



Waitakere City Council
Te Taiao o Waitakere

NOTICE OF MEETING

HEARING BY COMMISSIONER

I hereby give notice that a Hearing by Commissioner will be held on:-

DATE: Thursday, 22 October 2009 **TIME:** 9.30 am

MEETING Council Chamber
ROOM:

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

to consider a Resource Management Consent for 408 - 416 Titirangi Road, Titirangi and to take any necessary action connected therewith.

12 October 2009

Maea Petherick
COMMITTEE SECRETARY
Telephone (09) 836 8000 extn 8104

MEMBERSHIP:

Commissioner: Les Simmons

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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 COMMISSIONER TO BE HELD AT WAITAKERE CENTRAL, 6
HENDERSON VALLEY ROAD, HENDERSON, WAITAKERE, ON THURSDAY, 22 OCTOBER
2009, COMMENCING AT 9.30 AM**

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RMA 2009-546

Waitakere Ward

N.B. This report sets out the advice of Consent Services to the Hearing Commissioner 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 Hearing Commissioner.

APPLICATION DETAILS

Planner:	Steven McKenzie
Site Address:	408-416 Titirangi Road and part Road Reserve
Applicant:	ROT-COL Enterprises Titirangi Ltd.
Date Received:	14 May 2009
Resource Consent No:	RMA 20090546
Ward:	Waitakere
Legal Description:	Section 1 SO 67597 & Pt Lot 2-3 DP 15745 and Lot 1 DP 46404
Address for Service:	Boffa Miskell Limited PO Box 91250 Auckland 1142 Attn: Martha Tong
Site Area:	0.8938ha total
District Plan:	
Human Environment:	Community / Bush Living
Natural Area:	General / Managed
Landscape Elements:	Sensitive Ridge - Moderate (65m)
Hazards:	Stability Sensitive
Roading Hierarchy:	District Arterial
Further Information Required:	Disabled access / Traffic / Design
Date Requested:	24 July 2009
Date Received:	3 September 2009

1.0 INTRODUCTION AND RECOMMENDATION

1.1 Nature of the Application

The applicant seeks consent to construct a three storey mixed use development on the corner of South Titirangi and Titirangi Roads, Titirangi consisting of retail (ground level), commercial facilities (first level) and three residential apartments (second level). Car parking in the form of 69 car parking spaces would be provided on site for use of both tenants of the building and the wider public, 51 of these parking spaces would be provided in a two storey parking structure to the rear of the building. The proposal also involves earthworks of approximately 240m³ and the removal of protected vegetation including significant Totara and Puriri.

The framework of this report is such that it explores the proposal in a statutory context and assesses compliance against the relevant statutory documents. This proposal represents a bold departure from what currently exists on this site and unquestionably changes the dynamic of the site, from an open landscape character to a built form. The effects of the proposal with respect to landscape and urban design are very subjective and will vary from person to person. The site is identified as Community Environment and therefore development in some form is envisaged by the District Plan.

1.2 Resource Management Issues Raised

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

The significant resource management issues raised through this application refer to:

- The clearance of native vegetation;
- Height and scale of the proposed development;
- Design of the proposed development from an urban design perspective, including relationship to Lopdell House;
- Traffic generation and parking effects; and
- Relationship of building within a significant natural landscape setting, and location on a sensitive ridgeline.

1.3 Planner's Recommendation

The planner who has prepared this report recommends that, subject to any contrary or additional evidence submitted at the Hearing, **consent be granted** to the application for the construction of a three storey mixed use development, incorporating car parking on the corner of South Titirangi and Titirangi Roads. It is considered that the environmental effects that may be generated by the activity would be minor or could be adequately avoided, remedied or mitigated by the imposition of conditions, and that the relevant objectives and policies of the District Plan will be satisfied.

2.0 LOCATION PLAN



Figure 1 - Aerial Photograph of the site

3.0 PROPOSAL

The applicant seeks consent to construct a three storey mixed use development on the corner of South Titirangi Road and Titirangi Road and also encompasses an area of road reserve which has previously been re-zoned as Community Environment through a Consent Order from the Environment Court. Specific rules relating to this parcel of land have subsequently been incorporated into the District Plan.

The proposed building extends the existing retail strip in a western direction along Titirangi Road and curves around the corner of the intersection between South Titirangi and Titirangi Roads in a southern direction down South Titirangi Road. The existing retail strip is predominantly single storey along the southern side of Titirangi Road therefore the increase in height (two additional stories) becomes visually prominent. The height of the building is 11 metres from the centre point of Titirangi Road and extends to a height of 15 metres as the topography descends down South Titirangi Road.

The building itself, above ground level is clad in a horizontal dark coloured profiled metal cladding with regular windows cut through the cladding.

Midway along the Titirangi Road frontage a brick tower divides the building into two parts and provides a vertical element. This tower marks the entrance to a lobby that provides stair and lift access to the tenancies above whilst offering a view through to the trees to the south.

At the street level there are four retail tenancies with a total floor space of 391m², each offering views through the building to the bush at the rear. It is not known what these tenancies would be at this stage although it is anticipated that the largest tenancy (shown as tenancy A on drawing RC-007) would be a café / restaurant. Tenancy A opens out onto a north-west facing open air arcade that is supported on a brick base along South Titirangi Road at the same level as Titirangi Road. Visually, it is proposed to break up this brick base through the use of landscaping, more specifically climbers. The open air arcade is recessed beneath the bulk of the building above, which provides shelter. A timber canopy extends along Titirangi Road, also to provide shelter to pedestrians.

At the first level it is proposed to have two commercial tenancies with a total floor space of 297m².

On the second level it is proposed to construct three residential apartments, each with a private balcony which opens from the main living area. The balconies of two of the units open in a northern direction, overlooking Titirangi Road whereby the other apartment has a balcony which faces south, south-west and is oriented down South Titirangi Road.

The proposed development would utilise the existing access point to the site.

The proposal would provide 69 car parks on site and would include additional public parking. The existing parking area would be retained but would be enlarged via a cantilevered platform which would extend into the vegetation to the south of the site. A two storey parking structure would be constructed in the eastern part of the site and would provide the remainder of the parking.

The existing retaining wall along both Titirangi and South Titirangi Roads would be strengthened to accommodate the development.

The existing public toilets would be removed. The location of where Council proposes to relocate the public toilets is not known at this stage.

Approximately 240m³ of excavation will be required for the construction of the new car parking platforms. This spoil would be removed from site.

The construction of the car parking platforms would extend into an existing area of native vegetation to the south which necessitates the removal of approximately 920m² of vegetation. This vegetation is predominantly exotic weed species and grass. It is proposed to re-vegetate the area around the edge of parking platforms using appropriate native species. Of more significance, the following trees would also be removed:

- three x Tree fern (between two - six metres in height);
- two x Totara (10 - 13 metres);
- one Cabbage tree (nine metres);
- three x Puriri (10 - 11 metres); and
- two x Kanuka (16 metres) within the same area.

It is also proposed to carry out works within the dripline of seven x Totara and three x Kanuka.

The applicant has carried out extensive consultation prior to lodgement. Evidence of this consultation is attached as appendix ten to the Assessment of Environmental Effects (AEE) lodged with this application.

4.0 REASONS FOR THE APPLICATION

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

Community Environment

- (1) Discretionary Activity for the building and car parking structure infringing the height in relation to boundary recession plane on the southern site boundary where the site adjoins the Open Space environment, in accordance with Height in Relation to Boundaries Rule 2.2. The extent of the height to boundary infringement varies from 1.51 metres - 2.06 metres for the building itself and 0.76 metres - 0.86 metres for the car parking structure.
- (2) Limited Discretionary Activity for buildings located within six metres of an Open Space Environment in accordance with Building and Development Location Rule 3.2. A length of approximately 21 metres of the proposed car parking structure would be located within six metres of the Open Space Environment, extending to within 2.4 metres at the closest point.
- (3) Discretionary Activity for buildings which would exceed 10 metres in height from the road level at the centre point of its Titirangi Road Frontage in accordance with Building Location-Natural Landscape Elements Rule 4.3. The proposed building would be 11.0 metres at the highest point as measured from the centre point of its Titirangi Road frontage.
- (4) Discretionary Activity for buildings located within the Titirangi Community Environment which exceeds 10 metres in height but where no less than 18 car parking spaces are provided on the land located on the corner of Titirangi and South Titirangi Roads in accordance with Buildings and Site Design - Titirangi, Rule 5C.3. The proposed development would be up to 15 metres in height as measured along South Titirangi Road and up to 11 metres as measured along Titirangi Road. 18 public car parking spaces would be provided.
- (5) Limited Discretionary Activity where in excess of 20 car parking spaces are provided but where not more than 10% of the site is planted in accordance with Landscape Treatment (car parking) Rule 9.3. Landscaping is proposed in accordance with the 'Landscape Mitigation Plan' prepared by Boffa Miskell reference A07135_100 however there is very limited areas of the site that are not already vegetated for further landscaping to occur.
- (6) Limited Discretionary Activity for a residential activity which is consistent with City Wide Rule 1 - Apartment Design and City Wide Noise Standard Rule 1.10 - Residential Activities - Noise Attenuation. Residential Activities Rule 11.2.

The proposal involves the construction of three apartments which would have noise attenuation to the levels required by City Wide Noise Standard Rule 1.10 - Residential Activities - Noise Attenuation.

The proposed apartments would also meet the general performance criteria within City Wide Urban Design Rule 1.0 which deals with apartment size, provision of outdoor space and outlook/amenity.

- (7) Controlled Activity for a development whereby there is a shortfall in the provision of car parking and loading bays. Parking, Loading & Driveway Access Rule 14.2. The District Plan's parking requirements total 37 spaces for the proposed activities, in accordance with Table 1, below. The actual supply is 34 car parks for the use of the building, a shortfall of three. Only one loading space is also provided.

Activity	Size	Rate	Required
Retail activities	391m ²	1 / 16	24.4
Commercial activities	297m ²	1 / 30	9.9
Residential activities	3 units	1 per unit	3
TOTAL			37.3 (37)

Note: The proposed vegetation clearance proposed both within the General and Managed Natural Areas as outlined below is illustrated on the plan titled 'Vegetation Location Plan' by Amenity Tree Consultants dated 2 April 2009.

General Natural Area

- (8) Limited Discretionary Activity for the removal of protected vegetation (i.e. greater than six metres in height or more than 600mm in girth) - Vegetation Alteration Rule 2.3. The proposal would involve the removal of two Totara, one Cabbage tree, one Tree Fern, three Puriri and two Kanuka.
- (9) Controlled Activity for works within the dripline of native and exotic vegetation greater than six metres in height or 600 millimetres m in girth - Vegetation Alteration Rule 2.2. The construction of the proposed car parking structure would necessitate works within the dripline of protected vegetation.

Managed Natural Area

- (10) Non-Complying Activity for the proposed vegetation clearance resulting in the total cleared area of the site exceeding 500m² - Vegetation Alteration Rule 2.5. Approximately 920m² of vegetation is scheduled for removal, including exotic weed species.
- (11) Controlled Activity for works within the dripline of native and exotic vegetation greater than six metres in height or 600 millimetres in girth - Vegetation Alteration Rule 2.2. The construction of the proposed car parking structure would necessitate works within the dripline of protected vegetation.

City Wide Rules - Natural Hazards

- (12) Limited Discretionary Activity for development on a site which is known by Council to be subject to slope instability - Natural Hazards Rule 1.1.

Plan Change 18

Proposed Plan Change 18 was notified by the Council on 31 March 2005 introducing Citywide urban design provisions. The proposed Plan Change introduces City Wide Rules and inserts design guidelines associated with the development of apartments in town centres.

It is considered necessary to consider this plan change with respect to this application. In relation to this application the development triggers assessment against the General Performance Standards under the proposed City Wide Rules;

- (13) Limited Discretionary activity pursuant to Proposed Rule 1.0 Apartment Design. The proposed development meets the required performance standards as detailed within the rule.

General Performance Standards

The following performance standards shall apply only to *Apartments* and *Apartment Buildings*. (Note: Refer to the relevant Human Environment rule for *resource consent* status).

- (i) Apartment size;
- (ii) Balconies, roof gardens and courtyards; and
- (iii) Outlook/Amenity.

This infringement relates to 6 above.

4.1 Overall, the application is considered to be a **Non-Complying Activity**. The proposal complies with all other development controls under the District Plan.

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

5.0 THE SITE AND NEIGHBOURHOOD DESCRIPTION

The site is located in Titirangi Village on the corner of Titirangi and South Titirangi Roads and incorporates the sites at 408-416 Titirangi Road and part road reserve, which is currently used for car parking.

Access to the site is currently from South Titirangi Road and extends in an eastern direction providing vehicular access and parking to the existing retail activities to the east of the site and providing general car parking for Titirangi. A large retaining wall runs along the northern and part of the western boundary of the site which allows car parking to be provided at gradient and elevates Titirangi Road above the subject site.

There is an existing toilet block to the north of the site where on-grade access is provided from Titirangi Road. This toilet block is administered by the Council. Immediately to the east of the toilet block, stairs provide access from the car parking area to Titirangi Road.

There are existing buildings to the north-east of the site which front Titirangi Road and are owned by the applicant. These are currently tenanted by Titirangi Pharmacy, La Vinci Café, Scenic Dairy, Titirangi Takeaways and Barfoot and Thompson. Parking for these premises are located to the rear and underneath the units and access is obtained from South Titirangi Road.

The area immediately to the south of the buildings and associated parking areas slopes down in a southern direction with a moderate gradient and is infested with weeds. The land further to the south of the weed infested area continues to slope away in a southern direction and contains more mature, significant native vegetation.

The land to the south of the public parking area is Council Open Space and contains significant native vegetation. A walkway descends to the south from this area and accesses the community facilities including the Memorial Hall and Community House.

Generally, the neighbourhood of Titirangi is extensively vegetated with areas of indigenous vegetation. Cleared areas provide for development associated with the village, community facilities and residential dwellings. Development in the wider area is generally at a low density. Vegetation, much of significant quality dominates built development. The village is located on a sensitive ridgeline with Rangawhai Hill and Mt Atkinson at opposite ends.

On the western side of South Titirangi Road, immediately to the west of the subject site is Lopdell House which is the most prominent building within Titirangi and has a commanding presence along Titirangi Road. The memorial to Henry Atkinson is also located on this corner, adjacent to Lopdell House and reinforces the civic importance of Lopdell House to Titirangi.

5.1 HERITAGE FEATURES

Titirangi village is unique in that it is an urban centre located within the Heritage Area and also within the Metropolitan Urban Limits. The site is subject to the Waitakere Ranges Heritage Area Act (WRHAA).

The purpose of the WRHAA is given in section 3. Amongst other matters, this section states the national significance of the Heritage Area (s(2)(b)), promotes the protection and enhancement of its heritage features for present and future generations (s(1)(b)), and specifies the objectives of establishing and maintaining the area (s(2)(d)). It also specifies additional matters for the Council to consider when making a decision, exercising a power, or carrying out a duty that relates to the Heritage Area (s(2)(e)) (which includes the consideration of resource consent applications).

Section 7 defines the relevant heritage features of the Heritage Area. The Heritage Area is described as being "of national significance and the heritage features described in subsection (2), individually or collectively, contribute to its significance."

Section 8 identifies the relevant objectives of the Act for establishing and maintaining the Heritage Area.

Section 13 of the WRHAA relates to resource consents. This section provides that, when considering an application for resource consent for a discretionary or non-complying activity in the Heritage Area, a consent authority must have particular regard to the purpose of the Act and the relevant objectives.

A300-A312 Council's Strategic Advisor - Waitakere Ranges, Mark Tollemache has provided a comprehensive assessment of the proposal with respect to whether it falls within the parameters of the WRHAA and subsequently whether it is appropriate within the Heritage Area. This assessment is attached at pages A300 to A312 as Appendix Eight and contains comment against each of the heritage features in section 7 of the WRHAA and as well as relevant District Plan Policy in accordance with section 13 of the WRHAA.

As noted in his assessment, Mr Tollemache has been involved with the development and implementation of the WRHAA and therefore has an intimate knowledge of its interpretation. I do not consider that further assessment is therefore required.

In section 6 of Mr Tollemache's evidence, he notes: *"I consider that from a strategic sense and from the perspective of the purpose and objectives of the WRHAA, the proposal is in principle appropriate for the site and Titirangi village. I have come to this conclusion after considering the requirements of Section 13 of the WRHAA (inclusive of sections 7 and 8).*

Section 8.2 of the Applicants AEE also contains an assessment of the proposal against the WRHAA in which they conclude "... it is considered that the proposal is appropriate within the heritage area and is consistent with purpose of this Act and any relevant objectives in the WRHAA".

I concur with the conclusions of both the applicant and Mr Tollemache and consider the proposal to be consistent with the purpose and objectives of the WRHAA.

Relevant to the WRHAA and raised in submissions is the fact that a Local Area Plan (LAP), prepared in accordance with the WRHAA would provide a more consistent approach and some long term planning to the village. I agree that the development of a LAP would provide further certainty about the future of the village. Whilst seen as beneficial, the Council has competing demands of its resources and it is evident that the development of a LAP for Titirangi is not a priority at this time. Regardless, the Council has an obligation to consider this resource consent applications on its merits at the time of lodgement.

6.0 ISSUES IDENTIFIED THROUGH THE SUBMISSION PROCESS

A220-A252 The application was publicly notified on Thursday, 11 June 2009. Notice of this application was served on all identified affected persons on 8 June 2009. The period for submissions closed on 9 July 2009. 14 submissions were received, five submissions supported the application, and nine submissions opposed the application. Two submissions were received outside the submission period. Copies of the submissions that were received are attached at pages A221 to A252 as Appendix Three and a map showing the location of the submitters is attached at pages A220 as Appendix Two.

Section 37 Assessment

The Hearings Committee needs to resolve whether to accept the late submissions, pursuant to Section 37 of the Act. In making this decision, the Council is required to consider the provisions set out in Section 37A(1), being:

- (a) *The interests of any person who, in its opinion, may be directly affected by the extension or waiver, and*
- (b) *The interests of the community in achieving adequate assessment of the effects of any proposal, policy statement, or plan, and*
- (c) *Its duty under Section 21 of the act to avoid unreasonable delay.*

Section 37A(2)(b) also requires that the extension of time shall not have the effect of exceeding twice the maximum period specified in the Act unless the applicant agrees.

A221-A252 The late submission in support does not raise any additional matters which have not already been covered by other submissions received during the submission period. A copy of all submissions received, including the late submissions, are attached at pages A221 to A252 as Appendix Three.

6.1 Submissions

The following persons have submitted on the proposal:

Submitter	Address	Support / Oppose
Titirangi Business Association	C/ - 408 Titirangi Road, Titirangi	Support

Thomas Michael Landon Carter	530 South Titirangi Road, Titirangi	Support
Nigel David Greer	421 Titirangi Road, Titirangi	Support
Craig King on behalf of Large + King Ltd.	402A Titirangi Road, Titirangi	Support
Pim van der Voort	54 Huia Road, Titirangi	Oppose
James Simpson	PO Box 60291, Titirangi	Oppose
Peter Sahrman	423 Titirangi Road, Titirangi	Oppose
Amir and Claire Saadiamereh	423 Titirangi Road, Titirangi P Sahrman Hair Design	Oppose
Ray Ganda	423 Titirangi Road Titirangi Law Centre	Oppose
The Titirangi Ratepayers & Residents Association Ltd.	PO Box 60-203 Titirangi C/- Dr Mels Barton	Oppose
Mrs CP Horrning	PO Box 60031, Titirangi	Oppose
South Titirangi Ratepayers and Residents Committee	49 Arapito Road, Titirangi Attn: Robert Richards (Acting President and Secretary)	Oppose
Brian and Janine Cripps	431 Titirangi Road, Titirangi	Oppose
Dr. Ulrich and Mrs Nannette Doering	PO Box 60094, Titirangi	Support

6.1.1 Summary of Submissions

6.1.1.1 Support

- The existing car park and toilet block is an eye sore in Titirangi;
- Will provide employment to local tradesman and construction workers;
- Developers have a long standing association with the village;
- Increased parking would be a benefit to Titirangi;
- Titirangi would look more complete with this 'bookend' development; and
- Support the utilization of the commercial area.

6.1.1.2 Oppose

Public Toilets

- Loss of the public toilet is unacceptable;
- Public toilets need to be located somewhere which has access for the elderly and disabled;
- The relocation of the public toilets should coincide with the decommission of the existing facilities; and
- Location of public toilets should form part of this application.

Visual, Landscape and Character

- Development would be carried out on a sensitive ridge and would be visible against the sky;
- Loss of views down South Titirangi Road and to the Manukau Harbour;
- One of the defining characteristics of Titirangi is the numerous views of bush behind and between buildings, this development will block this completely with the exception of a brief glimpse through the entranceway, which will not be accessible to the public;
- Development will detract from Lopdell House; and
- Scale of building similar in stature to Lopdell House on a prominent corner site.

Design

- The height of the proposed building should be two stories instead of three which would be a continuation of the existing shops in Titirangi;
- Cladding of proposed building too dark and out of keeping with the bush setting; and
- Development is too big with respect to the bulk.

Traffic and Access

- Proximity of the site entrance to the intersection of South Titirangi Roads and Titirangi Roads, combined with increased traffic flows and pedestrian usage will cause chaos;
- Lack of an alternative in Titirangi to car use;
- Council needs to look into improving public transport to Titirangi before approving developments of this nature;
- Construction effects including loss of parking and disruption to South Titirangi and Titirangi roads;
- Poor access from parking facilities onto both Titirangi and South Titirangi Roads for disabled people and pushchairs - have to use vehicular access;
- Entrance to the public car park lacks proper egress and needs to be wider than present, particularly with the increase in car parking spaces; and
- Poor visibility when entering and exiting car park, entrance too narrow.

Lack of a Local Area Plan (LAP) in Titirangi

- Lack of a consistent approach and long term planning for Titirangi;
- Looks at developments individually rather than cumulative effects of developments within Titirangi; and
- Lack of an overall vision for the village.

Vegetation

- Removal of entire fringe of trees around the existing car park - accepts that should development be approved, there is no alternative;
- Footprint of development does not enable sufficient planting to be accommodated in mitigation including inability to replace trees for removal with those of an equivalent size and importance;
- No mention of the Kauri PTA (*Phytophthora taxon Agathis*) disease in the application or arborists report; and
- The height to boundary infringement on the southern boundary would cause loss of natural light and detract from the health of the plants within this vicinity.

General

- Contravenes the current District Plan; and
- Approving a non-complying activity of this nature will set a precedent within the village that permits buildings of this height and scale in the future.

7.0 STATUTORY REQUIREMENTS

7.1 INTRODUCTION

Matters to be considered by the Council when assessing an application for resource consent under section 104 of the Act include, (subject to Part II), any actual and potential effects on the environment and any relevant objectives, policies, rules or other provisions of a Plan or Proposed Plan.

As part of the assessment process when considering an application for a non-complying activity, the consent authority shall be satisfied that the threshold tests outlined in section 105(2A) of the Act will be fulfilled, and that all the relevant matters have been considered under section 104.

Section 105(2A) states that:

“a consent authority must not grant a resource consent for a non-complying activity unless it is satisfied that-

- (a) *The adverse effects on the environment (other than any effect to which section 104(6) applies) will be minor; or*
- (b) *The application is for an activity which will not be contrary to the objectives and policies of,-*
 - (i) *Where there is only a relevant plan, the relevant plan; or*
 - (ii) *Where there is only a relevant proposed plan, the relevant proposed plan; or*
 - (iii) *Where there is a relevant plan and a relevant proposed plan, either the relevant plan or the relevant proposed plan.”*

The proposal is therefore considered against the above requirements in section 8 of this report, following an assessment of the proposal in terms of its actual and potential effects on the environment and in terms of the objectives and policies of the Proposed Plan.

7.2 Non-Complying Activities

As noted, the proposal requires consideration as a Non-Complying Activity under the provisions of the Resource Management Act 1991. Section 104D of the Resource Management Act 1991 sets a threshold test which all resource consent applications for Non-Complying Activities must first pass before a consent authority has jurisdiction to grant consent, having regard to the matters specified in Section 104. In short, the proposal must be able to establish and operate without generating more than minor adverse effects on the environment, or must not be contrary to the relevant Objectives and Policies of the Operative District Plan.

The matters to be considered when assessing an application for resource consent are set out in Section 104 of the Resource Management Act 1991. 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 to the provisions of Part II of the Resource Management Act 1991, which sets out the purpose and principles that guide this legislation.

However it should be noted that for council to grant consent to a non-complying activity application there should generally be some exceptional or unusual element to the proposal. If such unusual circumstances do not exist, then the proposal would effectively compromise the integrity of the District Plan and public confidence in the consistent administration of the plan may be undermined.

Council also has discretion to consider any precedent issues that may arise for a Non-Complying Activity. According to the Court of Appeal decision in *Dye v Rodney District Council*, an adverse precedent effect can arise where the grant of a non-complying consent would influence the approach taken by Council to similar consent applications.

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

8.0 Evaluation In Accordance With Section 104 Of The RESOURCE MANAGEMENT ACT 1991

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

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

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

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

8.1.1 Traffic Effects

Submissions received in opposition to the proposal raise a number of issues with respect to the effects of traffic from the proposed development. The concerns raised by submitters can be summarised as follows:

- Proximity of the site entrance to the intersection of South Titirangi Roads and Titirangi Roads, combined with increased traffic flows and pedestrian usage;
- Lack of an alternative in Titirangi to car use - poor public transport;
- Construction effects including loss of parking and disruption to South Titirangi and Titirangi roads;
- Poor access from parking facilities onto both Titirangi and South Titirangi Roads for disabled people and pushchairs - have to use vehicular access;
- Entrance to the public car park lacks proper egress and needs to be wider than present, particularly with the increase in car parking spaces; and
- Poor visibility when entering and exiting car park, entrance too narrow.

These matters will be addressed in the following sections.

8.1.1.1 Traffic Generation

This application has been supported by a Traffic Impact Assessment (TIA) prepared by Traffic Planning Consultants, reference 08150 dated May 2009, and further information dated 2 September 2009. The report covers the existing transport environment, the proposal, District Plan Provisions, traffic impacts of the proposal, District Plan assessment criteria and conclusions. It should be noted that the assessment within this report is based on retail tenancy A (as illustrated on plan reference RC-007 prepared by Cheshire Architects) being a Café / Restaurant.

The TIA recognises the important link that Titirangi Road plays between the Waitakere Ranges area and New Lynn and beyond. South Titirangi Road plays a similarly important role in collecting traffic from a large residential catchment, including French Bay. This results in the South Titirangi - Titirangi Road intersection, and beyond that Titirangi Road being a regionally important linkage. This is further compounded by a limited public transport network both to and beyond Titirangi.

The total estimated traffic generation for the development comprising a combination of Café/Restaurant, Retail, Office, Residential and Public Parking is between 358 - 589 traffic movements daily. This will have the result of increasing the daily traffic volumes of Titirangi Road by 2.4-2.6% (am peak) and 4.8-5.3% (pm peak) and South Titirangi Road by 6.7-7.3% (am peak) and 12.9-14.1% (pm peak), above the existing usage. Traffic flows would therefore be increased significantly and this increase would be most concentrated at the access point to the development which utilises the existing vehicle crossing on South Titirangi Road. The proximity of this access point to the South Titirangi - Titirangi Road intersection has been noted as an issue of concern and was a matter where the Council sought further information from the applicant. Council's Principal Traffic Engineer, Sam Shumane noted that the current vehicle crossing has inadequate visibility to the north and the available 45 metres would not be sufficient for a vehicle to stop before a collision occurs. This has been flagged as an important issue as it involves public safety. It was requested that the applicant consider modification to the north-eastern corner of the intersection to reduce entry speeds into South Titirangi Road.

In the further information response by Traffic Planning Consultants, dated 2 September 2009, this matter was addressed. It was noted that it was not possible to move the vehicle crossing away from the intersection as this was the only practical location. It was suggested that a slight curb extension at the intersection would be possible, the main constraint being the necessity to provide for buses turning through the intersection. Drawing No 08150-04 prepared by TPC and date 25 August 2009 suggests some potential improvements to the intersection can be made which would be subject to further design and approval at engineering approval stage.

The proposed kerb extension would have the added benefit of reducing the effective road width that a pedestrian walking between the main village area and Lopdell House needs to cross.

Council's Principal Traffic Engineer, Sam Shumane considers that whilst the proposal would result in increased traffic movements to and from the site, there is capacity within the roading network to accommodate this traffic. This increase in traffic does pose potential safety concerns at the intersection however proposed intersection improvements would mitigate the adverse effects to a level where they are minor.

The submissions also raise the point that the public transport network to Titirangi is poor. The TIA contains a comprehensive assessment of the public transport (bus) links to Titirangi and beyond, along with frequencies. The TIA concludes that the site could be described as "*relatively well served by public transport*". The site is located on a District Arterial Road and therefore the framework is in place for a good public transport network to be provided. There are options for people to access Titirangi Road, and subsequently the proposed building by means other than car.

8.1.1.2 Construction effects

Construction effects including loss of parking and disruption to South Titirangi and Titirangi Roads is one of the issues raised in the submissions in opposition to the proposal. There is no doubt that the construction of the proposed building will result in some degree of disruption to both users of South Titirangi Road and for visitors to Titirangi seeking parking. It is inevitable, and anticipated that any development will have some disruptive effects, it is therefore important to minimise these as best as possible. This is achieved by ensuring that construction proceeds in accordance with best practice and in as timely manner as possible.

The likely construction traffic impacts are discussed in Section 5.2 of the Traffic Impact Assessment. Council's Principal Traffic Engineer, Sam Shumane on behalf of Transport Assets has reviewed this and has not identified any major issues and concludes that construction related traffic will be similar to that of any construction site. Prior to construction, a detailed construction management plan to ensure impacts are minimised or contained within the immediate area of the site will be required to be submitted, for the review of Transport Assets. This will be required by condition of consent and will detail such issues as duration, hours of operation, traffic management, etc.

During construction the existing car parking area would not be available for public use. It is anticipated that the construction period will be 20 months. There would be a resultant loss of 18 car parks within Titirangi over that time. A shortage of parking has been identified as one of the major issues affecting Titirangi, its topography making the provision of parking difficult. There is however, adequate on-street parking within the vicinity of the village, albeit a slightly longer walking distance to the village centre, to cater for the loss of this car park during the construction phase. This is a temporary and inevitable effect of the development and will ultimately result in an additional 29 public car parks for Titirangi.

It is considered that requiring the submission of a traffic management plan to Council prior to work commencing will ensure that the construction proceeds in accordance with best practice, and effects will be minimised to a level that is minor.

8.1.1.3 Parking Provision

In addition to the spaces required under the District Plan, the applicant is also required to provide 18 public spaces to replace the existing facility which is being removed, and an additional 16 to fulfil an agreement with Council as a condition of the sale of the land. The total parking requirement is therefore 71 spaces.

The proposed development includes an actual supply for the new activities of 69 spaces which represents an overall parking shortfall.

The parking on site is to be located in two main areas. The first area utilises the existing at grade parking area located on the site where 18 parking spaces will be provided in a slightly revised parking layout to that which exists currently. The second parking area involves the construction of a two level parking structure with 26 parking spaces on the lower level and 25 on the upper level. One of the spaces is to be designated for delivery vehicles and not available to the public.

The 69 parking spaces on the site will be generally available to the public although six parks will be allocated to the three apartments and a further 10 allocated to office activities between 7 am - 6 pm Monday - Friday, but available to the public outside these times. There will also be six parking spaces allocated to retail / café staff at all times.

In summary, 47 of the 69 parking spaces on site will be available to the general public which is a significant increase from the number of parks presently provided.

A detailed parking demand assessment is noted in Section 4.1.3 of the TIA. This assessment suggests that the maximum peak demand is likely to be 30 spaces at 1.00 pm weekdays and 23 spaces at 1.00 pm Saturdays. Further explanation is provided within the TIA regarding the different peaks of mixed use developments which serve to flatten out overall peak demands whilst also creating the opportunity for more 'internal trips'.

Council's Principal Traffic Engineer, Sam Shumane has reviewed the information submitted and is satisfied that the effects of the proposed development and associated parking shortfall with respect to parking provision would be no more than minor.

Mr Shumane has highlighted some concerns with respect to the proposed parking layout. It is noted that three columns associated with the proposed building are located within the manoeuvring area. Whilst Transport Assets (TA) has no objection to these columns, it is requested that these be made slightly larger and visually prominent to motorists. It is also noted that floodlights be installed so that these columns can be seen clearly at night. These recommendations form conditions of consent. It is considered that subject to conditions, the effects of the parking layout would be minor.

8.1.1.4 Pedestrian Movements

The existing parking area has direct pedestrian access onto Titirangi Road via stairs to the east of the public toilets. The construction of the proposed building removes the opportunities for the general public to gain access directly onto Titirangi Road and directs all pedestrian and vehicular traffic onto South Titirangi Road. There is a lift which provides access to the buildings tenancies but does not provide access to the general public, for security reasons.

Pedestrians are directed to a set of stairs which accesses South Titirangi Road. Raised in Transport Assets review of the application, and further highlighted by the submissions received, was the issue that the pedestrian set of stairs were not practical for disabled people and those with push chairs. These users were forced to access South Titirangi Road via the vehicular access which was unsatisfactory from a safety perspective. This formed the basis of a further information request to the applicant who has responded with the provision of a dedicated pedestrian path along side the vehicular access. The accompanying information from Cheshire Architects dated 10 August 2009 states that it is preferable to direct public access out to the well lit access point on South Titirangi Road rather than to beneath the building and represents a more direct, safe and secure route. I concur with this rationale.

Once onto South Titirangi Road the gradient as one heads up the hill onto Titirangi Road is steep and is not ideal for disabled people or those with push chairs in any case. For this reason, general public disabled parking is not provided within the development as it is not considered to be suitable but it is stated it would be more appropriate for the general parking spaces on Titirangi Road to be converted to disabled parks, if required. A disabled park is provided near the central lift access and is a dedicated space for tenants of the building. The responsibility of any changes to the existing parking layout on Titirangi Road, including the provision of further disabled parks, would be the responsibility of Transport Assets.

The footpath on South Titirangi Road is currently narrow at 2.2 metres in width and inadequate to accommodate the anticipated increases in pedestrian movements. Transport Assets recommend that as part of the intersection improvements, the footpath between the intersection and access point to the development be widened to three metres. This has been required through condition of consent and can be accommodated into the existing road layout.

Internally, the majority of the pedestrian traffic is likely to be within the vicinity of the structural columns that have been discussed in 8.1.1.3 above. Transport assets recommends that in order to make motorists fully aware of pedestrian movements within this area, a different pavement texture is used which covers the ground level between the lift / spaces 1-3 and the upper ramp / space 10-12 including the three columns. It is also suggested that floodlights be placed in such a way that this area is fully lit at night. These will be required by way of condition and will need to meet the controls of the District Plan with respect to glare.

It is considered that subject to conditions, the effects on pedestrian movement and safety both through the building, and associated linkages to South Titirangi Road and Titirangi Road would be minor.

There is an existing pedestrian walkway leading from the adjacent area of open space to the south, through the site and out onto South Titirangi Road. This provides pedestrian access to the adjacent War Memorial facilities. The pedestrian access is not proposed to be altered in any way. Parks Consent Planner, Huia Kingi has assessed the application and considers that the proposed building is likely to visually close off the entrance to the walkway to a certain extent, and reduce daylight. Whilst Ms Kingi suggests that some vegetation alteration around the walkway entrance may be required to allow better light access to this area, this has not been imposed as a condition of consent as it would trigger further consent requirements that have not been assessed as part of this application. It is suggested that if necessary, Parks liaise with the applicant (outside this consent process) to ascertain whether clearance is necessary and to obtain the necessary consents.

The specialist report from Parks has also suggested that a condition of consent be imposed which requires an easement in gross over the site for the purpose of public access. It is considered that the mechanisms available through the sale and purchase agreement for this land would be more appropriate to facilitate this.

8.1.2 Water Quality and Quantity

A Civil Engineering Assessment prepared by Riley Consultants Ltd and dated 3 April 2009 has been submitted with the application. This provides an outline of how stormwater will be dealt with on site. Impermeable surfaces are increased, therefore stormwater runoff would also be increased.

The proposal involves an increase in impervious area of 874m². It is proposed that stormwater runoff generated from the new impervious surfaces will be collected, treated and discharged at pre-development levels directly to the gully feature located south of the new development. The purpose of the mitigation measures will be to attenuate the stormwater runoff generated from the development, provide sufficient treatment prior to discharge into the downstream environment, and minimise erosion at outlets and within the gully features.

The stormwater flows from roofs will be directed to the reuse water tank and runoff from paved areas will be directed to a treatment device.

Water will be collected in the reuse water tank and be utilised for uses such as toilet flushing, and garden irrigation. Excess water will be directed to the attenuation tank before being discharged into the receiving environment. Any reuse of water is beneficial in terms of reducing discharge but also reducing demand on supply.

Stormwater runoff from the paved areas such as car parks and access roads will be collected and directed to a treatment device prior to discharge. The treatment devices consist of prefabricated engineered filters. This will ensure that water discharged into the receiving environment has had contaminants removed such as suspended sediments, nutrients and litter.

Water would also be stored in detention tanks prior to discharge in order to attenuate peak flows so that discharge can occur slowly and in a controlled fashion.

Council's Stormwater Engineer, Ravinesh Chand has reviewed the information submitted and concludes that the proposal is generally consistent with Council's Code of Practice for City Infrastructure and Land Development and is supported subject to conditions.

It is considered that the effects of the additional stormwater runoff would be effectively managed on site in a manner whereby it would represent an improvement from the existing situation. Stormwater would be re-used where possible and all runoff treated and discharged in a controlled fashion. This would also have positive effects on water quality further down the catchment. It is considered that the effects of the proposal in this regard would be minor.

8.1.3 Native Vegetation, Vegetation and Fauna Habitat

The information submitted with the application is inclusive of an Arboricultural report by Stephen Bishop of Amenity Tree Consultants Ltd (titled Arboricultural Report 408-410 Titirangi Road, Titirangi, Waitakere City, dated 5 April 2009). Appendixes of this report are inclusive of a Landscape Mitigation Plan by Boffa Miskell (titled Titirangi Corner Development 410 Titirangi Road - Landscape Mitigation Plan and referenced as drawing No. A07135 100) and an Engineers Statement by Peter Boardman of Structure Design regarding design detail of foundation types and their relationship to retained tree roots (dated 26 March 2009 and inclusive of drawings referenced as SK1 - 3 # 910 & SK - 15 and dated 26 March 2009).

Council's Arborist, Andrew Richards has reviewed the application and supporting information and concludes: *"As Council's Arborist for Consent services I concur with the information dealing with Arboricultural matters, as set out above.*

On this basis and as a result of two site visits it is my considered opinion that the affects on vegetation, local ecologies, amenity values and character of the neighbourhood shall be no more than minor if the proposed works were to proceed and because of this it is my recommendation to Council that the application can be supported with conditions attached".

Approximately two-thirds of the land at No's 408 and 410 is completely vegetated with regenerating native species, including Totara, Kauri and Kahikatea. Some northern areas of these sites contain exotic weed species. Vegetation around the southern perimeter of the Waitakere City Council car park area is dominated by maturing Totara as well as other sub-canopy native species.

The Landscape Mitigation Plan referenced above identifies three areas from which vegetation would be removed. Area 1 is the location of the proposed two storey car parking building to the south-east of the site. Area 3 is the proposed car park which is located in the vicinity of the existing car park on site. This area would be enlarged to the south of the existing area through the construction of a raised platform. Area 2 is the area of the proposed ramp which links these areas.

Approximately 720m² of vegetation is proposed to be removed from Area 1, consisting of predominantly weed species including Wattle, Ginger, Wandering Jew, Bind Weed, Bramble, Gorse and Woolly Nightshade. A very small amount of native vegetation mainly located on the periphery of area 1 will also be removed however this is generally less than two metres in height and includes Flax, Mapou, Totara and Kanuka.

Within Area 2 it is proposed to remove approximately 80m² of various sub-canopy native species including Pittosporum, Coprosma, Tree fern, Macropiper and Whiteywood.

Approximately 120m³ of various sub-canopy native species is proposed to be removed from Area 3 including Mapou, Whiteywood, tree fern, Macropiper and Nikau.

The vegetation to be removed of most significance, as identified by Council's Arborist, Andrew Richards are T3 Totara, T4 Totara, T7 Puriri and T11 Puriri. Mr Richards notes *"The information submitted, (section 9.26 of the Arboricultural report) suggests there has been some thought given the retention or otherwise of these trees but sadly they have not been able to be retained. I would like to add that in regards to T3 and T4, these trees have been subject to various degrees of ground use and alteration within their respective driplines and their vigour and vitality visually appears to have suffered as a result. Their retention whilst being subjected to further use and alteration of their driplines will only result in them suffering continue[d] adverse affects and consequentially not performing as they could. Their removal is supported because of this and other factors."*

In conclusion; *"As the bulk of the vegetation within the site shall [be] retained, and the bulk of existing weed plant species shall be removed and cleared area[s] not occupied with built structures shall be re-vegetated and all works shall be undertaken in accordance the Vegetation Protection and Works Methodology section of the Arboricultural report (appendix Three of the application information) it is my considered opinion the works shall have no more than a minor adverse affect on the existing vegetation, local ecologies, amenity values and character of the neighbourhood".*

The proposal does involve the removal of significant and maturing vegetation. It is difficult to mitigate the effects of this type of removal through replanting as the scales of vegetation contrast so greatly. It would take a long time for the replanting to achieve the size and stature of vegetation being removed. In saying this, it is agreed that some degree of clearance is inevitable to allow for a viable development of this site. Further, the removal of environmentally damaging plants offers an opportunity for enhancement of an area of the site, which will help prevent weed spread, having positive effects beyond the subject site.

It is considered that subject to conditions, the effects of the proposal with respect to vegetation alteration would be minor.

8.1.4 Land / Soil

It is anticipated that approximately 240m³ of earthworks would be carried out on the site, over an area of 238m² to construct the two levelled car parking area to the south of the subject site. Earthworks would also be required to establish the storm water attenuation tank to the south of the existing shops at 408 Titirangi Road.

The scale of earthworks on site are small in relation to the scale of development being undertaken, a result of the proposed building utilising a pile type of construction and the fact that it would be predominantly constructed over an existing hard surface, being the existing car park. All earth would be removed from site and would comprise of approximately 40 truck movements. This would have a minor traffic generation effect which has been discussed in more detail in Section 8.1.1.1 above, but is inevitable for development of any kind.

The area over which earthworks would be undertaken is primarily an open and weed infested area. Upon completion of works, it is proposed that this area would be landscaped.

The slope of the site suggests that it is potentially vulnerable to slope instability. A Geotechnical Report prepared by Tonkin & Taylor, Ref 26132 dated December 2008 accompanies the application. This report concludes that pole retaining walls and piled foundations can be used along the leading edge of the car parking structure, if necessary, to mitigate any stability issues.

It is considered that overall, the level of earthworks on site would be small and at a level which would be anticipated for a development of this nature. Landscaping of this area would mitigate any adverse effects associated with the earthworks. For these reasons, the effects of the proposed earthworks are considered to be no more than minor.

8.1.5 Landscape

Submissions in opposition to the proposed development raise a loss of views, both to the bush at the rear of the site, and beyond to the Manakau Harbour, as reasons why the proposal is not appropriate. In order to address these concerns, it is important to explore the natural context of the subject site within Titirangi itself and from there assess the impacts of the proposed building.

8.1.5.1 Context

A292-A299 A Visual and Urban Design Review prepared by John MacKay of Boffa Miskell, dated April 2009 has been submitted in support of the application. This has been reviewed by Council's Landscape Architect, Gordon Griffin who notes that this has a predominantly urban design focus and a complementary comment is needed which explores the effects of the proposed development with respect to its natural setting. In the absence of this, Mr Griffin has carried out an assessment and his comments are attached at pages A292 to A299 as Appendix Seven. Mr Griffin's comments will be summarised in the following section.

In terms of context, Titirangi Road runs on a gentle slope along the spine of a sensitive ridge through Titirangi village. Two small bush covered hill tops, Mt Atkinson to the west and Rangiwai Hill to the east establish visual limits to the village and points of focus relative to the east-west alignment of Titirangi Road through the village.

The main section of the village is characterised by low buildings, a relatively wide and level road and good levels of sunlight entry to the north, by virtue of the low buildings. Mature native forest forms a back drop to the main village and the tops of the native trees, predominantly Kauri and Kahikatea, are a visible background element above some of the single and two storey buildings within the village. Many of the buildings on the southern side of Titirangi Road have views through the building to the vegetation at the rear. These views may not be immediately visible unless within the buildings themselves.

Council's Landscape Architect, Gordon Griffin identifies four main bush covered areas in particular which impart the bush character, these being Rangawai hill to the east, Mt Atkinson to the west, the hill to the north of Lopdell House and the green space to the south of the subject site.

8.1.5.2 Effects of proposed development on natural context of the village

Mr Griffin makes the following comments:

"The subject area has value to the village as a public open space, a vantage point over the forest towards the Manukau, and as a green area linking the village with the library to the south. Although the value of the area in its contribution to the natural context, including providing views from Titirangi Road southwards, would be reduced, proposed retail premises and commercial and residential units above, the arcade and the lobby (by day) and the viewing deck at the south west (by day), would maintain some of this view south for the public.

There would be some shading relative to the south and some dominance relative to South Titirangi Road, (of a lesser scale than that from Lopdell House). Access connections relative to the War memorial open space area below and the main village would be provided.

The proposal would entail an increase in the built component of Titirangi village, with some losses to the existing character, but with the additions responsive to the natural setting.

On the basis of the above including the visual and urban design review provided by the applicant, I support the proposal, subject to conditions associated with rehabilitation and protection of the green areas of the site that are to remain."

I concur with Mr Griffin's comments. There is little doubt that the proposed building will alter the existing landscape character of Titirangi, as would any development on this site. The District Plan anticipates that some form of commercial development occur on the subject site, and road reserve which is Community Environment. Importantly for this site is therefore ensuring that the building is sympathetic to its landscape setting. The extent to which the subject building is in fact sympathetic is also subjective however through the use of dark cladding and retaining views through the building to the bush beyond it is evident that the architects have made every attempt to ensure that this occurs.

It is considered that the proposed building is responsive to its natural setting and for this reason the effects on the landscape character of Titirangi would be minor.

8.1.6 Overshadowing, physical dominance, and privacy

The proposed building would have a height of 11 metres above the centre line of Titirangi Road and by nature of the sloping topography, would be up to 15 metres above South Titirangi Road. Submissions in opposition to the proposal note that the proposed building should be consistent with the height of the existing retail strip along Titirangi Road and also that the bulk of the building is too imposing.

The general District Plan height controls provide for a height of 10 metres measured from the centre point of Titirangi Road as a Limited Discretionary Activity. The site specific rules which apply to the subject site (Rule 5C.2) reinforce this height control but remove the requirement to take this measurement from Titirangi Road itself. Applying the rolling height method, the proposal therefore has an infringement of up to five metres as the building descends down South Titirangi Road.

The proposed building would undoubtedly result in some degree of overshadowing along its southern elevation. This is partly a result of the height of the building (11 metres above the height of Titirangi Road), but also the sloping topography of the site which slopes away in a southern direction. Any effects associated with this shadowing would impact upon the bush area to the south of the site, which is a Council owned open space. There is a walkway through this bush area which links the subject site to the War Memorial facilities to the south which would remain. The proposed building would result in a loss of light to the entrance to this walkway. Council's Parks Consent Planner, Huia Kingi has assessed the application and considers it necessary that the applicant explore whether some trimming of existing vegetation around the entrance to the walkway is appropriate to mitigate the effects of a loss of sunlight. As discussed previously, this has not been required by way of condition as it would trigger further consent requirements that have not been assessed as part of this application. An advice note has been imposed to this effect. The walkway entrance is in close proximity to the sites vehicular entrance which separates it from the main bulk of the building, keeping it reasonably open and maintaining good levels of daylight from the west, and to a lesser extent the east. Any other shadowing effects would not impact on areas of frequent use. Subject to conditions it is considered that the effects of overshadowing from the proposed building would be minor.

The proposed building would continue the existing retail strip on the southern side of Titirangi Road which is predominantly single storey at the western end of the village. The proposed building at three storeys would therefore represent a departure from the existing development pattern. The proposed building has been carefully designed in an attempt to reduce the visual effects of the buildings bulk, particularly where it adjoins the existing retail strip. This has been achieved by providing a balcony on the second level which allows the main bulk of the second level to be further set back from the road frontage, softening the façade of the building. The part of the building to the west of the brick tower, curving round and down South Titirangi Road is the most 'bulky' part of the building and is visually prominent when entering Titirangi from the west. It is useful at this stage to explore the Architects rationale for this aspect of the buildings design. An Architects Statement prepared by Cheshire Architects and dated Monday 6 April 2009 accompanies the application and makes the following comments:

"It became apparent that the most appropriate response for the corner was a more substantial building that would complement Lopdell House by being of a complementary scale and having similar qualities of solidity, gravity and continuity of materials. It was also felt that a more substantial building comprised of a continuous form folding around the corner, reinforces the boundaries of the village, helps to define the village strip and mediates the change in scale between the village shops and Lopdell House. All of these things were felt to draw Lopdell House closer to the village, which contributes to a more coherent 'village' experience while reinforcing the villages urbanity."

The relationship of the building with Lopdell House will be discussed in more detail in Section 8.1.7.2 below. The proposed building does not adversely impact on the privacy of any adjoining property. The provision of apartments to the third level introduces a level of passive surveillance of the streetscape which is positive in terms of public safety. Apartment balconies are oriented both onto Titirangi and South Titirangi Roads.

Council's Parks Consent Planner, Huia Kingi has also noted concern about the buildings bulk. To mitigate these effects it is considered that street planting should be carried out along the buildings South Titirangi frontage. Whilst I agree that street planting would to some extent break up the bulk of the lower part of the building, and add a degree of amenity, this also conflicts with Transport Assets requirement for the footpath to be widened to three metres to be more usable to pedestrians. Further discussions with Council's Principal Traffic Engineer, Sam Shumane confirmed that for street planting to be viable, a footpath width of at least four metres would be preferable. The placement of street trees would further reduce the usable area of the footpath. The proposed intersection improvements would create a wide area directly on the corner of South Titirangi and Titirangi Roads and some street planting would be appropriate in this area. A condition of consent will be imposed which requires the applicant to liaise with Parks regarding this matter and carry out street planting where appropriate.

It is considered that the effects of the proposed development with respect to overshadowing, physical dominance, and privacy would be minor.

8.1.7 Urban Design

A317-A334

A review of the application and supporting information has been undertaken by Council's Project Manager: Urban Design, Peter Joyce, and Senior Strategic Advisor: Urban Design and Development, Melanie McKelvie. A copy of this assessment is attached at pages A317 to A334 as Appendix Ten. This review explores the relationship between the proposed building and the Titirangi Design Guidelines, assesses the proposed apartments against Plan Change 18 and Council's wider objectives for urban consolidation and mixed use developments, as well as general urban design principles.

I concur with the findings of this report and will summarise a few of the important points, below:

8.1.7.1 Titirangi Design Guidelines

The Titirangi Design Guidelines were developed prior to the current Operative District Plan as part of the "Titirangi Village Project" which was a project where Council and the local community explored the nature of future development of the village. This has been incorporated into the Operative District Plan by means of an assessment criteria (Community Environment 5C(i)) and as a method for achieving Policy 11.22. Consideration therefore needs to be given to this Design Guide.

The Urban Design review report makes the following comments:

"The design guideline is very prescriptive and advocates that future village development be "themed" in an architectural style popular at the time which could perhaps be defined as "colonial revivalism". An issue with "theme" based design guidelines is; that in advocating that the future built form of a place be created in a consistent architectural 'style' considered appropriate at that time, there will eventually and inevitably be conflict as the principles of subsequent architectural design movements are developed and considered more appropriate. It is the opinion of this report that this is the case with the Titirangi Design Guidelines and there are aspects of the current document that are already now considered to be outdated.

Current urban design principles and practice place a greater emphasis on the total experience of buildings and the spaces between them. Consequently, the success of a building in a village or urban environment is more about its ability to make a positive contribution to the quality of the public realm - to face the street, to activate it, and make sure that all adjacent public space is positively used. Places that are appreciated and provide the most value to people and their communities do so on the basis of the whole interrelationship between buildings and the open spaces between them (including streets) rather than on building style alone.

However, the design guidelines do provide some useful cues by which the appropriateness of the subject development proposal can be assessed. In its introduction, "Using the Guidelines", the document states that the "design guidelines are intended to ensure that the design of new development, or improvement to existing development, enhances, rather than detracts from, the appearance of the village centre. It is not the intent of these guidelines to limit the scope for developing innovative and interesting new development but new development should improve the quality of life for the people who live, work and visit the village" (emphasis added)"

The Review report then goes on to explore each of the elements and concludes; *"It is considered that whilst the proposal does not rigidly adhere to some of the quite specific architectural standards set out in the Titirangi Design Guidelines, it does meet the intent of the higher level urban design principles that form the basis of the Design Guidelines. The proposed building will contribute positively to the public realm, animating the corner of Titirangi and South Titirangi Roads and making an important connection between Lopdell House and the community facilities to the south to the rest of the village".*

8.1.7.2 Relationship of Proposed Development with Lopdell House

Lopdell House is undoubtedly the most important landmark in Titirangi and achieving a positive relationship with Lopdell House is required by the District Plan through specific assessment criteria, and more generally through Policy. The relationship of the proposed building with Lopdell House has been a key consideration in the Architects overall vision and design of the proposed building, as noted in Section 8.1.6 above.

Submissions in opposition to the proposal include as their reasons the fact that development would detract from Lopdell House and that the scale of the proposed building is similar in stature to Lopdell House, on a prominent corner site.

Council's Urban Design Review makes the following comments:

"It is considered that the design of the proposed development is respectful of the landmark and heritage values of Lopdell House in Titirangi and no attempt has been made to mimic or compete with its iconic design. The proposed building in terms of its form, façade articulation, detailing and colour is relatively reserved when compared with the colourful, highly articulated and detailed façade of Lopdell House. When viewed together (as shown in the superimposed photographs provided by the architects) the subdued colours and surface treatments and subservient scale of the proposed new building in fact serves to amplify and enhance the design features and commanding role of Lopdell House within the village environment.

Although bold in its architectural design the proposed building is considered to be responsive to its setting and topographical location.

As the building wraps around the corner into South Titirangi Road, the upper levels are less detailed and therefore present a more solid built form which reinforces the intersection, compliments the scale of Lopdell House and provides an appropriate backdrop to this landmark building.

The proposed building therefore expresses its own identity but in a way that, at its western end, also respects the mass, height and design strength of Lopdell House, and, at its eastern end, tends more toward reflecting the existing fine grained retail development”.

I would concur with the comments made within the Urban Design Review. Whilst people’s views on this issue will always differ, it is evident that the building has been designed with an attempt to create the most positive relationship with Lopdell House as possible. In the view of the Architect and Council’s Urban Design team, it achieves this.

8.1.7.3 Plan Change 18 - Apartment Design

The proposed apartments are required by Plan Change 18 (Apartment Design) to be assessed against the design criteria of the Apartment Design Criteria Appendix to Rule 1.0. The Apartment Design Criteria provide performance measures for assessing the design of apartments to provide opportunities for site responsive design, while ensuring that apartments provide a positive contribution to the amenity and character of the neighbourhood, and a good level of amenity for residents. The application does not provide any assessment against these specific criteria.

The Apartment Design criteria are an important adjunct to the City Wide Rule 1 Apartment Design, establishing three basic requirements for an apartment, size, provision of a balcony or outdoor area and a minimum outlook area. The proposed apartments meet these requirements.

The Council Urban Design review of the proposal suggests a condition be imposed that in the final design of each of the apartments, if granted, that an assessment demonstrating compliance against each of the Apartment Design Criteria be submitted to Council prior to the issue of building consent. Conditions requiring further design consideration of rubbish and recycling facilities, and provisions of bicycle facilities are also considered necessary to satisfy Plan Change 18.

It is concluded that *“overall it is considered that the proposed apartments will make a positive contribution to Titirangi Village, forming part of an integrated mixed use development that will provide opportunities for people to live and work or play within their local community”.*

8.1.7.4 Conclusion - Urban Design

As discussed previously, the proposed building would also be a departure from the existing buildings within Titirangi in terms of scale and bulk, with the exception of Lopdell House. It is stated within Council’s Urban Design review *“The proposed development has the potential to be an exemplary model of a mixed use development, and will currently be the only development in the City to achieve full vertical integration of retail, office and residential activities. The value of such a development for Titirangi Village will be that it provides; opportunities for greater social interaction, increased village security resulting from more “eyes” on the street, and a more efficient use of site potential.”*

Further; *“The proposed development is consistent with the Council’s wider objectives for urban consolidation and mixed use developments, through the proposed vertical integration of retail, office and residential activities. The development has the potential to become a model of mixed use best practice for the City.*

The proposed development represents an efficient use of a presently underutilised land resource in Titirangi Village, and will make a positive contribution to an active, vibrant and high amenity streetscape, whilst respecting the important landmark of Lopdell House and being subservient to the vegetated backdrop to the south”,

It is considered that from an urban design perspective, the proposal would have a positive effect on the neighbourhood character of Titirangi.

8.1.8 Noise

Noise emissions from the site need to be considered in terms of the operational noise emitted when measured from the boundary of adjoining properties within the 'Bush Living' and 'Community Environments', and ambient noise from sources close to the site and the effect on the amenity in the proposed residential apartments. The required noise standards are noted within the table pursuant to Community Noise Rule 13.1.

It is noted that noise emitted from the car park will largely be shielded by the proposed building and mechanical noise such as air conditioning will be minimal. Further, the adjoining sites to the west of the site is also owned by the applicant.

A noise report prepared by Marshall Day dated April 2009 and referenced 01 02 2008624A has been submitted with the application. This report concludes that "*An initial review of the proposed development has shown that all internal noise criteria can be achieved with standard construction. Noise emissions from the site including any mechanical equipment and construction work can be designed to ensure compliance with the District Plan noise limits*". These internal noise criteria includes the noise received by residential apartments.

The noise limits are within those permitted by the District Plan. The acoustic design of the residential apartments therefore avoids the potential for reserve sensitivity effects for noise.

8.1.9 Summary

A summary of the effects of the proposal is as follows:

The proposal represents a total increase in the amount of public parking that would be provided in Titirangi. There would inevitably be some temporary effects during construction due to the loss of the existing parking capacity and increased heavy traffic movements in the vicinity of the intersection of South Titirangi and Titirangi Roads. These effects would be temporary and managed through a traffic management plan.

The current intersection is viewed as needing improvement. Conditions of consent will require the applicant to carry out intersection improvements as well as widening the footpath from the sites access, north to Titirangi Road to address issues raised with increased traffic utilising this intersection as a result of this proposal.

The volume of earthworks proposed is comparatively small and within levels that are anticipated for a development of this scale.

The proposal does result in the loss of significant vegetation along the southern part of the site, notably Puriri and Totara. Whilst further landscaping and replanting is proposed, it is difficult to mitigate for the loss of mature specimens such as these. The proposal does involve the restoration of an area of the site however where the weeds will be removed and the area replanted using appropriate native species. This would have positive effects on weed spread, both on this site and beyond.

The site can be sufficiently serviced from an infrastructural perspective. Water re-use would occur on site and water to be discharged will be attenuated and discharged in a controlled fashion, after treatment.

The proposed building would result in some loss of views, both to the vegetated area to the south of the subject site, and also to the Manukau Harbour and beyond. Development is anticipated on this site and any form of development will have impacts on the natural landscape. It is considered that the proposal is responsive to its natural setting.

It is considered that the proposed development would have a positive relationship with the adjacent Lopdell House.

With the exception of Lopdell House, the building would be larger in scale than existing built development in Titirangi but would have a positive relationship with these buildings. It has the potential to be an exemplary model of a mixed use development.

The development is located on a Major road and is adequately serviced by public transport.

Pedestrian linkages to the Community Facilities to the south of the site, via the Open Space Environment will be retained.

The proposed building would result in some degree of overshadowing to the southern part of the site. This area consists of existing vegetation therefore no persons would be adversely affected by this overshadowing.

The introduction of a residential element via the apartments on the second floor will result in increased levels of passive surveillance of the streetscape and promoting a safer town centre.

It is considered that the actual and potential adverse effects of the proposed activity are minor and can be adequately mitigated through appropriate conditions of consent.

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

8.2.1 District Plan Policies and Objectives

It is considered that the proposed development would be consistent with the objectives and policies of the District Plan.

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

Managing City Growth

Objective 0, Policies 0.1, 0.3, 0.4, 0.7 and 0.8

Policy 0.1 States; *"In the town centre identified as Community Environment provision for mixed use development, including residential activity, above ground level"*.

The proposed development includes apartments on the third level of the proposed development introducing elements that contribute to a successful mixed use development in the town centre.

Effects on Water Quality and Quantity

Objective 1, Policies 1.2, 1.10, 1.14, 1.15 and 1.18

Policy 1.10 states; *"impermeable surfaces and stormwater infrastructure shall be designed and managed in a way that avoids adverse impacts on water quality, including life-supporting quality of water, arising from the discharge of stormwater into the City's watercourses"*.

The proposed development involves an increase in impermeable surfaces on the site, and subsequent stormwater runoff. The engineering devices that are proposed would adequately mitigate the effects of stormwater on site.

Water from the roof areas is proposed to be re-used within the proposed building. Runoff from car parking areas would be directed to a retention tank where it would be held and discharged after the peak event. This stormwater would also be treated to remove contaminants. The water that is discharged into the receiving environment would not adversely effect the quality of water downstream and by gradual discharge would not contribute to down stream flooding. The proposal is considered consistent with the above policy.

Effects on Native Vegetation and Fauna Habitat

Objective 2, Policies 2.1 and 2.4

Policy 2.1 states; *“Settlement should be of a type and density that avoids or minimises adverse effects on native vegetation and fauna habitat.....Urban development should not occur in locations where such development will lead to significant adverse impacts on native vegetation and fauna habitat, including the effects of environmentally damaging plants and reduction of the extent, range and linkages between fauna habitats”*

Whilst the proposal would involve the removal of some significant native vegetation, every attempt has been made to minimise the required amount of clearance. The clearance involves individual trees rather than tracts of vegetation and would not adversely impact upon any vegetation linkages or fauna habitat. The removal of a large area of environmentally damaging weeds to the south of the proposed two storey car parking structure, and landscaping using more appropriate native species would have a positive effect both in terms of preventing further weed spread, but also providing further viable fauna habitat.

Policy 2.4 states; *“Where native vegetation is cleared, this should be carried out in a way that: avoids high quality bush.....avoids notable trees.....minimises any edge effects on remaining native vegetation.”*

As noted above, every attempt has been made to minimise the removal of vegetation whilst enabling the proposal to remain economically viable. Unavoidably, some trees of significance are proposed to be removed however the majority of the significant vegetation would remain. Conditions of consent would be imposed which require works within the dripline of vegetation that is to remain, to be carefully managed to minimise the potential for any edge effects.

Effects on Land (Including Soils)

Objective 3, Policies 3.2, 3.4 and 3.5

Policy 3.4 states; *“Activities should be carried out in a way that does not exacerbate slipping, subsidence, and / or erosion of soils and any natural hazard event within an identified natural hazard area”.*

The site is identified as being potentially stability sensitive which is characteristic of sites within the Titirangi area which generally have a reasonably steep topography. The subject site has the benefit of the majority of the development being located on areas that have already been developed or used, or are of more gentle topography than the southern part of the site. A geotechnical report supports the application and confirms that subject to specific design including the use of retaining and / or piles along the southern edge of the car parking structures, the potential effects of land instability can be satisfactorily mitigated.

The volume and extent of earthworks over the site is comparatively small and anticipated for a development of this nature.

Effects on Air Quality / Atmospheric Quality

Objective 4, Policies 4.1, 4.3 and 4.7

Policy 4.7 states; *“That a wide range of opportunities for Non-Residential Activities be provided within the urban area to help reduce the need for travel, and as a consequence reduce the discharge of contaminants from motor vehicles into the air”*

The proposal involves a mixed use development which would incorporate retail, commercial and residential. This would cater for the needs of not only visitors but also for people living within the area and the building itself. The Traffic Impact Assessment which accompanies the application notes that mixed use type of activities provide for a greater proportion of ‘internal trips’ for example office workers making use of the cafes and other commercial services and being more likely to walk to the site than to drive. This development would add to the range of services provided for within Titirangi and is therefore consistent with the above policy.

Effects on the Spiritual Dimension (Mauri)

Objective 8, Policies 8.2 and 8.3

Policy 8.2 states; *“Activities involving the clearance of native vegetation and fauna habitat within the Green Network should be carried out in a way that the mauri of that resource is not adversely affected”*.

The explanation behind this policy advises that the retention of vegetation is seen as essential to tangata whenua. Whilst some significant vegetation would be removed, every attempt has been made to keep this to a minimum. Site restoration of an area to the south of the two storey parking building is proposed as mitigation and would include the removal of all environmentally damaging plants and replanting using native species.

Effects on Amenity Values: Health and Safety

Objective 10, Policies 10.1, 10.3, 10.5, 10.6, 10.7, 10.8, 10.11, 10.14, 10.16 and 10.17

Policy 10.3 states that *“Activities shall be managed in a way that any associated artificial lighting of roads, driveways, signs and sites and the exterior of buildings do not detract from the ability of occupants of surrounding buildings to achieve uninterrupted and adequate levels of sleep”*.

The proposed building would incorporate lighting of the building and the associated car parking area consistent with what could be expected for a mixed use building of this nature. This lighting would be required for security reasons. Currently both the public toilets and the car parking area are illuminated by street lighting. It is not anticipated that the proposed development would generate sufficient light pollution to adversely impact on the adequate levels of sleep experienced by the residential dwellings opposite the site, on the northern side of Titirangi Road.

Policy 10.7 states; *“New public spaces and semi-public spaces shall be designed in a way that ensures the safety of all users and, in particular, should provide for: overlooking (surveillance) of public and semi-public spaces from surrounding buildings during the day and where possible at night.....”*

The introduction of the residential element to the third storey of the mixed use building and the orientation of the balconies of these units to overlook both South Titirangi Road and Titirangi Road, increases the passive surveillance associated with Titirangi village, both during the day and at night.

Policy 10.14 states; *“Activities should be of a scale and located and managed in a way that the safe and efficient functioning of the road network is not adversely affected”*.

The provision of increased levels of car parking would result in an intensification of traffic movements in the vicinity of the Titirangi and South Titirangi Road intersection however the capacity exists within the roading network to absorb this increase. The applicant has proposed some intersection improvements which serve to slow traffic as it descends into South Titirangi Road which would have some safety benefits to users of this part of the road network.

Effects on Amenity Values: Landscapes, Local Areas and Neighbourhood Character

Objective 11, Policies 11.2, 11.3, 11.9, 11.10, 11.15, 11.17, 11.19, 11.21, 11.22, 11.28(a), 11.33 and 11.47

Policy 11.9 states; *“Structures and accessways should be placed in such a way that they do not encroach visually on those natural landscape elements that have been identified as contributing to the amenity of an area. Particular regard should be had for the placement of structures so that intrusion above any sensitive ridgeline when viewed from a public place is avoided, or where unavoidable, remedied and mitigated”*.

The proposed building is located on and would protrude above a sensitive ridgeline. Further, the proposed building would also reduce the view of the mature native vegetation to the rear of the site as well as restricting views beyond to the Manukau Harbour. The zoning of the site as Community anticipates some form of commercial development on this site and the rules provide for a height of 10.0 metres. This to an extent establishes a baseline as to what is expected on this site. Deviation from this must illustrate good design and be as sympathetic to the natural setting as possible. It is the opinion of Council’s Landscape Architect and Urban Design panel that this is achieved. The effects are considered to be mitigated by the provision of a public viewing space, and views through the ground floor tenancies to the vegetation beyond. It is considered that the proposal is consistent with this policy.

Policy 11.10 states *“Non residential activities should be designed and managed in a way that: maintains the visual amenity values of the Environment they are in; maintains the amenity of the site and surrounding area when viewed from the street...”*

A317-A334

The subject site is both an extremely important and visible site. As such, it is essential that any development on this site is of good design and enhances rather than just maintains the amenity of Titirangi. The visual appearance of the proposed building is very subjective however it is clear that a lot of thought has gone into the design and its suitability for Titirangi, whilst maintaining economical viability. I concur with the comments within the Urban Design Specialist report, attached at pages A317 to A334 as Appendix Ten. This proposal is therefore a bold departure from what currently exists and it attempts to enhance rather than just maintain the existing site and village itself. For these reasons I consider the proposal consistent with the above policy.

Policy 11.22 focuses on Titirangi and specifically the subject site and states: *“Activities and structures in the Titirangi Community Environment should be designed and managed and have an external appearance that reflects the village atmosphere, and complements the surrounding bush setting and existing development and foster the development of lively, interesting and pedestrian-friendly public spaces.*

Development on the land located on the corner of Titirangi and South Titirangi Roads, identified as area "A" on survey plan SO67597, is controlled to ensure the height, location and design of buildings achieves high levels of amenity as viewed from Titirangi Road and South Titirangi Road. Public car parking must also be retained on this land".

One of the methods to achieve this policy is noted as being adherence to the Titirangi Village Design Guidelines. To reiterate the conclusions of Council's Urban Design review:

"...whilst the proposal does not rigidly adhere to some of the quite specific architectural standards set out in the Titirangi Design Guidelines, it does meet the intent of the higher level urban design principles that form the basis of the Design Guidelines. The proposed building will contribute positively to the public realm, animating the corner of Titirangi and South Titirangi Roads and making an important connection between Lopdell House and the community facilities to the south to the rest of the village.

The proposed development is consistent with the Council's wider objectives for urban consolidation and mixed use developments, through the proposed vertical integration of retail, office and residential activities. The development has the potential to become a model of mixed use best practice for the City.

The proposed development represents an efficient use of a presently underutilised land resource in Titirangi Village, and will make a positive contribution to an active, vibrant and high amenity streetscape, whilst respecting the important landmark of Lopdell House and being subservient to the vegetated backdrop to the south".

These comments in my opinion address the issues raised in this policy and it is my opinion that the proposal would be consistent with this policy.

Public carparking on this site is being increased through the proposed development.

A341-A353 A copy of these objectives and policies are attached at pages A341 to A353 as Appendix Twelve.

8.2.2 Rules and Assessment Criteria

The District Plan Assessment Criteria have been developed to address the issues covered in the objectives and policies and are a useful guide in assessing the effect of an activity. The proposal has been assessed comprehensively against the relevant objectives and policies and as discussed in Section 8.2.1 are considered to be consistent. The proposal is therefore consistent with the District Plan assessment criteria.

There are some assessment criteria which relate primarily to development within Titirangi and more specifically the subject site. These are contained in Community Environment Rule 5C, Building and Site Design - Titirangi and associated assessment criteria 5CA(a) - 5C(j). It is considered that the majority of these matters have been addressed through the previous discussions.

Some of the issues raised in the assessment criteria that have not been previously discussed include the requirement for buildings to provide a usable terrace or deck accessible to the public or views through the building to the bush at the rear, and the requirement to provide weather protection over adjacent footpaths.

The proposed development incorporates an entrance lobby at ground level which has direct views through to the bush at the rear. This would predominantly be used by tenants of the building to obtain access but would be open to the public during the day. In addition, a publicly accessible terrace of 2.2 metres in width is provided along the western façade of the building. This arcade is of minimal width but is adequate for public use to gain access to the views to the south. This area would benefit from being wider, particularly if this tenancy were to be a café / restaurant, and this area was to be used for outdoor dining. The use of this tenancy is not known at the time of writing this report. A condition has been imposed which requires the applicant to widen the public viewing arcade in the event that outdoor dining is provided in this area. This is to ensure that this area remains available for the use of the public for access and views.

Views are available through all the ground floor tenancies to the bush to the rear.

The proposed building would provide weather protection along its frontage for pedestrians.

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

The Auckland Regional Policy Statement became operative in 1999 that (subject to plan changes at various stages in the statutory process) sets out the broad resource management issues, objectives and policies for the Auckland Region to achieve the integrated management of its natural and physical resources. The Policy Statement functions as an umbrella policy document for environmental planning and policy development within the Region, under which the Waitakere City Operative District Plan has been prepared.

The proposed development by reason of its size and scale and matters discussed elsewhere in this report is not considered to be contrary to the Regional Policy Statement, or any Proposed Plan Change associated with this document.

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

8.4.1 Other Issues Raised by Submitters Not Covered Elsewhere in Report

One of the common themes amongst the submissions in opposition to the proposal is the loss the public toilet facility that is currently on the site. The existing public toilets are accessed off Titirangi Road and consist of a box type structure that is cantilevered over the existing carpark on the site.

The relocation of the public toilets does not form part of this application and therefore have not been considered in assessing the effects of the proposal. The relocation of the toilets is the responsibility of Council and has been factored into the Sale and Purchase agreement that relates to the sale of the Council car park area. The area designated for the public toilets is to the south of the existing access point to the development, on Council reserve. It should be noted that Council's Parks Planner, Huia Kingi in her assessment of the proposal notes that *"Parks does not approve of the proposed location in the south western side of the site. Parks will however look for a more suitable location outside of the site and likely on Titirangi Road where it will be accessible. There is no condition proposed regarding the relocation as this issue is separate to the consent application"*. Submissions also note that the designated location of the toilets is not suitable.

It is acknowledged that the public toilets are important to Titirangi village however their replacement is not a requirement of this consent.

8.4.2 Bonds/Reserve Contributions/Development Levy/Financial Contributions

Long Term Council Community Plan

Under the Local Government Act 2002, Council's were permitted to take development contributions towards the costs that capital growth imposes on the community. The financial contribution policy of the Waitakere City Council's Long Term Council Community Plan incorporates a development contribution based on the City's capital expenditure for infrastructure and community facilities for that ten year period. The development contribution estimated for this proposal is \$63,464.24 (incl. GST).

The development contribution will be calculated at the time of payment and will be payable upon issue of building consent.

8.4.3 Monitoring

The performance of the activities under this consent will be subject to Council's standard monitoring procedures. These procedures include scheduled inspections to ascertain compliance with conditions of consent, together with periodic inspections as and when required to establish whether conditions are being complied with on an ongoing basis.

8.4.4 Any Other Relevant Non-Statutory Documents

There are no other non-statutory documents which are relevant to the assessment of this application.

8.5 Lapsing of Consent

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

There is no known reason to either decrease or increase the timeframe.

9.0 PART II OF THE RESOURCE MANAGEMENT ACT 1991

The purpose and principles of the Act 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 Act requires that amenity values and the quality of the environment are to be maintained and enhanced.

9.1 SECTION 5

Section 5 in Part II of the Act identifies the purpose of the Act as being the sustainable management of natural and physical resources. This means managing the use of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being while sustaining those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

It is considered that the proposal is consistent with sustainable resource management. In particular this proposal is concerned with the sustainable management of the Community Environment in such a way that the communities' social and cultural aspirations are realised whilst the quality of the environment and amenity values of the neighbourhood are maintained. The proposal would allow for the construction of a three storey mixed use development which incorporates retail, commercial and apartments that are considered appropriate within the environment and would be able to establish and operate in such a way that the amenities of the neighbourhood would not be adversely affected.

9.2 SECTION 6

In addition, the proposal is not considered to adversely affect any matters of national importance. It is considered that any adverse effects arising from the proposal and the proposed mitigation are limited in significance to the surrounding urban neighbourhood and environment.

9.3 SECTION 7

Section 7 identifies a number of "other matters" to be given particular regard by the Council in the consideration of any assessment for resource consent, and includes the efficient use of natural and physical resources, and the maintenance and enhancement of amenity values.

It is considered that there are no other matters considered relevant to this application for resource consent.

9.4 SECTION 8

Section 8 requires the Council to take into account the principles of the Treaty of Waitangi. There are no known Treaty of Waitangi issues relevant to this application, and no submissions have been received from iwi authorities.

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

As noted, the proposal requires consideration as a Non-Complying activity under the provisions of the Resource Management Act 1991. Section 104D of the Act sets a threshold test which all resource consent applications for non-complying activities must first pass before a consent authority has jurisdiction to grant consent, having regard to the matters specified in Section 104. In short, the proposal must be able to establish and operate without generating more than minor adverse effects on the environment, or must not be contrary to the relevant objectives and policies of the Operative District Plan. In terms of determining adverse effects, Council may disregard an adverse effect of an activity on the environment if the operative plan permits an activity with that effect.

The proposal represents a significant change to the site and introduces a large and bold building onto a prominent site. The effects of the proposal with respect to landscape and urban design are difficult to quantify as they will be different to different people. The assessment contained previously in this report demonstrates that the proposal would generate no more than minor adverse effects on the environment. Jurisdiction to grant consent has therefore been established.

However, it is noted that for a consent authority to grant consent to a non-complying activity application, there should generally be some unusual element to the proposal. If such unusual circumstances do not exist, then the proposal would effectively compromise the integrity of the District Plan, and public confidence in the consistent administration of the Plan may be undermined. The site aspect and site constraints, coupled with the prominent location have resulted in a bold and unique design specific to this location.

Council also has discretion to consider any precedent issues that may arise from a non-complying activity. According to the Court of Appeal decision in *Dye v Rodney District Council*, an adverse precedent effect can arise where the grant of a non-complying consent would influence the approach taken by Council to similar consent applications. Such a precedent effect does not arise as any further applications that are lodged within Titirangi will need to be assessed on their merits in accordance with its design, its location and function within the village. Good design will have a positive effect on the town centre and may serve to encourage further buildings of good design. This is to be promoted.

11.0 CONCLUSION

It is considered that the proposal **meets** the criteria for granting consent as the potential adverse environmental effects are **minor** and **can** adequately be mitigated through the imposition of appropriate conditions of consent. It is considered that the establishment and operation of the three storey mixed use building with associated car parking 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.

The proposal passes the threshold tests that are required by Section 104D of the Resource Management Act 1991. The proposal would have effects that are no more than minor and as noted above, is consistent with the relevant policies and objectives. The proposal is considered sufficiently unusual that granting consent to this application would not create the expectation that similar type applications would be granted.

The application becomes non-complying on the basis that the proposed vegetation clearance would result in the total cleared area being greater than 500m². The proposed vegetation clearance consists of predominantly environmentally damaging weeds and the existing cleared areas on site already exceed 500m².

Many of the issues raised by submitters cannot be addressed through the imposition of conditions as they relate to design based assessments which can be subjective such as scale and visual appearance. Any environmental effects associated with the building can be adequately mitigated by way of condition.

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, 104D, 108 and 113 of the Resource Management Act 1991, and subject to additional or contrary information being presented at the hearing, consent be **granted** to the application by ROT-COL Enterprises Titirangi Ltd. to construct a three storey mixed use development incorporating retail (ground floor), commercial (first floor) and apartments (second floor) and associated parking including further public car parking at 408 - 416 Titirangi Road, and part road reserve , being Section 1 SO 67597 & Pt Lot 2-3 DP 15745 and Lot 1 DP 46404 for the following reasons:

- (i) The bold design of the proposed development is appropriate for the prominent corner site which appropriately relates to the scale of Lopdell House and is responsive to its natural setting;
- (ii) The proposal would result in a total increase in the amount of public parking in Titirangi;
- (iii) Construction effects which would include loss of parking and increase traffic would be temporary in duration and managed by an effective traffic management plan;
- (iv) The intersection of South Titirangi Road and Titirangi Road would be improved to slow traffic as it descends down South Titirangi Road. Combined with footpath widening this would have a positive effect beyond the subject site;
- (v) The volume of earthworks proposed is small and within levels that are anticipated for a development of this scale;
- (vi) The restoration of a currently weed infested area and proposed replanting using appropriate native species would help mitigate the effects associated with the vegetation removal;

- (vii) The site can be sufficiently serviced from an infrastructural perspective and proposed re-use, detention and treatment measures are proposed to treat all stormwater runoff from the site;
- (viii) The site fronts a Major Road and can therefore be effectively serviced by public transport;
- (ix) Pedestrian linkages to the Community Facilities to the south of the site, via the Open Space Environment will be retained;
- (x) The introduction of a residential element via the apartments on the second floor will result in increased levels of passive surveillance of the streetscape, promoting safer town centres;
- (xi) The development would not generate noise levels outside that which are permitted by the Plan;
- (xii) The proposal is consistent with the purpose and objectives of the Waitakere Ranges Heritage Area Act (WRHAA); and
- (xiii) The proposal is consistent with the relevant policies and objectives of the District Plan and Part II of the Resource Management Act 1991.

Consent shall be subject to the following conditions:

GENERAL CONDITIONS

- (1) The development shall proceed in accordance with the plans titled:
 - Plans prepared by Cheshire Architects Limited and dated 09 April 2009;
 - 'Site and Location Plan' reference RC-002;
 - 'Coverage Plan' reference RC-003;
 - 'Proposed Floor Plan Level 0 Parking' reference RC-004;
 - 'Proposed Floor Plan Level 1 Parking' reference RC-005;
 - 'Proposed Floor Plan Level 1' reference RC-006;
 - 'Proposed Floor Plan Level 2' reference RC-007;
 - 'Proposed Floor Plan Level 3' reference RC-008;
 - 'Proposed Floor Plan Level 4' reference RC-009;
 - 'Proposed Roof Plan' referenced RC-010;
 - 'Proposed Elevations' reference RC-011;
 - 'Proposed Elevations' reference RC-012;
 - 'Proposed Elevation and Section and HiRB Diagrams' reference RC-01;
 - 'Proposed Section and HiRB Diagrams' reference RC-014; and
 - Proposed Sections reference RC-015;
 - '*Vegetation Location Plan*' prepared by Amenity Tree Consultants, dated 02/04/06, reference A4;
 - '*Landscape Mitigation Plan*' prepared by Boffa Miskell and referenced A07135_100;
 - Retaining Wall Design prepared by Structure design, dated 26/03/09 and referenced SK1 and SK3 No.910;
 - 'Bike & Rubbish Storage Concept Design' prepared by Cheshire Architects Limited, referenced SK-52 and dated 01/10/2009;
 - 'Apartment Storage Concept Design' prepared by Cheshire Architects Limited, referenced SK-51 and dated 01/10/2009; and

- 'Study of Pedestrian Path @ Entry' prepared by Cheshire Architects Limited, referenced SK-50 and dated 19/08/2009.

All referenced by Council as Resource Management Act [20090546](#) and the information, including further information, submitted with the application.

- The building shall be finished in a dark colour sympathetic to the surrounding bush environment with a matt finish.

MONITORING CONDITIONS

- (2) A consent compliance monitoring fee of \$751.00 (inclusive of GST) shall be paid to the Council. This fee is to recover the actual and reasonable costs incurred ensuring compliance with the conditions of this consent. If, on inspection all conditions have not been satisfactorily met, a re-inspection shall be required at the relevant hourly rate applicable at the time the re-inspection is carried out.

PRE-START CONDITIONS

- (3) Prior to works commencing, organise a Pre-Start meeting with the relevant persons outlined below onsite to discuss the following:

Earthworks and Vegetation Alteration

- Provide details of the final location and design of the sediment and erosion controls;
- Provide the name, phone number and signed confirmation that a road sweeping contractor has been engaged to sweep the roads on an as-needed basis to ensure stormwater quality is not affected;
- Designated site entry and stabilisation requirements;
- Stockpile locations;
- Tree protection and proposed works procedures relating to retained vegetation;
- Identify the protected vegetation to remain, to determine the location for tree protection fencing; and
- Weed management conditions of consent.

Council's Environmental Monitoring Officer (EMO) (Phone Council's Call Centre 839 0400 to arrange an inspection), the Consent Holder's representative, Works Arborist and as relevant site works Contractors and Sub-Contractors are to be present. The Consent Holder's representative shall minute the meeting and circulate those minutes to all in attendance including the Council's EMO.

Parks

- (4) Prior to any landscape works commencing the applicant is to arrange an on site meeting with the Parks Consent Planner and or Parks Technician Officer (Huw Hill-male) to discuss the following:
 - The detailed landscape requirements as set out in the Landscape Mitigation Plan prepared by Boffa Miskell, drawing number A07135-100, revision 0;
 - The Vegetation Protection and Works Methodology report prepared by Amenity Tree Consultants Limited dated 5 April 2009; and
 - To discuss reinstatement requirements.

PARKS CONDITIONS

- (5) A street tree plan must be provided showing street tree(s) on the corner of South Titirangi and Titirangi Roads, in the area which is to be widened in accordance with intersection improvements. The plan is to be provided to the Council's Parks Consent Planner at engineering stage for approval. The landscape plan must be prepared by a qualified landscape architect. The street trees may be located within tree pits to reduce any impact on the existing footpath. The final approved landscape plan must be implemented in accordance 'with the specifications of the Council's Code of Practice and to the satisfaction of the Council's Parks Consent Planner in consultation with Transport Assets.
- (6) All landscape works must be implemented by a landscape contractor registered with the Landscape Industries Association of New Zealand (LIANZ).
- (7) The street trees must be maintained by the applicant for a period of two years in accordance with the specifications of the Code of Practice and to the satisfaction of the Council's Parks Consent Planner. Any trees that do not establish must be replaced within the maintenance period. The approved landscape contractor appointed to carry out maintenance must be registered with LIANZ.

Proposed landscape planting along building facade and entry planting

- (8) The Landscape Mitigation Plan prepared by Boffa Miskell, drawing number A07135-100, revision 0 must be implemented in relation to:
 - The general planting proposed between the entry to the staircase and the entry to the car park and the species as set out in the plan under building façade planting or as otherwise approved; and
 - The climbers proposed on the building façade - the species are to be approved by the Council's Parks Consent Planner at engineering stage.

Within the next planting season following completion of works.

- (9) The general planting and the climbers referred to in Parks condition (8) must be maintained regularly to a high standard. The climbers must be clipped close to the building faced to reduce any interference with pedestrians. Any planting that does not survive must be replaced and maintained to ensure compliance with the planting shown on the Landscape Mitigation Plan prepared by Boffa Miskell, drawing number A07135-100, revision 0.

Note. As this is a continuing condition a consent notice or covenant is required to be registered on the title of the property adjoining South Titirangi Road where the planting is located. The Council's solicitor will prepare and register the consent notice or covenant at the consent holder's cost.

Landscape Works

- (10) The landscape works must be implemented in accordance with the specifications of the Code of Practice, in accordance with the approved landscape plan and to the satisfaction of the Council's Parks Consent Planner.
- (11) The landscape works must be maintained by the applicant for a period of two years in accordance with the specifications of the Code of Practice and to the satisfaction of the Council's Parks Consent Planner. Any vegetation and trees that do not establish must be replaced within the maintenance period in accordance with the approved landscape plan and to the satisfaction of the Council's Parks Consent Planner. The approved landscape contractor appointed to carry out maintenance must be registered with LIANZ.

- (12) The applicant is to arrange on site meeting with the Council's Parks Consent Planner on completion of the landscape works referred to in Parks condition (8) to approve the final works.

LANDSCAPE CONDITIONS

Weed Management

- (13) All environmentally damaging plants (as identified in the Environmentally Damaging Plants Appendix to the District Plan) shall be removed from all areas of the site proposed for re-vegetation planting and from the existing bush areas adjacent to the planting areas and the road reserve area between the site and South Titirangi Road, as necessary and to the satisfaction of the Manager Resource Consents. Weed management shall have regard to item 8.0, Weed Control, of appendix three Vegetation Protection and Works Methodology, submitted with the application and attached as appendix to this consent. Weed control shall involve the following:
- Initial phase of weed control to commence in the summer period immediately following granting of this consent;
 - Ongoing weed control shall be carried out at 4 month intervals thereafter for the first year following the initial weed management operation, and then at six monthly intervals for the four years following the first year, to include all the subject site and the road reserve area fronting the subject site, to the satisfaction of Council's Environmental Monitoring Officer Resource Consents; and
 - Cut weed material shall be disposed of at a landfill approved for disposal of such material.

Approval for the initial phase of weed control shall be obtained from Council's Environmental Monitoring Officer before any further works (other than for erosion and sediment control) are undertaken on the site.

Native Re-vegetation Planting

- (14) In the first planting season, May till 7 September, following construction of the building, native planting shall be set in place into weed-free areas in general accordance with the Titirangi Corner Development 410 Titirangi Road Landscape Mitigation Plan Drawing No A07135-100 by Boffa Miskell* and the associated Vegetation Protection Works Methodology, item 9.0 Replacement Planting & Re-vegetation submitted as appendix two and three with the application and attached as appendix to this consent. The initial planting shall be within three weeks of a weed management operation and shall be to the satisfaction of the Council's Manager Resource Consents. All open ground areas of planting shall have a well-rotted wood chip mulch to 60 millimetres depth.

* (This plan has not shown the steps up to South Titirangi Rd or the associated ramp so requires minor modification in its implementation).

The plants and planting areas shall be maintained for the duration period of the consent with plants watered as necessary in the first summer and with plants and planting areas kept free of weeds. Any plant that dies, is removed or otherwise fails to establish shall be replaced the following planting season and maintained as necessary, all to the satisfaction of Council's Planning Manger, Resource Consents.

VEGETATION REMOVAL CONDITIONS

- Axx-Axx
- (15) The proposed works shall be carried out in accordance with the Vegetation Protection and Works Methodology section of the application information (see appendix three of the application information attached).
 - (16) The consent holder shall engage an independent consultant Arborist ('Works Arborist) to monitor, direct and supervise all vegetation clearance works and works within the dripline / rootzone of all protected vegetation for the duration of this project.
 - (17) The clearing works shall be undertaken in accordance with all Department of Labour, Occupational Health and Safety Services Codes of Practices such as, but not only limited to *Safety and Health in Forest Operations and Approved Code of Practice for Safety and Health in Tree Work: Part 1 & 2 Arboriculture*.
 - (18) Protected vegetation outside of the proposed cleared area shall not be damaged or destroyed during the removal process.

EARTHWORKS CONDITIONS

- (19) Before commencement of any works and until completion of exposed site works, adequate sediment and erosion control measures in accordance with the approved sediment control plan and in accordance with Auckland Regional Council Technical Publication No. 90 "Erosion and Sediment Control Guideline for Earthworks" (latest edition) shall be constructed and maintained by the consent holder. **The consent holder shall notify Council's Monitoring Officer - Resource Management (ph 8390400) when controls are in place. Work shall not commence until approval has been gained in writing from the Council's Manager Resource Consents.** The control measures must be maintained until the site has been adequately stabilised against erosion and sediment-laden run off.
- (20) All "cleanwater" runoff from stabilised surfaces including catchment areas above the site shall be diverted away from earthwork areas via a stabilised system, so as to prevent surface erosion and sediment laden runoff.
- (21) All earthworks and fill from earthworks shall be kept out of the remaining native bush and outside the driplines of trees that are retained. A protective fence around the bush and/or the driplines of the trees shall be erected prior to the commencement of any work on the site and shall remain in place until the completion of all works on site.
- (22) All earthworks, stockpiles of earth and the storage of other construction materials/ works shall be excluded from the drip-line of all vegetation to be retained on site and from the riparian margins of streams / the coast. A protective fence shall be erected around the affected area prior to the commencement of any work on the site and shall remain in place until the completion of all works on site.
- (23) Footpaths, berms and kerbs shall be protected from damage by crossing or parking vehicles to the satisfaction of the Council's 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.

(24) All dirt tracked onto the surrounding roads as a result of the development covered by this consent shall be cleaned by spade/sweeping on a daily basis at the expense of the applicant. In case of repeated non-compliance with this condition, Council may engage the road cleaning contractor nominated by the applicant to carry out the road cleaning. Council's Environmental Monitoring Officer (EMO) may engage the road sweeping contractor to carry out road cleaning if it is the EMO's opinion that the dirt on 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. **At no stage shall roads be washed down with water.**

(25) Heavy vehicle movements to and from the site during the period of earthworks operations shall be restricted to the following hours:

Monday to Saturday:	7.00 am - 6.00 pm
Sunday and Public Holidays:	No deliveries.

Or in accordance with the hours approved within the Traffic Management Plan (refer to condition 32) - whichever is the more restrictive.

(26) A log book shall be kept on site, recording the dates, times, and numbers of deliveries made each day, and be made available for inspection at all times.

(27) All development works on the site involving earthworks and the use of associated heavy machinery shall be undertaken between the following hours only:

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

Or in accordance with the hours approved within the Traffic Management Plan (refer to condition 32) - whichever is the more restrictive.

ROADING AND TRAFFIC CONDITIONS

(28) Provide detailed design drawings of the parking facility demonstrating full compliance with the Code of Practice be provided at the building consent stage.

(29) A detailed and comprehensive construction traffic management plan shall be provided at the building consent stage.

(30) In detail provided above include;

- (i) Increase the size of the three columns in the manoeuvring area by spaces 1-3 on the ground level;
- (ii) The pavement of the manoeuvring area in the vicinity of the three columns is to be of a different texture to that of the rest of paved areas;
- (iii) Flood lighting be installed to ensure that central portion of the manoeuvring area on the ground level is clearly lit at night;
- (iv) The pedestrian path from the upper deck parking be relocated to the eastern side of the ramp and be widened to 1.2 metres overhanging over the central landscape area;
- (v) The pedestrian path from the lower parking deck be widened to 1.2 metres overhanging over the central landscape area; and
- (vi) Incorporate a widened footpath on South Titirangi Road to be three metres at the vehicle crossing as part of the upgrade works on the road.

- (31) The detailed design of all works outside the site be provided to Transport assets for full review and approval prior to construction.

ECOWATER CONDITIONS

- (32) To prevent increasing channel erosion in the watercourse, stormwater disposal is required to comply with EcoWater's Countryside and Foothills Stormwater Management Code of Practice. Pursuant to Section 108(2)(d) a covenant is required to be entered into, in favour of Council, stating that the stormwater disposal system from any development on the site shall be designed to incorporate the following requirements to the satisfaction of EcoWater:

- (i) Maintain stormwater runoff flows, volumes, and timing to pre-development levels for the two year storm event;
- (ii) Overflow pipe from attenuation tank to be discharged into the receiving environment via an Outlet Structure. Outlet Structure to consist of bubble-up chamber and T diffuser and to be located near the head of the gully feature. (Unless specifically required for geotechnical reasons);
- (iii) Rainwater to be stored and reused for outdoor facilities (toilet flushing, garden irrigation and laundry supply optional) to reduce runoff volumes and minimise water importation;
- (iv) A stormwater detention tank to be provided to limit the rate of runoff;
- (v) Design and location to be approved by EcoWater prior to carrying out mitigation measures; and
- (vi) The property owner is required to maintain any devices to meet the above requirements to the satisfaction of Council.

Note: Council's Hazards and Special Features Register will be advised of the above requirements.

- (33) Design, provide and install a complete stormwater quality treatment system for the site in accordance with the Auckland Regional Council's TP10 'Stormwater Management Devices Design Guideline Manual', and WCC Code of Practice for City Infrastructure and Land Development (refer Section 4). Specific requirements:

- (i) Stormwater runoff from all proposed and existing impermeable area (paved) to be collected and directed to treatment device prior to the detention device;
- (ii) Provide on-site stormwater quality treatment device (Hynds UpFlo Filter or similarly approved alternative) to treat the stormwater runoff from the paved surfaces; and
- (iii) Provide a maintenance manual for the treatment device.

- (34) Design, provide and install a complete private wastewater reticulation system to serve the development in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer Section 4.0). Specific requirements:

- (i) The existing connection servicing the public toilet to be abandoned and capped off by Council Contractors. Provide a new 150 millimetres service connection off the existing wastewater manhole located near the central portion of the site to serve the proposed development.

Advice Note: EcoWater recommends new connection to be provided downstream of the pipe and outside the car park platform. A new 1050 millimetre wastewater manhole to be installed on the downstream side of the existing wastewater drain and provide a 150 millimetre manhole connection to service the proposed development.

- (ii) Construction of private drainage requires a building consent. Provide a private drainage As-Built plan for the property, prepared by a Registered Drainlayer, showing the separate private drains from the proposed development to the point of connection to the public drain.

Advice Note: applicant is required to apply to the Council for the above work by completing relevant forms and lodging the application with Council for approval. The work will be done by Council Contractors therefore the associated fee is required to be paid in full before the work can be done.

- (35) Provide a private water supply reticulation system to serve each Unit in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer section 6). Specific requirements:
 - (i) Either provide a bulk water meter to serve the proposed development or separate standard Council meters to serve the proposed development.

URBAN DESIGN CONDITIONS

- (36) The maximum height of any part of the proposed building shall not exceed 11 metres when measured from the road level at the centre point of its Titirangi Road frontage.
- (37) A Registered Land Surveyor at site shall provide confirmation to the satisfaction of the Manager Resource Consents at the set-out/footing inspection stage and at the framing stage confirming the proposed building has been set-out in accordance with the approved Building Consent plans.
- (38) Prior to lodgement of building consent an assessment against the Apartment Design Criteria shall be submitted to the Council's Manager Urban Planning and Design for review.
- (39) There shall be no outdoor dining within the vicinity of the outdoor public viewing platform. If outdoor dining is proposed within this area, the viewing platform shall be widened to ensure that public access and views are maintained.
- (40) The new vehicle crossing on South Titirangi Road shall be designed to ensure that the pedestrian footpath extends through the crossing, with a continuous surface treatment for the footpath. If the vehicle crossing is to be constructed in the same material as the adjoining footpath, then the footpath over the crossing shall be finished in a different treatment (e.g. brushed or exposed aggregate concrete).
- (40) The applicant shall consult with the Council's Team Leader - Waste Minimisation to design an appropriate rubbish storage and collection area for the entire development and submit the amended plans for the approval of the Council's Manager Resource Consents and provide evidence of approval.
- (41) A suitable bicycle rail or rack, to which the bicycle frame and both wheels can be locked, for use by visitors and employees of the site shall be provided. This shall be in addition to the bicycle storage area for the apartments. The location and design of the bicycle rail or rack shall be located in a suitably accessible area. Plans of the location and design shall be submitted for the approval of the Manager Urban Planning and Design.

- (42) Signage, advertising, or other materials (such as transparent or opaque film) shall not obscure the total ground floor glazing by more than 50% to ensure that views through the building are maintained.
- (43) The bicycle locker for the apartments shall accommodate a minimum of three bicycles, in a safe, secure and convenient location.

GEOTECHNICAL

- (44) All development shall be in accordance with the recommendations of the geotechnical report titled: *Geotechnical Investigation, T & T Ref: 26132 dated December 2008* ("Tonkin & Taylor Ltd"). A report illustrating compliance with the recommendations of the above geotechnical report shall be provided to the Council's Manager Resource Consents upon completion of construction.

Advice Notes:

- (1) A Development Contribution is payable for this land use consent. 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 \$63,464.24 incl GST.
- (2) Where indicated in the conditions it is the consent holders responsibility to inform the Council's Environmental Monitoring Officer when inspection is required. Inspections can be requested through the Call Centre on 839 0400.
- (3) Storage with a minimum area of 4m³ for one bedroom apartments, 5m² for two-bedroom apartments, and 5.5m³ for three-bedroom apartments shall be provided. A minimum of 50% of the required storage should be provided within the apartment, and the remainder provided within the apartment building. The required storage shall be in addition to wardrobe and normal cupboard space.
- (4) The applicant is encouraged to locate office dominated activities, and some service type activities such as, professional practices, real estate agencies, insurance offices etc. within the purpose built office spaces located at the upper level.
- (5) It is recommended that no signage shall be above the ground floor storey on the façade of the building at the second or third storey.
- (6) It is recommended that two Sheffield bicycle racks shall be provided along either the South Titirangi Road or Titirangi Road frontage for use by visitors. The location and design of the racks is to be decided in consultation with the Council's Manager Transport Services and the Manager Urban Planning and Design.
- (7) It is recommended that within six month of the completion of construction that the applicant shall consult with Council's Parks Consent Planner to investigate whether any vegetation alteration is required to open up the entranceway to the walkway that extends through the Council reserve to the south. Further consent may be required for vegetation alteration / removal.

Report prepared by: Steven McKenzie, Team Leader Resource Consents.

