from the Manager: Resource Consents.

EW2 If the bulk earthworks are not completed within the earthworks season (1 November till 30 April) then the necessary measures shall be implemented to ensure that the erosion and sediment controls are appropriate for the winter. A written report on the progress of the earthworks and the above erosion and sediment controls from the registered engineer supervising the work shall be submitted for the approval of the Manager: Resource Consents within one month of the cessation of work.

EW3 All water collected within the excavation shall be pumped into a suitably sized detention device and chemically treated prior to any discharge into the stormwater system. A plan shall be submitted to and approved by Council's Environmental Monitoring Officer, **prior to the commencement of works**, detailing the detention device and chemical treatment.

EW4 **Prior to the commencement of works** the applicant shall provide Councils Environmental Monitoring Officer with a Traffic Management Plan. This shall be approved prior to works commencing on site.

Please call the Council's Call Centre on (09) 839 0400 to arrange this meeting. Please allow five working days for this meeting to take place.

EW5 Additional sediment and erosion control measures shall be implemented on site if deemed necessary by Council's Environmental Monitoring Officer.

EW6 All cesspits within 50m of the site shall be protected by Cesspit protection in accordance with the Auckland Regional Council Technical Publication Number 90. These controls shall be maintained for the duration of the works and to the satisfaction of Council's Environmental Monitoring Officer.

EW7 All 'cleanwater' runoff from stabilised surfaces including catchment areas above the site shall be diverted away from the earthworks area via a stabilised system, to prevent surface erosion and sediment laden run off.

EW8 A stabilised entranceway to the site shall be provide **prior to the commencement of works** and maintained for the duration of works. Additional measures such as wheel wash facilities shall be implemented (if deemed necessary by Council's Environmental Monitoring Officer) to prevent the deposition of earth or other debris on the surrounding street network by vehicles entering and exiting the site. Any material deposited on the street shall be immediately removed by sweeping and any damaged caused shall be immediately repaired at the expense of the consent holder. The consent holder shall notify Council's Environmental Monitoring Officer when entranceway controls are in place. Work shall not commence until approval has been gained in writing from the Manager: Resource Consents.

EW9 All dirt tracked onto the surrounding roads as a result of the development covered by this consent shall be cleared by sweeping on a daily basis at the expense of the consent holder. In case of repeated non-compliance with this condition Council's Environmental Monitoring Officer may engage the road sweeping contractor to carry out road cleaning if it is the Council's Environmental Monitoring Officers opinion that the dirt on the roads and/or footpath is creating an adverse effect on the environment. The road cleaning contractor shall be engaged at the cost of the applicant.

- EW10 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 and at the direction of Council.
- EW11 All sediment and erosion controls shall remain in place until the completion of the earthworks. Express permission of Council's Environmental Monitoring Officer shall be gained before any controls can be removed.
- EW12 The site shall be re-grassed or otherwise stabilised, to the satisfaction of Council's Environmental Monitoring Officer, within one week of the completion of the earthworks.
- EW13 If deemed necessary by Council's Environmental Monitoring Officer, a wheel wash facility shall be provided at the site entrance on to Rata Street. This shall be used by all heavy vehicles exiting the site to the satisfaction of Council's Environmental Monitoring Officer.
- EW14 Any works generating dust shall cease until weather conditions are suitable to the satisfaction of Council's Environmental Monitoring Officer.
- EW15 Additional dust control measures shall be imposed if deemed necessary by the Council's Environmental Monitoring Officer.
- EW16 In the event of archaeological evidence being uncovered (e.g. 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.

Geotechnical

A1-A12

- GEO1 All site works shall be under the control of a Chartered Professional Engineer (with experience of geotechnics). The site works shall follow the recommendations of the detailed geotechnical report prepared by Soil & Rock Consultants (Job No. 07572, dated 14 November 2007) attached to this consent at pages A1 to A12 for foundation types, (including depth of foundations required) and earthworks. This will include supervision of excavations for the basement car park, foundations, retention measures and floor slabs.

Transport Assets

- TA1 The vehicle crossing shall be constructed to the standard shown in Figure SF 3.13 of Waitakere City's Code of Practice.
- TA2 A construction management plan shall be provided at the building consent stage taking into account the comments made in Council's Transport Assets Traffic Engineering Review attached to this consent (Sam Shumane dated 21 February 2008). A copy of the plan is to be provided to the Manager, Transport Assets for review and approval prior to the issue of the building consent.

Vegetation Removal

A13-A42

- VEG1 No vegetation clearance or pruning shall occur until all relevant building and planning consents have been issued. It is the responsibility of the resource consent holder to provide this evidence to the contractor undertaking all the works.
- VEG2 The consent holder shall appoint a suitably qualified and experienced Works Arborist to supervise all arboricultural works in accordance with the conditions of consent and recommendations of the arboricultural report by Simon Miller

attached to this consent at pages A13 to A42. The consent holder must submit evidence of the appointment by way of an Arborist on-site log or report that identifies site attendance at stages 1 – 5.

- (1) Erection of protective fencing.
- (2) Site meeting with Council's Environmental Monitoring Officer **prior to the commencement of any works** on site to conform the location and specification of the protective fencing. The attendance of the Environmental Monitoring Officer must be request by telephoning (839 0400) and at least 48 hours notice must be given.
- (3) Site meeting with contractors responsible for the pruning or removal of vegetation to ensure adherence to good arboricultural practice.
- (4) Site meeting with construction personal to ensure their familiarity with working practices close to protected vegetation and any other conditions of consent.
- (5) Any works within the dripline of protected vegetation.

This evidence must be sent to the Manager: Resource Consents

VEG3 The removal/pruning of the protected vegetation identified in the report shall be undertaken by appropriate trained and skilled persons in accordance with modern arboricultural practices so as not to cause damage to/or death of other 'protected' vegetation growing beneath or alongside.

VEG4 Protective fencing shall be erected around the dripline of all retained protected vegetation prior to the commencement of works. The specification of the fencing must be no less than orange plastic mesh supported by waratahs placed firmly in the ground at 4m centres. This fencing must remain in place until all construction works are completed or until authorised by the Works Arborist.

VEG5 The area within the temporary protected fencing must be considered a total exclusion zone unless authorised by the Works Arborist. There shall be:

- a. No fill associated with building and laying of foundations (including that fill generated by any post hole borers for pole foundations) deposited within the driplines of remaining vegetation. All excess excavated material not able to be incorporated appropriately within the site shall be removed immediately following the completion of earthworks and disposed of appropriately.
- b. No storage of materials, building waste, cement/concrete washings and leaching of chemicals, tracking of any machinery, stockpiling of spoil, or other contamination within the drip lines of retained vegetation on this site or on adjacent land.

VEG6 Any new excavations within the dripline of protected vegetation shall be carried out by hand. The use of mechanical excavators is strictly prohibited within the dripline of any protected vegetation. Every attempt must be made to retain significant roots (>35mm in diameter). Following exploratory excavations to establish the location of significant roots, structures / utilities that can be feasibly relocated, should be to avoid significant roots. All significant roots exposed during the works shall be kept moist and covered from direct sunlight by a suitable material such as Geotextile fabric, Hessian or shade cloth until backfilling with topsoil can occur. Where significant roots cannot be successfully retained the consent holder should consult an experienced arborist. Roots below 35mm in diameter, which require removal, shall only be severed using a sharp pruning tool to leave a clean cut surface at the excavation face.

LANDSCAPE TREATMENT

- LT1 Landscape treatment including site layout and planting shall be as per the following plans:
- Landscape Treatment Plan for the proposed development 17 – 19 Rata Street New Lynn prepared by Stephen Neate revised dated 29/02/08.
 - Landscape Planting Plan revised dated 29/02/08
- With modifications as detailed in the following conditions:
- LT2 Planting shall be set in place in the first planting season (May till 7th September) following the use of the building and following any associated hard surface or earthworks to the satisfaction of Council's Environmental Monitoring Officer.
- LT3 Fences shall be set in place following any associated earthworks (noting that earthworks shall not occur within 300mm of the eastern and northern boundaries of units 8, 9 and 10 and to the north of units 5 and 10 so that existing natural ground levels shall remain for these areas)
- LT4 A minimum of 300mm width shall remain at the natural ground level for the east and north boundaries of units 8, 9 and 10 and the north of unit 10. For the east boundary where FGL would be 250mm or greater above the formed grass living court area it shall be retained either at the edge of the lawn area or within the garden area and a minimum of 300mm from the east boundary, to the satisfaction of Council's Environmental Monitoring Officer.
- LT5 Hard surfaces shall be set in place following or associated with earthworks and forming of final ground levels.
- LT6 Tree 3, identified in the arborist report as *Hagenia abyssinica* shall be retained with the conditions set by the arborist.
- LT7 All new lawn areas shall have good quality topsoil, friable free of weeds or debris, to a minimum depth of 250mm, and shall be manually graded (raked) at the final stage of preparation and with grass seed sown at this time, to the satisfaction of Council's Environmental Monitoring Officer.
- LT8 All new garden areas shall be weed free with good quality friable, top soil or garden mix, (topsoil: compost 50:50), 250mm – 300mm minimum depth, with a wood chip mulch to 60mm depth to the satisfaction of Council's Environmental Monitoring Officer.
- LT9 Fencing: One further type J fence shall be provided for the south side of the living court for unit 8 to the satisfaction of Council's Environmental Monitoring Officer.
- LT10 Planting, of *Corokia* 'Geentys Green' or *Buxus sempervirens*, is required to provide adequate privacy between adjacent outside courts where type K fences give separation to the satisfaction of Council's Environmental Monitoring Officer. This shall not obstruct access associated with the gates.
- LT11 One tree, Pb95 grade, shall be planted east of the main entrance, south side of the building, in or close to the line of the proposed hedge to give a foil to the south side (east end) of the building. Suitable species would be titioki, (*Alectryon excelsus*), watergum (*Tristania laurina*), taraire, (*Beilschmiedia taraire*).

- LT12 The gardens and planting plan shall be maintained for three years following the initial planting, with plants watered as necessary to facilitate their establishment and with gardens kept weed free to the satisfaction of Council's Environmental Monitoring Officer.
- LT13 Any plant that dies is removed or otherwise fails to establish shall be replaced in the following planting season and maintained for a further three years all to the satisfaction of Council's Environmental Monitoring Officer.

PUBLIC DRAINAGE INFRASTRUCTURE – ECOWATER CONDITIONS

- (DE1) Design, provide and install a complete public wastewater reticulation system to serve all Units in compliance with Councils Code of Practice for City Infrastructure and Land Development (Refer Section 5.0). Provide engineering plans and calculations to Council for approval prior to commencing works. Specific requirements:
- (i) Under specific engineering approval provide Council with engineering plans and calculations for the new wastewater line extension for approval.
Note: Council will take over the section of wastewater line from the existing S/S manhole within Lot 2 DP 153766 (19 Rata Street) to new S/S manhole. The remaining S/S drainage is to remain private drainage.
 - (ii) Apply in Council for Minor Engineering Work for capping existing wastewater connection and relaying the length of the wastewater drain within the property by filling Minor Engineering & Works near WCC's existing Networks form. The fee is required to be paid in full before the work can be done by Council's Contractors.
 - (iii) Obtain a Minor Drainage Works Permit for any proposed private drainage works to serve the proposed development if not covered by a Building Consent.
- (DE2) Design, provide and install a complete public stormwater drainage system to serve all Units in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer section 4.0). Provide engineering plans and calculations to Council for approval prior to commencing works. Specific requirements:
- (i) Under specific engineering approval provide Council with engineering plans and calculations for the new stormwater line extension for approval.
 - (ii) Apply in Council for Minor Engineering Work for capping existing stormwater connection by filling Minor Engineering & Works near WCC's existing Networks form. The fee is required to be paid in full before the work can be done by Council's Contractors.
Note: Council will take over the new stormwater line within Lot 2 DP 153766 (19 Rata Street). The remaining S/W drainage is to remain private drainage.
 - (iii) Obtain a Minor Drainage Works Permit for any proposed private drainage works to serve the proposed development if not covered by a Building Consent.
 - (iv) Provide an emergency overflow outlet to drain the carpark if it becomes flooded.
 - (v) Provide a stormwater quality treatment device to treat the entire development in accordance with WCC Code of Practice for City Infrastructure and Land Development (refer Section 4).
 - (vi) Provide a maintenance manual for the treatment device.

- (vii) All paved and roof areas are to be routed through the S/W quality treatment device prior to being discharged to the public stormwater network.
- (DE3) Design, provide and install a complete water supply reticulation system and fire fighting services to serve the development in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer section 6). Pay to the Council the cost of supervising the shut down of Council's water supply mains. This service includes EcoWorks providing written advice to all affected property owners/tenants. Specific Requirements:
- (i) At the time of Engineering Approval provide details showing the proposed connection to the existing Council watermain/s. The detail is to include all flanges, joints and applicable details. In addition any water reticulation plan is to show all necessary design details to inform construction.
 - (ii) The provisions of section 6.3.3.7 for servicing multi-storey apartment buildings are to apply.
 - (iii) Liaise with the Water Assets Engineer regarding the location of proposed water meters.
- (DE4) **Engineering Approval and Quality Assurance Process:** Public infrastructure works, as conditioned above, require Council's approval of engineering plans and specifications prepared by the applicant's engineer in accordance with Council's Code of Practice for City Infrastructure and Land Development.
- (i) Submit full engineering plans, long sections and calculations, prepared in accordance with Council's Code of Practice, to Council for approval.
 - (ii) Advise the name of the appointed developer's representative fulfilling engineering responsibilities as detailed in section 1.4.1 of the Code of Practice.
 - (iii) After engineering approval has been given and prior to commencing construction, contact Subdivision Assistant on 836 8000 extension to arrange a QA Pre-Start Meeting. Allow 3 working days for the QA Pre-Start Meeting to be booked.
 - (iv) The applicant is required to ensure that the contracted drainlayer and developer's representative attend the QA Pre-Start Meeting, and that construction materials are on-site for inspection.
 - (v) EcoWater's QA Supervisor will then undertake random site inspections throughout the construction process.
 - (vi) Upon completion of construction the applicant's surveyor is required to prepare As-Built plans in accordance with the Code of Practice, and CCTV inspection of the drains are to be carried out.
 - (vii) The developer's representative is required to fully inspect the drainage including overseeing the drainage tests, view the cctv's and check against the as-builts, and ensure that any remedial works are completed.
 - (viii) When the developer's representative is satisfied that all works meet Council standards, they are required to complete the 'QA Final Inspection Request Form' and lodge this at Council together with As-Builts, CCTV (all footage on one DVD), log sheets, chlorination certificate for watermains, and inspection reports.
 - (ix) EcoWater's QA Supervisor will check all information against the approved design and Code of Practice, then undertake a field check and testing of the new drainage systems in conjunction with Council's approved maintenance contractor.
 - (x) When all public works and documentation are completed to Council's satisfaction the QA Completion Certificate will be issued to the applicant.
 - (xi) Submit a copy of the QA Completion Certificate with the application for s224c Certificate as evidence of compliance with the conditions of consent requiring construction of infrastructure to public standards.

- (xii) Pay all of Council's engineering fees and costs associated with engineering approvals, quality assurance site inspections, as-built & cctv approvals, final inspections, testing and bond management.

FEES, BONDS & CONTRIBUTIONS

- (FC 1) Pursuant to Section 108(2)(b) and Section 108A, and in accordance with Council's Code of Practice for City Infrastructure and Land Development, the applicant is required to provide a maintenance bond to Council, equivalent to 2½% (minimum \$500.00) of the value of works being taken over by Council. Pursuant to Section 109(1) this bond is required to be registered on the relevant property title(s) until such time as Council releases the developer from the bond. The bond may be varied or cancelled or renewed at any time by agreement between the holder and Council. This maintenance bond will be held for six months from the date of 224c issue, or until 31 October, whichever is longer. Maintenance of these assets are the responsibility of the developer during the maintenance period. At the end of the maintenance period the QA Supervisor will undertake a maintenance inspection to ascertain whether the assets are still in satisfactory condition and if so, will instruct the bond to be released, and Council will take over maintenance responsibilities from that time forward. Where defects occur during the developer's maintenance liability period, the costs of repairing such defects are the full responsibility of the developer. Where the developer does not repair the defects, Council will retain the bond monies for use in repairing the defects, and refund any residual monies held to the developer. The developer's liability is not limited to the amount of the maintenance bond, and any additional costs will be invoiced to the developer and will become a debt due to the Council.

Advice Notes

1. The Body Corporate Rules shall include, but shall not be limited to the following:
 - (a) the collection of refuse and site maintenance
 - (b) management of the shared driveway (including repair and maintenance)
 - (c) management of all drainage systems (stormwater, wastewater, water supply)
 - (d) the restriction of hanging washing on balconies/courtyard areas (any drying facilities on balcony areas should be below the balustrade)
 - (e) the requirement for the on-site manager to be responsible for removing any graffiti within the development or on site boundary walls within 48hours of occurrence.
2. It is recommended that the developer consider some form of private covenant to ensure planting is maintained to a high standard throughout. This could be incorporated into the Body Corporate rules.
3. It is recommended that occupants of the units be advised of the planting requirements of this consent, particularly where timing does not allow planting prior to the occupation.
4. 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.
5. With regard to Transport Assets Conditions inspection of the vehicle crossings boxing prior to concrete pouring is required; contact Phone 836-8000 Ext. 8725, at least 48-hours prior to the inspection being required.

6. As the design of the vehicle crossing and approval of the traffic management plan will require the review and approval of the Manager: Transport Assets, prior to issuing of the building consent application, the applicant is advised to make contact with Council's Transport Assets department as early as possible and during the design stage to avoid unnecessary delays.
7. A Development Contribution is payable for this landuse. This Development Contribution must be paid prior to the grant of the building consent. The Development Contribution will be assessed at the time of payment. The estimate of the amount payable at the date of this consent is \$336,766.79 (not incl GST).
8. Earthworks: it is recommended that the finished ground level for the lawn area east of unit 8 be 50mm higher than shown and with cross fall to the north and with provisions for surface drainage to prevent ponding in the outside courts of units 8,9 and 10.
9. It is recommended that the south retaining wall be located a further 300mm northwards to give a wider area at existing ground level by the footpath. This would better provide for the proposed hedge and framework tree to be planted to the east of the main entrance on Kaponga Crescent.
10. It is recommended that the copper beech, *Fagus sylvatica*, be relocated off site. This tree will cast heavy shade in time that would compromise sunlight and daylight access to units.
11. The inclusion of *Clivia minata* and or *Libertia ixioides* is requested where *Arthropodium cirratum* is shown on the Landscape Planting Plan as the latter species may be decimated by snails.
12. With regard to foundation design please consider the likelihood of the tunnel in which the sewer is laid, being an unsupported void.
13. The design of the building must ensure that there is no additional load placed on the Watercare services trunk sewer that runs beneath the site.
14. On completion of design the consent holder shall forward a copy of the construction drawings, calculations, geotechnical information and any other relevant documentation for WaterCare consent.
15. At subdivision stage and pursuant to Section 221 a consent notice would be required as follows:
 - (i) for protection and maintenance of the drainage systems.
 - (ii) advising that the site is served by shared private drainage and it is the responsibility of the Body Corporate to maintain these drains in working order.
 - (iii) advising that the site is served by shared private drainage and it is the responsibility of the Body Corporate to maintain these drains in working order.
 - (iv) advising that the site is served by shared private stormwater quality treatment devices and it is the responsibility of the Body Corporate to maintain these rain gardens in working order.

Report prepared by: Jade Hunt, Senior Planner.

