

**NOTICE OF
HEARING BY COMMISSIONER**

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

DATE: Tuesday, 12 October 2010 **TIME:** 9.30 am
 Wednesday, 13 October 2010

RESERVE Thursday, 14 October 2010 **TIME:** 9.30 am
DATE:

MEETING
ROOM: Council Chamber

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

to consider an application for non-complying resource consent by Lopdell House Development, 418 Titirangi Road and 500 South Titirangi Road, Titirangi and to take any necessary action connected therewith.



21 September 2010

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

MEMBERSHIP:

Commissioner: John Childs

(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 IN THE COUNCIL
CHAMBER AT WAITAKERE CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON,
WAITAKERE, ON TUESDAY, 12 OCTOBER 2010, COMMENCING AT 9.30 AM**

TABLE OF CONTENTS

<u>ITEM</u>		<u>PAGE NO.</u>
1	NOTIFIED APPLICATION FOR NON-COMPLYING RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991 BY LOPDELL HOUSE DEVELOPMENT LTD TO UNDERTAKE DEMOLITION, ALTERATIONS AND ADDITIONS TO LOPDELL HOUSE (CATEGORY I ITEM); REFURBISHMENT OF LOPDELL HALL (CATEGORY II ITEM), WORKS WITHIN THE DRIPLINE OF HERITAGE VEGETATION (ENGLISH OAK), THE CONSTRUCTION OF A CAR PARK BUILDING, VEGETATION ALTERATION AND EARTHWORKS ON 418 TITIRANGI ROAD, 500 SOUTH TITIRANGI ROAD AND ADJACENT ROAD RESERVE	1

**AGENDA FOR A HEARING BY COMMISSIONER TO BE HELD IN THE COUNCIL CHAMBER
AT WAITAKERE CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON, WAITAKERE,
ON TUESDAY, 12 OCTOBER 2010, COMMENCING AT 9.30 AM**

<u>APPENDIX</u>		<u>PAGE NO</u>
APPENDIX I	WRITTEN S92 RESPONSE FROM APPLICANT	A1 - A57
APPENDIX II	SUMMARY OF SUBMISSIONS	A58 - A81
APPENDIX III	SUBMISSIONS	A82 - A201
APPENDIX IV	EARLY AND LATE SUBMISSIONS	A202 - A227
APPENDIX V	SPECIALIST REPORT - ECOWATER DRAINAGE - MR RAVINESH CHAND	A228 - A233
APPENDIX VI	SPECIALIST REPORT - TRAFFIC ENGINEERING AND TRANSPORT PLANNING REVIEW - MR SAM SHUMANE	A234 - A243
APPENDIX VII	SPECIALIST REPORT - URBAN DESIGN MR PETER JOYCE AND MS MELANIE MCKELVIE	A244 - A266
APPENDIX VIII	SPECIALIST REPORT – PARKS REPORT MS HUIA KINGI	A267 - A276
APPENDIX IX	SPECIALIST REPORT – ACOUSTICS & VIBRATION - MR MICHAEL RILEY OF JP STYLES LTD	A277 - A288
APPENDIX X	SPECIALIST REPORT – URBAN DESIGN/ VISUAL IMPACT PEER REVIEW MR STEPHEN BROWN OF STEPHEN BROWN ENVIRONMENTS LTD	A289 - A308
APPENDIX XI	SPECIALIST REPORT – VEGETATION MR ANDREW RICHARDS	A309 - A314

**AGENDA FOR A HEARING BY COMMISSIONER TO BE HELD IN THE COUNCIL CHAMBER
AT WAITAKERE CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON, WAITAKERE,
ON TUESDAY, 12 OCTOBER 2010, COMMENCING AT 9.30 AM**

APPENDIX XII	SPECIALIST REPORT – CPTED SAFETY AUDIT REPORT - MR MICHAEL ALOFA	A315 - A319
APPENDIX XIII	SPECIALIST REPORT – WAITAKERE RANGES HERITAGE AREA ACT 2008 MR MARK TOLLEMACHE	A320 -A337
APPENDIX XIV	SPECIALIST REPORT – EARTHWORKS MR PAUL TYLER	A338 - A343
APPENDIX XV	SPECIALIST REPORT - HERITAGE MS ALINA WIMMER	A344 - A351
APPENDIX XVI	POLICIES AND OBJECTIVES	A352 - A370
APPENDIX XVII	APPLICATION DOCUMENTS A FULL COPY IS AVAILABLE UPON REQUEST	A371
APPENDIX XVIII	APPLICATION PLANS	A372 -A373

A FULL COPY OF THE APPLICATION IS ALSO AVAILABLE AT:

[HTTP://WWW.WAITAKERE.GOVT.NZ/ABTCNL/PN/CONSENTS.ASP](http://www.waitakere.govt.nz/abtcnl/pn/consents.asp)

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1 NOTIFIED APPLICATION FOR NON-COMPLYING RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991 BY LOPDELL HOUSE DEVELOPMENT LTD TO UNDERTAKE DEMOLITION, ALTERATIONS AND ADDITIONS TO LOPDELL HOUSE (CATEGORY I ITEM); REFURBISHMENT OF LOPDELL HALL (CATEGORY II ITEM), WORKS WITHIN THE DRIPLINE OF HERITAGE VEGETATION (ENGLISH OAK), THE CONSTRUCTION OF A CAR PARK BUILDING, VEGETATION ALTERATION AND EARTHWORKS ON 418 TITIRANGI ROAD, 500 SOUTH TITIRANGI ROAD AND ADJACENT ROAD RESERVE

**LUC 2008-1804
Ward - Waitakere**

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

Reporting Officers:	Matthew Wright Kristin Spyve
Site Address:	418 Titirangi Road 500 South Titirangi Road
Applicant:	Lopdell House Development Trust
Date Received:	1/12/2008
Legal Description:	Allotment 740 Waikomiti Prish, NA70A/574 (418 Titirangi Road) NZGZ 1961 p889 (500 South Titirangi Road)
Address for Service:	c/- Transurban Limited PO Box 90921 Victoria Street West Auckland 1142 Attn: Michelle Carr
Site Area:	3184m (418 Titirangi Road) 18028m (500 South Titirangi Road)
District Plan:	Community (Titirangi) (418 Titirangi Road)
Human Environment:	Open Space (500 South Titirangi Road)
Natural Area:	General Natural, Managed Natural (418 Titirangi Road) General Natural, Managed Natural(500 South Titirangi Road)
Landscape Elements:	Sensitive Ridge (moderate 65m) (418 Titirangi Road & 500 South Titirangi Road)
Hazards:	Stability Sensitive (418 Titirangi Road & 500 South Titirangi Road)

APPLICATION DETAILS

Roading Hierarchy:	Titirangi Road (District Arterial) South Titirangi Road (Collector)
Heritage	418 Titirangi Road Scheduled Category I Heritage Item (#1237) including interior – Lopdell House Scheduled Category II Heritage Item (#1252) excluding interior – Judo Club (Lopdell Hall) Scheduled Heritage Vegetation (#6) - English Oak Tree (Quercu robur) 500 South Titirangi Road Scheduled Category II Heritage Item (#1255) excluding interior – Monument Scheduled Heritage Vegetation (#90) - Kauri Ricker Stand (Agathis Australis)

1.0 INTRODUCTION AND RECOMMENDATION

1.1 Nature of the Application

On the 1st December 2008, a resource consent was lodged (with the applicant requesting public notification) to undertake demolition, alterations and additions to Lopdell House (Category I Heritage Item); alterations to Lopdell Hall (Category II Heritage Item); and alterations (earthworks) to an archaeological site. The proposal includes works within the dripline of an Oak Tree (Heritage Tree), removal; pruning and/or works within the dripline of protected vegetation; re-development of existing parking areas at 418 Titirangi Road (Community Environment)

Immediately adjacent to 418 Titirangi Road, works (including earthworks and signage) within the adjacent road reserve (Transport Environment).

The proposal includes the construction of a new, single level building to provide parking and includes removal and/or works within the dripline of protected vegetation, and an additional vehicle crossing at 500 South Titirangi Road (Open Space Environment).

Overall the application is considered to be a Non-Complying Activity.

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.

1.2 Resource Management Issues Raised

The primary resource management issues associated with this proposal are:

- The effects upon heritage items and values from the proposed development, in terms of the demolition, alterations and additions to Lopdell House, the alterations to Lopdell Hall, and works within the dripline of an Oak Tree;
- The visual and landscape impacts associated with structures proposed, once established;

- Traffic Safety and Generation and associated parking demand and supply;
- The impact of development upon the visual landscape qualities associated with the ridgeline, and the Outstanding (Natural Character) Coastal Area;
- The loss of vegetation to accommodate the built structures proposed;
- The impact on amenities during the construction period;
- The impact upon on-site and adjacent amenities by structures and activities proposed, once established; and
- Increased stormwater runoff and generation, including quality.

1.3 Planner's Recommendation

The planner(s) who have prepared this report recommend that, subject to any contrary or additional evidence submitted at the Hearing, **consent be granted** to the application. In this regard, it is considered that the proposal satisfies both gateway tests described in Section 104D in that the adverse effects that may be generated by the activity will be no more than minor and the proposal is not contrary to the objectives and policies of the District Plan.

2.0 LOCATION PLAN



Figure 1 – Site at 418 Titirangi Road.



Figure 2- Site at 500 South Titirangi Road.

3.0 PROPOSAL

The applicant seeks consent to establish and operate various structures and activities across No's 418 Titirangi Road and 500 South Titirangi Road. Whilst the activities on each site are separate and distinct they are intrinsically linked.

The proposed activity is summarised as follows:

- 418 Titirangi Road

The development centres on the demolition, alterations and additions to Lopdell House and the reconfiguration of activities within Lopdell House. The additions to the eastern edge of Lopdell House are intended to accommodate art gallery and associated education activities. Upgrading of the interior / exterior of Lopdell House is proposed.

The following is proposed:

- Seismic structural upgrade of Lopdell House.;
- Removal of existing roof and associated structures, and construction of a roof top terrace;
- Existing canopy to be removed and replaced by a new canopy (excluding main building entrance);
- Changes in the internal configuration / uses contained within Lopdell House;
- Removal of flag signage and a singular sign proposed beneath the canopy at the entrance of the ground floor canopy;
- New pedestrian linkages to the gallery addition;
- Lopdell House will accommodate a 'reinstated' theatre space, commercial activities at ground floor and community / office use on upper levels;
- Lighting of the exterior, including the cypress trees at the building corner and at building entrance features;
- Signage: includes a banner sign, sign below the proposed canopy and small sign adjacent to main entrance;

- Colour of the Exterior of Lopdell House / Lopdell Hall (as confirmed in subsequent information received):
 - Walls: Resene “Spanish White”;
 - Trim: Resene “Sisal”; and
 - Windows: Resene “Nomad”.
- In terms of the Gallery Extension:
 - Proposed Building Height 12.5 – 13m along Titirangi Road (northern elevation) and 26.5m at the southern elevation;
 - Caters for six levels and accommodates a gallery and educational spaces;
 - The extension extends along Titirangi Road for roughly 18.5m. Total length of the Titirangi Road elevation is in the order of 58m;
 - Gallery Extension extends approximately 7.0m beyond the Lopdell House southern elevation as viewed from South Titirangi Road;
 - Widening of the footpath adjacent to the gallery along Titirangi Road;
 - Proposed sculpture feature in garden area immediately in front of the addition; and
 - Building exterior to be a patinated copper finish on the bulk of the structure, with glazing to the south of the building allowing for views out from particular areas from the stairway feature on the southern façade.

In the surrounds of Lopdell House, the following is proposed:

- The upgrading and interior of Lopdell Hall (a Category II Heritage Item);
- Reconfiguration of existing car parking spaces that will be increased to 42 (8 spaces contained within gallery extension). The proposal will utilise the existing crossing;
- Revised pedestrian linkage from Titirangi Road to the car parking area to the south between Lopdell House / Gallery Extension;
- New retaining structures up to 3.2m in height running adjacent to the southern elevation of Lopdell House and Additions; and
- Lighting of the car parking areas, and Lopdell House.

To facilitate the development, including those matters described above, 21 trees (of which 16 are protected) are proposed to be removed, and works are also proposed within the dripline of other vegetation (including a scheduled Oak Tree).

The 21 trees to be removed include the following:

- Cabbage Tree x 6;
- Silver Birch;
- Western Red Cedar;
- Wineberry;
- Silky Oak;
- Mapou x2;
- Kauri;
- Kowhai;
- Kahikatea;
- Pohutukawa x2;
- Kanuka;
- Norfolk Island Pine x2; and
- Pseudopanax.

The majority of the vegetation proposed to be removed is associated with the gallery extension. Both weed management and native re-vegetation planting has been offered.

Earthworks, both within and outside the building platform are in the order of 2,422m³ of cut and 51m³ of fill within an earthworks area of 1,280m².

The stormwater management proposed for the site includes the following:

- Treatment for the car park area is proposed to be provided by Hynds Environmental Up-Flo filter with 2 filter modules; and
- Detention to mitigate the effects of the proposed increase in impervious area is proposed to be provided by a detention tank receiving roof runoff from the new gallery building and part of the existing Lopdell House.
- 500 South Titirangi Road

The proposed activity centres on the establishment of a car parking building that will be essentially constructed above the existing at-grade parking. The car parking building, in conjunction with minor modifications to the existing car park will provide for an additional 21 car parking spaces. The car parking platform will be accessed by a two- way crossing and ramp that is located some 50m from the existing intersection.

The proposed car parking building has been amended from that which formed part of the notification documentation with the notable changes being:

- The building deck has been shortened, so that it is on average 3.5 metres away from the Play Centre boundary;
- This has reduced the overall car parking by 4, two on the upper deck and 2 on the ground level;
- An internal stair well has been introduced to avoid conflict with the Play Centre gates; and
- Bicycle parking has been introduced.

The proposed car parking building covers a rough footprint of 32m by 17m, with a maximum height of 4.6m. The proposed building is setback 4m from the War Memorial and 3.5m from the existing Playcentre to the west. The building will provide bicycle parking and will continue to provide separate pedestrian access (albeit slightly reformed) to South Titirangi Road. To facilitate the development, 20 trees (of which 16 are protected) will be removed, and works would be carried out within the dripline of vegetation.

The 20 trees to be removed include the following:

- Kahikatea x5;
- Kanuka x2;
- Lemonwood;
- Oak;
- Hoheria;
- Liquidambar;
- Pohutukawa x3;
- Putaputaweta x2;
- Pseudopanax;
- Cabbage Tree;
- Western Red Cedar; and
- Liquidambar.

Both weed management and native re-vegetation planting has been offered.

Stormwater management proposed for the site includes detention and treatment, through a sand filter housed in pre-cast concrete components with detention provided by live storage above the filter.

The development is proposed to be undertaken in three stages over a period of four years in the following order:

Stage 1	Construction of car parking platform at 500 South Titirangi and associated works. Restoration of Lopdell Hall
Stage 2	Construction of gallery extension to Lopdell House, reconfiguration and upgrade of car park area at 418 Titirangi Road
Stage 3	Seismic upgrade and heritage upgrade of Lopdell House.

A371

A more detailed description of the proposed activity can be found in the Application Documentation attached at page A371 as Appendix XVII.

3.1 Information Received

The following information has been provided and was included in the application as publicly notified on 15 October 2009:

- Application Form, Assessment of Environmental Effects, response to Section 92 request;
- Land Registrations (Certificate of Titles);
- Photographs of site and surrounds;
- Conservation Plan - Lopdell House and Precinct including Lopdell Hall, Archifact, 24 October 2008;
- Architectural Design Report- David Mitchell of Mitchell Stout Architects, June 2009;
- Lighting Plan and Report-Merritt Strickett of Kendelier Lighting Brilliance, 11 November 2008;
- Aboricultural Report - The Specimen Tree Company Ltd, June 2009;
- Engineering Assessment Reports - Stormwater and Erosion and Sediment Control Stormwater Management and Design Sewer Relocation, Environment Context Ltd, 18 May 2009;
- Construction Management Plan, Erosion and Sediment Control Plan Environmental Context Ltd, 18 May 2009;
- Assessment of Effects on Heritage Values- Lopdell House Development Assessment of effects on Heritage Values, Archifact, August 2008;
- Consultation Records- Pamphlet, Feedback forms and summary, NZHPT letter, and email from Kindergarten;
- Urban Design Assessment - Proposed Addition to Lopdell House & Associated works, Nick Rae of Transurban, 10 July 2009;
- Vegetation Management Plan - Proposed Addition to Lopdell House & Associated works, Nick Rae of Transurban, July 2009;
- Traffic Impact Assessment - Bryce Hall of Traffic Planning Consultants Ltd, June 2009;
- Geotechnical Report - Lopdell House, Titirangi Geotechnical Investigation, Tonkin & Taylor, January 2008;

- Stability Assessment - Lopdell House, Titirangi, Stability Assessment, A C Langbein of Tonkin & Taylor, 15 May 2009;
- Structural Assessment - S. J Thorne of Thorne Dwyer Structures, 9 April 2009;
- Economic Impact Assessment - Visitor Solutions Ltd, May 2009; and
- Acoustic Assessment - Lopdell House Redevelopment: Acoustic Assessment of Environmental Effects, Marshall Day Acoustics, April 2009.

A1-A57 Following the close of submissions, the following information was provided, and is attached at pages A1 to A57 as Appendix I.

Supplementary Information, May 2010, prepared by Mitchell & Stout Architects:

- Landscape Plan 1, A0-04B;
- Landscape Plan 2, A0-05B;
- Sun Shading Diagrams, A-7-01 to A7-16;
- Sun Shading Diagram Detail, A7-17;
- Kindergarten Right of Way Easement, A8-01;
- Car park 2 View A, A8-02;
- Car park 2 View B, A8-03;
- Car park Revision, A8-04;
- Car park 2 View C, A8-05;
- CPTED Information, A8-06;
- CPTED Information, A8-07;
- Copper Run off Mitigation, A8-08;
- Proposed Colour Scheme, A9-01; and
- Gallery Back Wall, Lopdell House, Mitchell & Stout Architects, 30 July 2010, (as referenced within Mr Peter Joyce's specialist report).

The application, including submissions received has been reviewed by the following persons:

- Mr Ravinesh Chand - Subdivision and Consents Engineer (refer Appendix V);
- Mr Sam Shumane - Principal Engineer, Transport Assets (refer Appendix VI);
- Mr Peter Joyce & Ms Melanie McKelvie - Project Manager - Urban Planning and Design (refer Appendix VII);
- Ms Huia Kingi - Parks Consents Planner (refer Appendix VIII);
- Ms Alina Wimmer - Principal Advisor, Heritage (refer Appendix XV);
- Mr. Michael Riley - Council's Acoustic Consultant (refer Appendix IX);
- Mr Stephen Brown - Council's Landscape Architecture Consultant (refer Appendix X);
- Mr Andrew Richards - Arborist (refer Appendix XI);
- Mr Michael Alofa - Crime Prevention Project Leader (refer Appendix XII);
- Ms Mark Tollemache - Waitakere Ranges Heritage Advisor (refer Appendix XIII); and
- Mr Paul Tyler - Environmental Monitoring Officer (refer Appendix XIV).

A228-A351 All Specialist Reports are attached at pages A228 to A351 as Appendices V, VI, VII, VIII, IX, X, XI, XII, XIII, XIV and XV.

4.0 REASONS FOR THE APPLICATION

Consent is required under the Waitakere Operative District Plan 2003 for the following reasons:

- **418 Titirangi Road (Lopdell House and Lopdell Hall) and adjacent road reserve**

Citywide (Heritage) Rules

Under Rule 2.3 (Alteration, Addition to, Demolition of Heritage Structure, Objects, Sites and Places) of the Heritage Chapter of the Citywide Rules consent is required as a Discretionary Activity for more than minor repair to and maintenance of the exterior of Lopdell Hall, as Lopdell Hall is a scheduled Category II Heritage Item.

Under Rule 2.4 (Alteration, Addition to, Demolition of Heritage Structure, Objects, Sites and Places) of the Heritage Chapter of the Citywide Rules consent is required as a Non-Complying Activity. Consent is required because Lopdell House is a Scheduled Category I Heritage Item. Additions and alterations are proposed which fall beyond the scope of minor repair/maintenance. Partial demolition of Lopdell House is proposed via removal of the upper most building level. A change of activities on the site is also proposed.

Under Rule 3.2 (Destruction, Trimming, Felling and Modification of Heritage Trees) of the Heritage Chapter of the Citywide Rules, consent is required as a Limited Discretionary Activity for works within the dripline of the Scheduled Heritage Oak tree.

Under Rule 4.2 (Alteration of Archaeological Sites) of the Heritage Chapter of the Citywide Rules consent is required as a Limited Discretionary Activity because there is evidence of occupation of the site prior to 1900 and therefore the site qualifies as an archaeological site under the Plan. The proposal requires alteration to buildings and the site.

Community Environment

Under Rule 4.3 (Building Location- Natural Landscape Elements) of the Community Environment Rules consent is required as a Discretionary Activity for proposed additions and alterations to Lopdell House and proposed retaining structures, which are located on a sensitive ridgeline. Additions and alterations are proposed at a height of more than 10m above the street level of Titirangi Road.

Under Rule 7.4 (Building and Site Design- Titirangi) of the Community Environment Rules, consent is required as a Non-Complying Activity for non-compliance with the following standards:

- Weather protection over footpath control as the proposed canopies will not extend over the full width of the footpath;
- The proposed materials for the building extension will be steel, patinated copper and glazing, being materials not listed in Rule 7.1;
- The proposed materials for retaining structures on the site will not likely be finished with materials listed in Rule 7.1;
- The proposed building addition (new gallery) will not have a useable rooftop terrace or a pitched roof;
- The proposed additions and alterations will have a maximum height above street level of approximately 15m at its Titirangi Road frontage;
- The proposed additions and alterations will not comply with the ground floor glazing façade requirements; and

- The proposed building addition will extend building development along the Titirangi Road frontage, but will not be broken up into 6m wide units.

Under Rule 9.2 (Landscape Treatment (Car parking)) of the Community Environment Rules, consent is required as a Controlled Activity because more than 20 parking spaces are proposed at ground level and a Landscape Treatment Plan is proposed for the site which includes more than 10% of the site being landscaped area.

Under Rule 14.2 (Parking, Loading and Driveway Access) of the Community Environment Rules consent is required as a Controlled Activity for a parking shortfall of 43 spaces and a shortfall in loading spaces of 5 spaces.

Under Rule 15.3 (Odour, Glare, Vibration) of the Community Environment Rules consent is required as a Discretionary Activity for the following infringements:

- Proposed bollard lighting adjacent to the southern boundary will result in light spill less than 25 lux at the boundary of the site adjoining the Bush Living Environment immediately to the south. This will result in added luminance of up to 15 lux on that site. This does not meet the standards identified in Rule 15.1(b); and
- Proposed bollard lighting adjacent to the western boundary will result in light spill less than 25 lux at the boundary of the site adjoining the Bush Living Environment immediately to the west. This will result in added luminance of up to 20 lux on that site. This does not meet the standards identified in Rule 15.1(b).

Under Rule 16.3 (Infrastructure) of the Community Environment Rules consent is required as a Discretionary Activity for a proposed stormwater detention tank which will be located above ground (albeit eventually enclosed in a stair structure), and have a minimum floor area of 7m². This does not meet the 6m² standard in Rule 16.2.

Transport Environment

Under Rule 2 (Design and Location of Buildings) of the Transport Environment Rules consent is required as a Limited Discretionary Activity (Rule 2.2) for the erection of canopy along the frontage of Titirangi Road.

Under Rule 4 (Signs) of the Transport Environment Rules resource consent is required as a Limited Discretionary Activity (Rule 4.2) for a proposed sign beneath the proposed canopy of Lopdell House where the exact location and dimensions of the sign are not yet confirmed but may not comply with the area and distance standards in Rule 4.1. Consent is also required for a proposed banner sign to be located atop the proposed wall at the street frontage to Titirangi Road. The sign is proposed to have an area of 6.75m² with a width of 1.5m and height of 4.5m. The overall height of the sign will be approximately 7.2m. Consent is also required for the proposed integrated sign on the low wall to the front of the new gallery building. This sign will be approximately 12m in length with a height of approximately 1m, having a total maximum area of 12m².

Under Rule 7.3 (Vehicle Crossings) of the Transport Environment Rules consent is required as a Limited Discretionary Activity because the site has two vehicle crossings to South Titirangi and it is proposed to upgrade one crossing.

Citywide Rules

Under Rule 1.1 (General) of the Natural Hazards Chapter of the Citywide Rules consent is required as a Limited Discretionary Activity for proposed building and development on a site that has been identified by Council as being potentially unstable.

Managed Natural Area

Under Rule 2.5 (Vegetation Alteration) of the Managed Natural Area Rules consent is required as a Non-Complying Activity for removal of native and exotic vegetation which will increase the cleared area of the site to more than 500m² of the net site area. Works within the dripline of protected vegetation, and associated pruning of selected remaining vegetation.

Under Rule 3.4 (Earthworks) of the Managed Natural Area Rules, consent is required as a Non-Complying Activity for earthworks over 100m³. The proposed volume of earthworks is approximately 2,422m³ cut and 51m³ fill covering an area of approximately 1,280m².

Under Rule 4.2 (Impermeable Surfaces) of the Managed Natural Area Rules, consent is required as a Limited Discretionary Activity for approximately 79% impermeable surface coverage of the site.

- **500 South Titirangi Road (Proposed Car park Building)**

Note: The application documentation applied both the definitions of “Parks Building” that accommodates “Parks Infrastructure”. It is considered that the definition of “Parks Building” prevails in this instance, although it is acknowledged that “Parks Infrastructure” relates to car parking.

Open Space Environment

Under Rule 2.3 (b) (Building Height) of the Open Space Environment Rules, consent is required as a Discretionary Activity. Consent is required because the proposed car parking platform is a “parks building” less than 8.0 metres in height.

Under Rule 3.3 (a) (Height in Relation to Boundaries) of the Open Space Environment Rules, consent is required as a Discretionary Activity. Consent is required because the proposed car park platform is defined as a “parks building” but will comply with the recession plans.

Under Rule 4.3 (a) (Yards) of the Open Space Environment Rules, consent is required as a Discretionary Activity. Consent is required because the proposed car parking platform, defined as “parks building”, will comply with the yard setback because it is not located within close proximity to any of the listed human environments of this Rule.

Under Rule 5.3 (a) (Building Coverage) of the Open Space Environment Rules, consent is required as a Discretionary activity. Consent is required because the proposed car parking platform, defined as “parks building”, will increase building coverage on the site by approximately 695m². This will increase overall building coverage on the site to approximately 3290m², being approximately 18% of the site area.

Under Rule 6.2 (a) (Building Location- Natural Landscape Elements) of the Open Space Environment Rules, consent is required as a Controlled Activity. Consent is required because the proposed car parking platform will be located on part of the site which has been identified as a sensitive ridgeline. The proposed location of the car parking platform and its surrounding topography and bush setting will ensure that the proposed building will not be visible in front of the sea or above the skyline when viewed from a road or other public place.

Under Rule 7.3 (a) (Parking, Access and Traffic Generation) of the Open Space Environment Rules consent is required as Non-Complying Activity having regard to the gross floor area of existing Parks Building.

Note: As Parks Infrastructure, 70 car spaces or more is considered a *Discretionary Activity*.

Under Rule 9.4 (Infrastructure) of the Open Space Environment Rules consent is required as a Discretionary Activity for a proposed filter and attenuation tank which will be located underground with potentially part of this being located above ground (no more than 2.5m in height covering an area of approximately 6.4m²) The proposed tank will be located on part of the site identified as a sensitive ridgeline. This does not meet the standards in Rules 9.1 and 9.2.

Transport Environment

Rule 6.3 (Glare) of the Transport Environment Rules consent is required as a Non-Complying Activity for a proposed light bollard which is not “street lighting”.

Under Rule 7.3 (Vehicle Crossings) of the Transport Environment Rules consent is required as a Limited Discretionary Activity for construction of a new vehicle crossing which increases the number of crossings to the site to two.

Managed Natural Area

Under Rule 2.5 (Vegetation Alteration) of the Managed Natural Area Rules consent is required for a Non-Complying Activity for removal of native and exotic vegetation which will increase the cleared area of the site to more than 500m² of the net site area. Works within the dripline of protected vegetation, and associated pruning of selected remaining vegetation.

Under Rule 3.4 (Earthworks) of the Managed Natural Area Rules consent is required as a Non-Complying Activity as earthworks proposed consist of approximately 120m³ of cut covering an area of approximately 390m².

Under Rule 4.2 (Impermeable Surfaces) of the Managed Natural Area Rules, consent is required as a Non-Complying Activity for approximately 24% coverage of the site by impermeable surfaces.

Overall, the application is considered to be a **Non-Complying Activity**.

Note: Under Rule 1.2 (Temporary Activities) of the Citywide Rules consent, it is considered that the proposal falls within the perimeters of 1.1 Construction, Maintenance and Demolition Noise. As such, this aspect is considered a Permitted Activity.

Plan Changes

The resource consent application was lodged prior to the notification and no council decision has been made. The application will be processed, considered, and decided as an application for an activity at the time the application was first lodged. Rules associated with the Plan Change do not have legal effect pursuant to Section 86G of the RMA 2009.

Note: Under Plan Change 37 as notified, the overall activity would remain as a Non-Complying Activity for matters beyond the scope of Plan Change 37, would remain Non-Complying in terms of Rule 5C – Building and Site Design – Titirangi and would move from Discretionary to Non-Complying in terms of Rule 4.4 Building Location – Natural Landscape Elements.

4.1 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.”

In terms of the heritage features, the application documentation (refer to pg’s 33-34 of the AEE prepared by Michelle Carr of Transurban Design and Planning) provides commentary to relevant heritage features.

Council’s Strategic Advisor - Waitakere Ranges, Mark Tollemache has provided a comprehensive assessment of the proposal, including commentary to relevant heritage features. Those features generally reflect those referred to in the application documentation, although reference to additional features has been made.

A320-A337 I agree with the assessment provided by Mr Tollemache and the relevant heritage features which are attached at pages A320 to A337 as Appendix XIII.

In summary, the relevant features are 7(2)(a),(b), (e), (f), (g), (i), (j), (h), (l), and (m).

5.0 THE SITE AND NEIGHBOURHOOD DESCRIPTION

The site at 418 Titirangi Road is located on the corner of Titirangi and South Titirangi Roads. The site is predominately defined by the ‘landmark’ and iconic Lopdell House that lies on the ridgeline adjacent to Titirangi Road. Given its location, form and height the building is viewed from a wide visual catchment.

Lopdell House’s heritage status is attributed to the historical, architectural, visual/landmark & community/cultural values. 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.

Built in 1930, Lopdell House has enjoyed an extensive and varied history as described in the Conservation Plan provided as part of the application documentation. Lopdell House has also been subject to a number of modifications over this period.

Existing activities presently undertaken within Lopdell House are as follows:

Figure 3- Existing Activities in Lopdell House

Basement Level 2	Area used by Gallery as space and kiln room and back area used by theatre as storage.
Basement Level 1	Area used by Titirangi Drama Inc, including a lobby, an auditorium, back stage area, props and costume storage and dressing rooms. The area is accessible from the south eastern side of the building. The area is also currently used as the Lopdell House Gallery studio.
Ground Level	Area currently occupied by a gallery with a gift shop attached, while the western end is occupied by a cafe. The east end lobby is also the landing point for the spiral stair case.
Level 1	The area is used as a seminar room with associated kitchen facilities and the office spaces for the Lopdell House Gallery and the Titirangi Community Arts Council (TCAC).
Level 2	The area is occupied by business tenants sharing a common lobby area, kitchen and bathrooms.
Level 3	The area is the former roof garden and is currently a defunct function centre/ restaurant, and used for large gatherings by the gallery.

(page 15 AEE)

South of Lopdell House and on the same property, sits Lopdell Hall, the original Treasure House. The building is a single storied, temple fronted structure, which in its current form is without a floor and sits derelict. Car Parking is located hard against this building. Historical significance is attributed to the following Tiled hipped roof rectangular building, built circa 1927. Significance is attributed to historical & architectural values which are noted in the Conservation Plan.

The site contains various species of vegetation. To the west of Lopdell House, fronting Titirangi Road is an area of native and exotic vegetation, which is well established. To the south of Lopdell House is located a large scheduled Oak Tree that sits between the House and the car parking area. Vegetation borders the site along South Titirangi Road, which consists of largely native species. Four large Cypress trees are located on the corner of Titirangi and South Titirangi Roads, along the façade of Lopdell House.

The subject site has been subject to modification that is best illustrated by the sealed areas to the south of Lopdell House that provides off-street parking and access to the kindergarten on the adjacent site at 509 South Titirangi Road (and which enjoys a right-of-way easement).

500 South Titirangi Road

The site is located on the eastern side of South Titirangi Road. Four single storey buildings are located on the site including the Titirangi Library, the Titirangi War Memorial Hall, The Community Centre and the Titirangi Play Centre. The site contains a central public car park that provides 62 spaces. A public walkway links the site to a car park located on the corner of Titirangi Road. A War Memorial Monument is located within the car park area and is identified in the District Plan as a Heritage I Item. The remainder of the site is covered in dense vegetation which is a mix of indigenous and native vegetation. A Kauri Ricker stand located within the south eastern corner of the site is identified within the District Plan as Heritage Vegetation.

Surrounding Environment

The site at 418 Titirangi Road is boarded to the west by the Titirangi Kindergarten, located at 509 South Titirangi Road. Due to the sloping topography of the area the Kindergarten site sits below Titirangi Road and a border of dense native vegetation between the road and the site exists. The site enjoys a right-of-way easement over 418 Titirangi Road.

To the south of the Lopdell House site is located a Family Doctors Surgery within an existing dwelling (No.511 South Titirangi Road). The rest of the western side of South Titirangi Road is a mix of residential sites set within vegetated surrounds. To the east of South Titirangi Road is located a mix of community organisations and facilities that includes the Titirangi RSA.

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, which is of a significant quality dominates built development. The village is located on a sensitive ridgeline with Rangawhai Hill and Mt Atkinson at opposite ends. The village contains various commercial activities that includes but is not limited to cafes, restaurants, bank, petrol station, and a small supermarket.

It is noted that the application documentation, including attached specialist reports provides a more detailed site description and surrounds. A number of Council Specialist(s), with particular regard to Mr. Brown and Mr. Joyce Assessments have also provided a description of the site and surrounds.

Reference is also made to Titirangi Village in Part 5B of the District Plan as part of Plan Change 37.

6.0 ISSUES IDENTIFIED THROUGH THE SUBMISSION PROCESS

The application was publicly notified on 15 October 2009 with the period of submissions closing on the 12 November 2009

A82-A201 In total, 41 submissions were received, 19 submissions supported the application, 16 submissions opposed the application, 2 which were neutral and 4 that both supported and opposed the application. Copies of these submissions are attached at pages A82 to A201 as Appendix III.

Further to the above, additional submissions were received from the following persons:

P Van Der Voort	Oppose
P A La Roche	Oppose
Auckland Playcentre Association Inc	Oppose
A E Donald	Oppose and Support
E L Steiner	Support
Mary Woodward	Support
Kate Frances and Shayne Cox ^{*1}	Support
Lynette Lawson ^{*2}	Oppose

^{*1}This submission came in before the submission period

^{*2}This submission came in over 20 working days after the submission period closed

A202-A227 Copies of these submissions are attached at pages A202 to A227 as Appendix IV.

Section 37 Assessment

The Hearings Committee needs to resolve whether to accept the late submission, 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, maybe directly affected by the extension or waiver; and*
- b) *The interests of the community in achieving adequate assessment of the effects on any proposal, policy statement , or plan; and*
- c) *Its duty under Section 21 of the Act, to avoid unreasonable delay.*

Section 37A(2)(a) also requires that the extension of time shall not have the effect of exceeding twice the maximum period specified in the Act. It is noted that five (5) submissions were received less than 20 working days after submissions closed.

In accordance with Section 37A(1), the acceptance of the submission has not resulted in unreasonable delay, and its acceptance will ensure the interests of the community are met. No one is considered would be unduly prejudiced by its acceptance. It is therefore recommended that these late submission be received.

In terms of other two submissions, it is considered that they be considered for the same reasons as stated above. However, it is acknowledged pursuant to Section 37 (5)(a) that the applicant has to agree to this extension.

A58-A81 Attached at pages A58 to A81 as Appendix II are copies of the submissions and a table summarising the submissions received.

6.1 Submissions

A82-A227 A summary of the submissions can be found attached at pages A82 to A227 as Appendix III and IV.

The submission in support (conditional) of the application raised the following matters:

- **Seismic upgrade and Restoration**
 - General support for seismic strengthening of Lopdell House.
- **Community facility/ Asset**
 - The development will provide a great community asset;
 - It will make Titirangi a destination and add places to visit and activities within the area creating benefit for West Auckland;
 - The creation of a vibrant centre of art within Titirangi;
 - Lopdell House has an excellent record as a community focussed, high quality institution and plays an important role in the provision of museum and art gallery services nationally;
 - A new gallery will be a huge benefit to the local community and the art scene nationally; and
 - It will ensure ongoing success and development continues for the next 20 years. -The gallery will allow for a much wider range of exhibitions.

- **Heritage**
 - Expansion of Lopdell House will enable institutional needs to be met while taking account of the heritage value of the existing structure; and
 - Restoration of Lopdell House is very necessary; The benefits are understood from restoring building to an original form, preserving a good asset for the community.
- **Parking**
 - Would like to see more parking within the development, potential for an additional floor or two on the platform;
 - The proposed platform will provide much needed parking for developments that in the past have been allowed without providing sufficient parking; and
 - The parking platform will support/ respond to the parking shortfall within the area and provision for additional car parking is appreciated.
- **General**
 - The new gallery design is exciting, contrasting and complementary to existing Lopdell House.

The submissions that are neutral to the application raised the following matters (in summary):

- **General**
 - General support subject to staging of consent;
 - Support of car parking as addition to community; and
 - Consideration of effects on Kindergarten located at 509 South Titirangi Road.

The submissions in opposition to the application raised the following matters (in summary):

- **Traffic and Parking**
 - Proposed parking platform does not allow for safe vehicle movements and pedestrians; and
 - Proposed parking is on the wrong side of South Titirangi Road and contravenes Council Policy. Lopdell House should be dealing with the parking shortfall on their site.
- **Construction**
 - The four year plus construction period is inappropriate for 500 South Titirangi Road due to the effects on the users of the community space
 - Construction and Demolition Noise – NZS 6803 is considered an insufficient standard to use for the nearby ECE centre and other groups using the sites.
- **Car Parking Building**
 - Reduction of sunlight, daylight by the car parking platform. The bulk and aesthetics of the structure will impose on the Playcentre site, creating a loss of privacy, amenity and security, and an increase in rubbish, air pollution and unsavoury activity;
 - Parking building is out of character with village atmosphere, and is out of line with Council's emphasis of reducing reliance on private transport. It is also unsympathetic to surrounding character of bush;

- Car parking building is unnecessary and will damage environment. The environmental and social impacts of the car parking building are too large price to pay for 25 parks;
- Safety issues created by car parking building; and
- Position of parking structure restricts access to Playcentre gate.

- **Scale, Height, Form**
 - The size, scale and form of development being too urban in style, material, size and appearance;
 - New gallery's size, colour and location and proximity to Lopdell House will have negative heritage values; and
 - Opposition of the use of copper cladding for the new gallery based on visual and environmental effects. Creates a competitive tension between buildings.

- **Character of Titirangi**
 - Proposed building and scale of development is inconsistent with size of village, the proposal is a commercial development that does not take into account the wider village environment or the needs or location of residents or users;
 - Question of whether Titirangi is the right location for this? It is in danger of losing the special character;
 - Desire for community facilities to be kept for local community rather than a destination for wider Auckland;
 - Changes to Lopdell House will degrade harmony of building with bush and village; and
 - New gallery design will have an inappropriate visual impact on the streetscape of Titirangi Village and environs.

- **Heritage**
 - The bulk, height and alignment of the new gallery structure competes aggressively with the original building, taking away much of the appeal and presence of Lopdell House;
 - Questions regarding the heritage value and appropriateness of removing the upper floor of Lopdell House. Could be retained and used as a gallery, restaurant, office space, commercial space;
 - New gallery is an inappropriate addition to Lopdell House and will create overshadowing from the west, the size detracts from the design of Lopdell House and the effects on the heritage values are more than minor; and
 - Car park structure will detract from the aesthetics of the Playcentre and the memorial.

- **Consultation**
 - Why is the application being rushed through prior to consultation on the Titirangi Future process following the meeting held on 3 November 2009 i.e. Plan Change Process; and
 - Lack of consultation with those affected directly by the proposal.

- **Vegetation**
 - The removal of trees is not sustainable, their amenity and natural values merit their protection. It is contrary to the Resource Management Act 1991;
 - Concern over proposed planting next to Playcentre inappropriate; and
 - Retention of Cypress trees is questioned.

- **Dominance / Shading effects**
 - New gallery will have undue effects such as shading on properties especially to the south.
- **General**
 - The proposal is inconsistent with the purpose and principles of the Resource Management Act, is contrary to the relevant objectives, policies and explanatory statement in the Waitakere City District Plan and the purposes and principles of the Waitakere Ranges Heritage Act. It is also contrary to the urban planning principles established in the Waitakere and Auckland Region including development not being focused on transport nodes and undermines integrity of urban planning in Titirangi.

6.2 Organisations

- Historic Places Trust, Northern Regional Office;
- Auckland Regional Council;
- Auckland Regional Transport Authority;
- Manukau City Council; and
- Department of Conservation, Auckland Conservancy.

The Historic Places Trust made the following submission that the proposal is generally acceptable in respect of the heritage values of Lopdell House- as detailed in letter to Adam Wild of Archifact in November 2008. The submission is conditional on the following:

- A wish to ensure final colouring of cladding of new proposed addition is complementary with the setting and does not overly dominate Lopdell House. Colour tone must be appropriate to context. An investigation and test sampling of colouring to take place prior to construction.

Recommend an advice note stating:

- This proposal will affect recorded archaeological sites(s). Work affecting archaeological sites is subject to a consenting process under the Historic Places Act 1993. An authority (consent) from the New Zealand Historic Places Trust must be obtained for the works prior to commencement. It is an offence to modify, damage or destroy a site for any purpose without an authority. The Historic Places Act 1993 contains penalties for unauthorised site damage. The applicant is advised to contact the New Zealand Historic Places Trust for further information.

6.3 Iwi

- Te Kawerau A Maki; and
- Ngati Whatua O Orakei Corporate Ltd

The above iwi groups were notified of this application and did not make a submission.

6.4 Pre Hearing Meeting

No pre hearing meeting was requested or held.

7.0 STATUTORY REQUIREMENTS

A352-A370 The relevant policies and objectives which apply under the District Plan and the Resource Management Act 1991 are set out in more detail attached at pages A352 to A370 as Appendix XVI. This should be referred to as the legal framework within which the application should be addressed.

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.

As 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 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. Council may disregard an adverse effect of an activity on the environment if the Plan permits an activity with that effect. Furthermore, no regard to any person who has provided their written approval to the proposed activity.

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 and 104B 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)).

It is noted that the application is not supported by the written consent of any person.

The consent authority may also disregard an adverse effect of an activity on the environment if the Operative Plan permits an activity with that effect (section 104(2)).

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

8.1.1 Effects permitted by the Plan

Pursuant to Section 104(2), Council may disregard an adverse effect on the environment if the plan permits an activity with that effect.

In terms of No.418 Titirangi Road, an underlying Community Environment zoning applies in terms of the Human Environment. Given, however, the site is located on a sensitive ridgeline and that both Lopdell House and Lopdell Hall are listed as heritage items means that in terms of built form only the repair and maintenance of the heritage items is permitted pursuant to Rule 2.1 Alteration, Addition to Demolition of Heritage Structures, Objects, Sites and Places.

A1-A57

Notwithstanding the above, it is noted in the submissions received that Rule 5.1 Height in Relation to Boundaries which relates to the alteration and addition to buildings should apply to the Bush Living Environment (as a Discretionary Activity). It is considered that this Rule specifically refers to land adjoining the Living and Open Space Environments. Adjoining Land, e.g. No's 509 & 511 South Titirangi Road are zoned Bush Living Environment. As such, this Rule is not deemed applicable. Following close of submissions, further information has been received and shading diagrams have been provided with particular regard to No.509 South Titirangi Road (Kindergarten). These are attached at pages A1 to A57 as Appendix I and will be discussed in Section 8.1.4 of this report.

In terms of No.500 South Titirangi Road, the proposed car parking platform is defined as a "Parks Building". As such, unless they relate to alterations and additions to existing Parks Building, all new Parks Buildings, regardless of their size, scale and height will automatically fall into a minimum Discretionary Activity category. A number of bulk and location requirements are therefore applicable and highlighted by Section 4.0 of this report. This would also include Parking and Traffic Generation, and associated effects.

Noting the above, and the nature of the proposed activity, any effects generated by this activity will sit noticeably above those effects permitted by the Plan.

8.1.2 Receiving Environment

The term environment includes the environment that exists at the time an application is considered, overlain with activities that are permitted by the District Plan and unimplemented consents.

The effects of a proposed activity, at this point in the analysis, will be those effects that are not already impacting upon the receiving environment.

Lopdell House, Lopdell Hall and the use(s) of the reserve associated with No.418 South Titirangi Road forms an established and integral part of the existing environment. The existing environment and its surrounds has been extensively covered in the application documentation and referred to in Section 5 of this report.

In terms of the subject site, there are no known unimplemented resource consents.

In terms of the immediate surrounds, the following unimplemented resource consent is noted:

- The construction on a mixed use three storey building on the corner of the intersection of South Titirangi Road and Titirangi Road (408-416 Titirangi Road). This will lead to a significant transformation of the site compared to that which presently exists and especially in terms of the buildings / structures that are being introduced. The proposal includes the provision of 29 additional (public) car parking spaces and minor modifications to the adjacent intersection. It is, however, not known whether this consent will be given effect to. Notwithstanding this, a precautionary approach has been taken to its inclusion as part of the receiving environment with particular regard to the safety and capacity of the existing intersection.

The proposal, will introduce effects over and above that which already impact upon the receiving environment.

8.1.3 Heritage Effects

Changes to heritage sites, buildings and trees are significant resource management issues (and reflected in the submissions received) in terms of the loss of buildings / trees which are part of the environment's heritage values and the degree of modification which can loose the integrity of the associated heritage values.

Both Lopdell House and Lopdell Hall are buildings of significant cultural heritage value.

The application has been supported along with other relevant documentation which includes a Conservation Plan prepared by Archifact Ltd dated October 2008, an Assessment of Heritage Values by the same author dated August 2008, and an Arboricultural Assessment prepared by the Specimen Tree Company dated June 2009.

The heritage values and characteristics identified in the Conservation Plan have informed all internal and external works which as referred to in the AEE, "*the proposed works are considered to be sympathetic to these values and will enhance and reveal those heritage values*". The AEE concludes that whilst some of the work is invasive and have the potential to generate adverse effects, such effects are no more than minor in nature.

A344-A351
A309-A314 The application has been reviewed by a number of specialists and includes Alina Wimmer -Council's Principal Heritage Advisor and Andrew Richards- Council's Arborist. Their reports are attached as pages A344 to A351as Appendix XV and pages A309 to A314 as Appendix XI accordingly.

Alina Wimmer notes that the Conservation Plan is "*well written and defines the heritage values associated with the place*". However, it is noted that the Conservation Plan relates to 418 Titirangi Road (and immediate road reserve) but does not extend to 500 South Titirangi Road. Ms Wimmer notes "*the changes proposed to Lopdell House and the new gallery are considered to be broadly consistent with the Conservation Plan.*".

For the purposes of this assessment, heritage effects have been broken down as follows:

- Lopdell House;
- Lopdell Hall;
- Heritage Vegetation;
- War Memorial; and
- Titirangi Playcentre.

- Lopdell House

As stated by Alina Wimmer, "Lopdell House can be considered to be one of the landmark buildings that forms a gateway to the Waitakere Ranges. Its place in history and the village has been iconic – both visually and as part of the social fabric of Titirangi, Part of that character is the building, standing out on the ridgeline, softened by the surrounding bush".

In terms of the demolitions and alterations to Lopdell House, Ms Wimmer in summary has made the following points:

- The partial demolition of Lopdell House (noting the rooftop additions) is warranted as it will return the building to its earlier form that is true to its heritage and landmark status. Many of the later alterations / additions detract from its appearance and functionality;

- The removal of the existing canopy above Titirangi Road and replaced with a glazed verandah is reasonable. It is noted that the Historic Places Trust (following consultation prior to notification) would seek the permanent removal of a canopy, but if necessary, support the replacement with that proposed. The submission from the Trust makes no comment to the proposed canopy; and
- The proposed colours to Lopdell House are considered appropriate given the closeness to the original colour scheme and the building being “Spanish Mission” in style. The colour will also contrast with the weathered copper exterior of the proposed gallery addition and form a contrast between old and new.

In terms of the additions, Ms Wimmer notes:

- The new gallery building is stylistically bold and distinctive from the original building and conforms to the ICOMOS Charter principles of creating new structures that are distinct from the old, rather than attempting to replicate a heritage value that blurs the line between historic and new. The new building will be integrated with the old through access between the buildings; and
- The form of the building will form appropriate massing of the structure to match Lopdell House, and as a result of its location and form, will be visible to a wider catchment.

The proposed change of use(s) with Lopdell House will not undermine or detract from the heritage values associated with Lopdell House. Furthermore, the proposed uses are consistent with the underlying Community Environment and will both help maintain and enhance the viability and vibrancy of the existing commercial centre of the village.

With evidence of occupation prior to 1900, the site qualifies as an archaeological site. It is noted that the Conservation Plan refers to an Archaeological Assessment being undertaken as part of its Recommendations. The Heritage Assessment refers to the Conservation Plan as the appropriate tool to manage cultural (archaeological) resources. This is accepted.

The proposed signage is considered to not undermine the heritage values of Lopdell House, and will be an enhancement on signage that presently exists.

Overall, it is considered that the proposed activity, which has regard to the Conservation Plan is sympathetic to heritage values and returning Lopdell House to its earlier form. The proposed addition is considered to complement and not undermine or detract from those heritage values.

- Lopdell Hall

Works on Lopdell Hall are focused on its retention with remedial and refurbishment work, and to be painted in the same colours as Lopdell House. It is considered that the proposed development will generate positive effects with the Hall both maintained and enhanced.

- Heritage Vegetation

The proposed will involve works within the western extremities of the dripline of a scheduled Oak Tree. The precise nature of those works are detailed in the Arboricultural Assessment prepared by the Specimen Tree Company dated June 2009. Subject to methodologies as prescribed, the proposal will not require or lead to the clearance of the Oak Tree and allow for its integration. Andrew Richards – Council’s Arborist concurs with the findings and the recommended conditions as put forward by this Assessment.

- War Memorial

The proposed car parking platform comes within 4m of the War Memorial, and will undoubtedly change the context of which the War Memorial is viewed. Reservations to this aspect have been made by both Mark Tollemache and Stephen Brown in their assessments.

Submissions, apart from one submission do not appear to directly reference the impact upon the War Memorial but there has been notable concerns expressed to the suitability of the building in general.

Adverse effects on the War Memorial would be mitigated through the use of appropriate lighting which would accentuate the structure, to draw distinction of the memorial from the surrounding environment, with the applicant as part of their amendments acknowledging this aspect. This aspect is supported by Ms Wimmer so that the significance of the memorial will be highlighted through appropriate lighting. Whilst not part of the application, Ms Wimmer also notes that the re-location of the memorial may occur (but this is subject to third party and other consenting requirements).

- Titirangi Playcentre

This building is not scheduled in the District Plan, but is noted by Ms Wimmer to be considered culturally significant. It is considered that the amended proposal which noticeably increases the setback from the building helps to protect the values associated with the building.

In summary, it is considered that the adverse effects are no more than minor and that the proposal introduces positive effects and in particular those associated with the restoration of Lopdell Hall and Lopdell House in terms of ensuring its seismic capacity and restoring the building's original form and design.

A full assessment of heritage effects cannot be considered in isolation, and regard needs to be had to the following matters (and with particular relevance to Lopdell House). This is discussed in greater detail elsewhere in the report but it is intrinsically intertwined with effects associated with heritage.

- Earthworks and removal of material;
- Coverage of a site by buildings or impermeable surfaces;
- Additions to and modification to the basic scale, form, layout and roof line of any structure, in a way that conflicts with the key elements that contribute to the heritage values of the building;
- The placing of new structures that undermines the heritage significance of that site;
- Loss and degradation of natural resources; and
- Modification to key landscape elements.

The proposed addition is considered to complement and not detract from the heritage values of Lopdell House and other heritage items.

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

Amenity Values are defined in the Resource Management Act as:

Those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.

The District Plan also defines Amenity Values as follows:

These are those natural and physical characteristics of an area that contribute to people's enjoyment of it ...

The District Plan also provides a definition of Neighbourhood Character:

Neighbourhood is that small local area, usually the same number of streets around a dwelling or workplace that a person identifies with and knows most thoroughly of all parts of the City. Usually people have strong sense of belonging and place associated with a neighbourhood. It is the most localised, personal and intense expression of the relationship or people with their environment.

Such neighbourhoods reflect the general amenity values of the surrounding landscape or local area but have distinctive versions of those general features that allow inhabitants to see them as unique and special. This is a neighbourhood character that defines a neighbourhood as unique. Often the particular streetscape contributes strongly to the local neighbourhood, although it is personal perceptions of residents that ultimately define the nature of that neighbourhood.

In undertaking this assessment regard has been given to submissions. These submissions provide useful information in terms of understanding the existing natural and physical qualities and characteristics of this neighbourhood and their importance to the community.

- **Visual Effects and Landscape Character**

The proposed activity would result in a notable change to both amenity values and neighbourhood character that will also impact upon heritage values.

Landscape and visual impacts result from natural or induced change in the components, character and quality of landscape. Usually these are a result of landform or vegetation modification or the introduction of new structures, activities or facilities into the landscape. Changes in a landscape does not of itself, constitute an adverse landscape or visual effect.

Titirangi, in general, is characterised by the subservience of the built environment where indigenous vegetation is dominant and where development is nestled amongst it. Titirangi Village is located in the urban environment (with an underlying Community Environment zoning) and in its own context is subservient to the area's surrounding natural landscape. The majority of the village is either 1-2 storeys, and the native bush dominant and envelopes the edges of the village.

Lopdell House, however, is an established and unique feature in the landscape, and sits apart from characteristics enjoyed by the remainder of Titirangi Village.

The proposal, with the removal of the rooftop additions will reduce the bulk of Lopdell House by 5.0m with the proposed addition, in general, reflecting the amended form of Lopdell House.

The subject site and the immediate surroundings is identified in the District Plan has follows:

- Outstanding (Natural Character) Coastal Area;
- Sensitive Ridgeline, this extends across 418 Titirangi Road and over the eastern portion of 500 South Titirangi Road; and
- Natural Landscape Element -1 Native Vegetation,

The proposal also lies adjacent to the following:

- Outstanding Landscape (to the west and south of the subject site), identified in Map 3.6(B).

Lopdell House can be viewed from within this area, e.g Huia Road

The application has generated a sizeable number of submissions in terms of this aspect both in terms of support and opposition. In terms of the latter, the following is noted:

- The bulk, height and alignment of the new gallery structure competes aggressively with the original building, taking away much of the appeal and presence of Lopdell House;
- The use of copper cladding for the new gallery creates a competitive tension between buildings; and
- New gallery is an inappropriate addition to Lopdell House and will create overshadowing from the west, the size detracts from the design of Lopdell House and the effects on the heritage values are more than minor.

A289-A308 In support of the application, an Urban Design, Landscape and Visual Assessment was prepared by Transurban (dated July 2009). This assessment, along with submissions received has been considered by Stephen Brown. Mr Brown's report is attached at pages A289 to A308 as Appendix X.

418 Titirangi Road (Lopdell House)

It is initially noted in his assessment (Introduction) that a critical component of the review is noting Lopdell House's iconic profile and status within Titirangi Village that aesthetic values and, in particular, the degree to which the addition (art gallery) would complement, be juxtaposed, or even conflict with, Lopdell House.

Mr Brown, whilst generally supportive of the proposal (expanded upon below), has expressed reservations with respect to both the rear (southwards) projection of the gallery addition while the angular configuration of the 'glasshouse' appears to contradict the simple geometry of the building. Mr Brown, notes that although Lopdell House's rear façade has a functional quality, the proposal appears both intrusive and obstructive – interfering with, and in some cases obscuring views of Lopdell House.

This aspect has also been reviewed by Peter Joyce - Project Manager - Urban Planning and Design, who with particular regard to this matter has stated:

“the proposed addition is a bold statement adjacent to Lopdell House, but although significantly different in style, it is respectful and subservient to Lopdell House. The proposed addition reflects the overall building height and parapet depth of the original Lopdell House, providing a subtle architectural relationship with the form of the existing building. This, and the separation between the two structures, ensures that Lopdell House can be appreciated in full and both retain their own identity. At the same time, the relationship achieved by the similarity in height and parapet depth ensures they are perceived as an integrated centre of activity. The addition is half the length of Lopdell House which again suggests that, in scale, it is the minor building component. Yet on the other hand, the bold simple form and the use of naturally patinated copper cladding acknowledges that the formal solidity, robustness, durability and permanence of Lopdell House are qualities to be emulated.

It is therefore considered that, in creating the proposed new art gallery addition with a bold identity of its own while also subtly reflecting some elements of the mass, scale and character of the original building, Mitchell and Stout Architects have ensured that the form of the new building compliments the form and identity of the existing building. This balance of integration and separation has been skilfully handled by the architects to also ensure that the landmark and heritage value of Lopdell House is not just retained but accentuated”.

Mr Joyce also notes:

“that the glazed wall of the southern façade will be more recessive and transparent than the impression that is perceived from the submitted elevations drawings and photomontages”.

The proposal has been supported by Alina Wimmer- Council's Heritage Advisor, and most notably in terms of the submission received by the NZ Historic Places Trust who generally supports the proposal.

This matter is finely balanced. The proposal will, due to the rear projection beyond Lopdell House, dependant on where viewed, lead to some perceived height differences. It is considered that in terms of the southern, and to a lesser extent the western elevation (which will remove views from the west of the subject site of Lopdell House due to the rear projection) the proposal, (accepting Mr Joyce's comments above) will subtly reflect some elements of the mass, scale and character of the original building. This aspect is considered to complement and not undermine or detract from the heritage values associated with Lopdell House.

In terms of other aspects of the proposal, some of the salient points of Mr. Brown's assessment are:

- Lopdell House is both a standout, and stand-alone feature that is critical to Titirangi's signature and sense of place;
- The new building shares the same roof parapet level, much the same rectilinear geometry, patinated copper to sheath the building in 'greenery'. In terms of the Titirangi Road frontage, an appropriate balance between merger and differentiation, thus achieving an attractive feeling of counterpoint and juxtaposition;

- The removal of the 1980's rooftop additions will generate a positive effect as the building returns to a more original and authentic building profile, and would accentuate the comparative elevation of the tower end;
- Mr Brown largely accepts the positive visual effects associated with the assessment when viewed from Titirangi Road;
 - Enhanced Road Corridor Definition;
 - Enlivenment and Invigoration of Titirangi Road;
 - Enhancement of the Village's western gateway and sense of arrival; and
 - Increased functionality for pedestrians around both Lopdell House and the extension.
- Once weathered and oxidised, the patinated copper would help reduce the new building's legibility and relative prominence;
- Lopdell House would remain the key building 'marker' at the intersection of Titirangi and South Titirangi Roads;
- The extent of proposed tree removal is significant but not excessive. Proposed planting, weed removal and vegetation management will mitigate the loss of vegetation; and
- The proposal would not encroach, including views to the south of the subject site, or excessively modify the sensitive ridgeline. Its height, scale and profile would not be inordinate or out of keeping with development on the ridgeline and the building's patinated copper cladding, once oxidised, would assist in the merger with both that defining landform and its bush backdrop.

The reconfiguration of the southern portion of the site that will also allow for additional parking spaces to be provided, which in terms of permanent effects, is most notably reflected in the introduction of retaining structures over 2.0m in height. In light of the context of the site, positioned away from public vantage points but also external boundaries, existing and proposed planting across the site, and viewed in conjunction with the existing and proposed buildings, is considered to generate only minor effects in terms of visual, landscape but also heritage effects.

In terms of Lopdell Hall, it forms an integral part of the existing environment with its immediate surroundings utilised for parking and manoeuvring areas. The proposed refurbishment will generate positive visual effects. The reconfiguration of the parking area is not considered to detract from either the visual amenities of the site, nor detract from heritage values associated with this building.

The proposed activity will be viewed from a wide catchment and reflects the unique qualities associated with Lopdell House. Views will undoubtedly change, but the proposal, having regard to the existing environment, will not introduce additions to this landmark building that are obtrusive on or above sensitive ridgelines, nor does it compromise the visual landscape qualities of the sensitive ridgeline and wider landscape values. No public views will be interrupted.

Any adverse effects associated with this aspect are considered no more than minor in nature.

500 South Titirangi Road (Car Park Platform)

The nature of the car parking platform (form, scale and height), position below the ridgeline, and surrounding vegetation results in any effects on visual amenities and landscape character being localised (when compared to Lopdell House).

As part of the Urban Design, Landscape and Visual Assessment prepared by Transurban (dated July 2009), the proposed car parking platform *“is designed low in the environment and follows the slope of the existing ground. The structure is as light as possible to achieve a thin lightweight looking structure”*.

The following is also referred to:

“the introduction of a new vehicle crossover and concrete ramp/bridging structure to access the upper level car park will be visible and could be a stark contrast to the colours and reflectivity of the existing environment...This visual effect will be at its greatest when it is installed due to the reflective qualities of the clean white concrete. This effect will diminish over time as the concrete weathers and turns to a grey colour similar to the existing footpath, and additional native planting will partially screen the concrete also reducing this effect”.

The Assessment highlights the adverse effect(s) associated with the introduction of a new building with the removal of vegetation, and the initial impact of the structure. Such adverse effects are considered to diminish with weathering and the establishment of planting. The proposal is not considered to affect the values of the ridgeline.

The existing car parking environment, as noted by Mr Brown is unobtrusive, and would be appreciably eroded by the car parking platform with more exposed and open views from the surrounding roading network.

As part of the assessment, Mr Brown has noted:

- The car park would remain largely flanked by semi-mature to mature trees within the wider environment below the Rotondo property; and
- New planting will help reduce and mitigate some visual effects, although the car park will not, nor can be entirely screened.

This aspect has also been considered by Mr Joyce who has noted:

“the proposed concrete ramp will be visually intrusive, but that whilst the concrete will age over time, it would be more expedient to use a material that blends with the surrounding environment such as dark tinted concrete or exposed aggregate concrete. It is therefore recommended that a condition of consent be imposed requiring the concrete ramp to the upper level car park to be finished in either a dark tinted or exposed aggregate finish”

This recommended condition is concurred with.

Mr Joyce has also noted:

“The proposed car parking structure is considered to be the most logical manner in which car parking can be provided in the village to allow the effective utilisation of already cleared areas, thus avoiding development within forested areas and ensuring that there are improvements to the provision of car parking. While a utilitarian structure is proposed, it is not so out of keeping with an urban village form”.

The proposed activity is focused in a predominantly cleared and modified area and whilst it will open up the reserve with the creation of a vehicle crossing, it is considered to be of an appropriate size, scale, form and height that will not noticeably detract from the visual amenities and landscape character of the immediate surroundings and will not generate any wider adverse effects. Vegetation around the site boundaries are effectively retained by the proposal.

- **Effects on Titirangi Village**

A244-A266
A289-A308

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 A244 to A266 as Appendix VII. Particular regard is also had to the assessment undertaken by Stephen Brown (attached at pages A289 to A308 as Appendix X). The review by Mr. Joyce in particular explores the relationship between the proposed building and the Titirangi Design Guidelines, as well as general urban design principles.

It is noted from both Mr Joyce and Mr Brown that Lopdell House is an important symbolic heritage feature with the remainder of the visible built form of the mainstreet largely devoid of heritage, significance or visual interest. Mr Brown's assessment (pg's6-7) details the context of the village and that a range of factors emphasis the unique role and status of Lopdell House whilst other development in the village is more notable for lack of cohesion and integration.

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 assessment criteria (Community Environment 5C(i)).

Consideration therefore needs to be given to this Design Guide.

As noted in the assessment by Mr Joyce, the guidelines states the following:

"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).

Mr Joyce details the key principles. The findings are concurred with. A few of the important points are noted below:

- The proposal will strengthen the gateway function of Lopdell House as defining the western boundary of the village. The addition will be enveloped by vegetation, particularly the Norfolk Pine;
- The proposed addition will maintain the strong built edge adjacent to Titirangi Road, and will provide clear pedestrian approaches;
- The gap between the Lopdell House and the proposed gallery (2.6m) respects Lopdell House;
- Will increase pedestrian activity , enhance the vibrancy of the building at street level, and create opportunities for a range of social, cultural and recreational activities;
- Both existing and proposed development do not "reflect a hilltop village theme";

- The addition is bold, significantly different in style, respectful and subservient to Lopdell House;
- The alterations to Lopdell House will reduce its height and mass as it returns to its original form. The similar height of the addition reflects a similar robustness of scale and proportion;
- Visual richness of the streetscape is enhanced through interesting facades, active street frontages, and weather protection for pedestrians;
- Signage is considered appropriate; and
- Whilst the proposed additions do not positively respond to the building elevation typologies and architectural detailing illustrated in the Guidelines, the proposal addresses its principles in terms of the form, function and distinctive character of the Titirangi Village Centre and its streetscape through the design and location of buildings and the quality of the interface with the public realm.

It is acknowledged in Mr.Joyce's assessment, and concurred with, that whether the gallery addition is perceived as being of "*a scale and form in harmony with Lopdell House and the bush clad setting*" (*Titirangi Village Design Guidelines*) is extremely subjective.

In terms of the Titirangi Road frontage, Mr.Brown is of a similar opinion to Mr. Joyce in that the profile and architectural qualities of the new structure when viewed from Titirangi Road would ensure:

- Has a dramatic and invigorating quality, adding a feeling of life and activity to part of the Village mainstreet that is rather lifeless at present;
- References its bush setting through the oxidised colour of the patinated copper and the variability of that cladding;
- Is coordinated with the linearity, profile and height of Lopdell House;
- Avoids being excessively obtrusive and inappropriate in relation to the sensitive ridgeline that it sits on – especially as the copper weathers; and
- Provides for landscape treatment that would help to mitigate the adverse effects of vegetation clearance and car park development associated with the addition.

Overall, the proposed activity is considered to provide a positive impact upon the village atmosphere, complements the bush setting and provides a positive contrast to Lopdell House by providing for lively and interesting public spaces.

○ **Effects on the Reserve (including users)**

The site at 500 South Titirangi Road is gazetted as a reserve for a community centre. At present there is an eclectic mix of community-orientated buildings that includes the Titirangi Playcentre, Titirangi Library, Titirangi Community House and the War Memorial Hall. These buildings are orientated around the at-grade car park that provides 62 car parking spaces. The reserve (and its buildings) are generally well screened from public vantage points by vegetation which envelopes the site (apart from the vehicle crossing), and is consistent with a number of prevailing characteristics associated with the Village. A pedestrian walkway connects the northern edge of the car park to the site above (No.408 Titirangi Road).

In light of the modified nature of the reserve and its underlying purposes, the provision of additional parking (and within a predominantly cleared and modified area) is considered to be consistent with the purpose of the reserve.

The car parking building (platform) will be placed above the existing northern portion of at-grade parking. The creation of a new vehicle crossing requires the removal of vegetation adjacent to the South Titirangi Road frontage and will allow for unobstructed views into the site from certain vantage points along South Titirangi Road.

Apart from the Playcentre, significant separation distances are afforded to the community-orientated buildings to the extent that it will not cause detriment to the amenities currently enjoyed.

As noted in Section 3.0 in this report, the proposal has been amended. Of note, the separation distance between the Playcentre and the car park building has increased as well as removing structures that would screen the existing entrance to the Playcentre.

Shading effects will be no greater than that which presently exists. This is assisted in-part by the increased setback of the building. Mr. Brown - Landscape Specialist notes that the proposal *“would not worsen the current near South Titirangi Rd situation appreciably at all, while a recent 3.5m cut-back in the end of the car park and deck near the play centre could only reinforce this situation”*.

The proposed car parking building is of an appropriate form, scale and height that will not unduly detract from the amenities currently and / or expected to be enjoyed by the adjacent Playcentre, or other users of the reserve. Discussion with respect to the War Memorial has been undertaken elsewhere in this report.

- Adjacent and Nearby Amenities (Loss of Light, Privacy, Physical Dominance)

In terms of the development at Lopdell House and its surrounds (418 Titirangi Road), the proposed gallery extension maintains significant separation distances (30m) to properties to the south and west of the subject site of over 30m although both properties due to site topographies sit lower in the landscape.

The kindergarten building is well-treed, is located roughly 5m from the western boundary of the subject area and contains outdoor play areas to the north and west of the building. The application documentation has provided shading effects that focus on this property, with shading effects highlighted in the submission received from the Kindergarten Association.

Mr Brown has reviewed the documentation and noted:

“This additional over-shadowing in the vicinity of the kindergarten therefore appears to be minor and incremental in nature. As such, the gallery extension would not generate any new effects (the shadowing identified would slightly exacerbate existing over-shadowing), nor would it have a significant impact on the amenity values of those using or visiting the kindergarten”.

In terms of No.511 South Titirangi Road, the building lies on the southern boundary and its site is well-treed along the northern edge. Shading effects, over and above that existing, would be most severe between 11.00am and 12.00pm on June 22. The extent of the effect is considered minor in nature.

The proposed gallery addition will not unduly dominate both the sites above, and other sites along South Titirangi or Huia Roads. The proposal will not detract from the amenities currently and / or expected to be enjoyed in terms of loss of light, privacy and physical dominance.

In terms of other works in the surrounds of Lopdell House, including the refurbishment of Lopdell Hall and the re-configured parking area, the proposal is not considered to generate any effects over and above that which presently exists.

In terms of properties located on the northern edge of Titirangi Road, the significant buffer afforded by Titirangi Road in the order of 25m, vegetation that fronts onto the northern edge of Titirangi Road, the topography of the area which means that dwelling sit appreciably above road level will ensure that the proposal will not cause loss of light, overlooking potential, overshadowing or increased visual intrusion. Views will be altered, but this is not considered to cause detriment to residential amenities.

In relation to the car parking building (500 South Titirangi Road), in light of the nature of the building, its setback from respective boundaries, screening by existing buildings and activities, and the retention of framework planting along its boundaries, the proposed activity will not detract from nearby and adjacent amenities in terms of loss of light, overshadowing, loss of privacy, and physical dominance.

o **Traffic Effects (excluding construction effects)**

A371

The application has been supported by a Traffic Impact Assessment prepared by Bryce Hall of Traffic Planning Consultants Ltd dated June 2009 (and is attached at page A371 as Appendix XVII).

The following points are noted:

- Current Parking Provisions includes:
 - o 120 off-street parking spaces available in the area (of which 99 are contained with the subject site); and
 - o 101 on-street parking spaces (only parking spaces with 30 minutes (+)).
- The combined parking availability is around 50-70 parking spaces reduced to 30 during peak parking demands (excluding Titirangi Market Days);
- The proposal falls 53 car parking short of the "Parking and Driveway Guidelines". At present, there is a shortfall of 89 parking spaces;
- The proposal (once completed) provides for an additional 32 car parking spaces that is achieved as follows:
 - o 5 spaces on 418 Titirangi Road (in addition to the 37 car parking spaces);
 - o 25 spaces from the proposed car parking platform on 500 South Titirangi Road; and
 - o Additional Spaces will also be provided from the rationalisation of spaces on 500 South Titirangi Road.
- Parking Demands will be accommodated within the proposed parking areas unless there is a production staged in the theatre during early-to-mid evening. Varying peak demand of activities compared to parking availability will allow surplus parking to be accommodated within the existing network;
- Traffic generated by the proposed activity is in the range of 400-560 traffic movements per day with peak hour traffic generation of up to 78 traffic movements per hour. These figures relate to theatre events (65 times a year). Outside of this, traffic generated is in the range of 320-480 traffic movements per day;
- The existing crossing (Lopdell House) satisfies sight distances with the proposed crossing to serve the parking platform compliant with the exception of the LTSA guideline to the south (short by 5m). This aspect was further assessed with AUSTRROADS guidelines, and exceeds the guidelines for both Minimum Car Stopping Sight Distance and Minimum Gap Sight Distance;

- Traffic generated can be accommodated on the road network (including the intersection) without compromising its function, capacity and safety;
- The site is relatively well served by public transport.

It is noted since the above report was prepared there has been a reduction of 4 spaces (2 spaces from upper deck, two from lower level of car park) in association with No.500 South Titirangi Road. The proposal therefore in total provides a net increase of 28 car parking spaces.

In terms of submissions received, a consistent theme is not necessarily the parking provision, but how the parking is being provided in terms of a car parking building. This aspect is addressed elsewhere in the report.

A234-A243 Both the assessment provided above, amendments provided and the submissions received have been considered by Sam Shumane, Principal Engineer, Transport Assets who generally concurs with the methodologies, findings and recommendations of the Traffic Impact Assessment. This report is attached at pages A234 to A243 as Appendix VI.

For the purposes of this assessment, traffic effects have been broken down accordingly into the headings below.

- Traffic Generation

The existing roading network, having regard to the receiving environment (including unimplemented consents) is considered to have the capacity to cater for this level of traffic movement without compromising the safety and efficiency of the network.

Additional traffic will utilise the existing Titirangi / South Titirangi Road intersection (as detailed in Figure 4) which is considered at present to operate at an acceptable level. It is noted that motorists turning right experience some delays. The proposal will result in some additional delays (from 22.9 to 25.2 seconds during the PM peak as referred to in Section 4.2 of Mr Shumane's report). The traffic generated by this proposal can be accommodated without adversely affecting its overall operations. No upgrades or improvements are required to this intersection. It is, however, noted that Mr Shumane seeks clarification that PM peak is the worst case scenario.

The existing vehicular accesses on South Titirangi Road are utilised along with a new access to serve the car parking platform. This access is considered to provide adequate sight distances and ensures safe traffic movements on / off South Titirangi Road.

- Parking Demand

As part of the existing environment, Lopdell House generates notable parking demands that extend beyond the existing site provisions. It is also noted, and accepted as referred to in Mr Shumane's report that existing parking demands do not include the adjacent kindergarten.

In general, proposed parking demands (including those associated with the existing kindergarten) will not be solely accommodated within No.418 Titirangi Road.

The provision of an additional 21 spaces on No.500 South Titirangi Road would however ensure that parking demand will not place additional pressure onto existing on and / off-street provisions.

Peak Parking Demands (associated with a theatre production) are not dissimilar to those presently experienced. In light of varying peak demands associated with the wider commercial centre of the village, additional parking demand can continue to be accommodated within the existing network, having regard to the additional provision provided.

The parking provision is considered sufficient to serve the proposed use and is considered appropriate to accommodate expected peak demands. The proposal will not diminish the availability of on and / off street parking.

- Cycling Provision

The proposal has been amended to include cycling provision within the lower deck of the car parking platform. It is considered that appropriate facilities have been provided, and will be accessible to the general public. It is, however, also considered appropriate that additional cycling provision be provided within No.418 Titirangi Road. This is accordingly recommended as a condition of consent.

- Public Transport Provision

The Traffic Assessment (Section 2.3) details public transport accessibility which link Titirangi and the New Lynn interchange. It is considered that the proposal is reasonably well served by public transport links.

- Pedestrian Access and Movement

Pedestrian access and movement predominantly centres on the following:

- General pedestrian access from the proposed car parking platform on, including existing and proposed pedestrian linkages; and
- Re-positioned and re-formed pedestrian access from Titirangi Road.

South Titirangi Road at present contains two formed pedestrian footpaths alongside either carriageway. No formal crossing is provided. The proposal, by providing additional car parking will both increase the usage of these areas, including movements between the parking area and Lopdell House.

It is noted in Mr Shumane's assessment that, "In summary; the intersection currently operates satisfactorily in terms of capacity; however pedestrian safety is currently a concern, which will be greater with the introduction of both new generators".

The Traffic Impact Assessment prepared by Bryce Hall of Traffic Planning Consultants Ltd dated June 2009, stated that in the five year period between January 2003-December 2007, that there were two 'recorded' injury crashes associated with pedestrians whilst crossing the road.

The majority of parking demand (and therefore pedestrian movements) will be contained within the Lopdell House site. The new pedestrian walkway from Titirangi Road to the car parking area (No.408 Titirangi Road) will be afforded clear sightlines from top to bottom and will be well-lit.

The proposal, will generate additional pedestrian movements over and above the existing (and receiving) environment, and will be concentrated with the additional parking provision. However, movements are considered comparable to that which presently exists with reliance on both on-street parking and parking within the village. Council's Urban Design Specialists have provided a recommended condition of consent that will shift north the existing on street parallel car parks located on Titirangi Road (outside of Lopdell House) to align the carriageway with the parking associated to the west of the site. This will widen the footpath area and provide for safer pedestrian movements along Titirangi Road. This issue has also been raised by Council's CIPTED Specialist Mr Michael Alofa who noted the existing narrow footpaths do not cope with the current activities within the area and widening was needed to provide for safer movements.

Whilst acknowledging concerns associated with the existing road network, the proposal in light of the existing environment is not considered to generate adverse effects that will noticeably detract from matters of pedestrian safety.

In terms of No.500 South Titirangi Road, the proposal has been amended with the minor re-positioning of the existing path that links up with No.490 Titirangi Road in order to provide for clear separation from pedestrian and vehicular movements. It is not considered that the proposal results in reduced surveillance of the existing car parking areas in light of vegetative screening and the open-sided nature of the car parking building.

The new pedestrian walkway from Titirangi Road will be afforded clear sightlines from top to bottom and will be well-lit.

Appropriate lighting across all areas (as referred to in the Lighting Section), and clearly delineated pedestrian walkways will help ensure a safe, accessible environment across the proposed development. It is noted in the Assessment provided by Mr. Alofa that the installation of CCTV should be considered. This is included as part of the recommended conditions of consent.

- Servicing

The provision of one loading bay is considered sufficient to accommodate the different activities shown, with a minimum head clearance of 4.5m (as per the Code of Practice).

Overall, The parking, and/or associated transport measures are considered appropriate (by also allowing flexibility) to accommodate expected peak demands for the activity in order to protect nearby and adjacent amenities, provide for a safe and accessible environment (having regard to the existing environment and associated constraints), and to not cause detriment to matters of road safety.

8.1.5 Construction (Temporary) Effects

- **Sediment Loss / Runoff**

Earthworks are proposed as follows:

- 2422m³ cut and 51m³ fill over an area of approximately 1280m² at 418 Titirangi Road, including 122m³ of cut for the foundation work within Lopdell House; and
- 120m³ cut covering an area of 390m² at 500 South Titirangi Road.

Sediment and erosion control measures are proposed for both sites to mitigate any potential effects. It is also noted within the applicants report titled "Lopdell House Redevelopment, Construction Management Plan, Erosion and Sediment Control Plan", by Environmental Context Ltd that the:

"proposed sediment and erosion control methods are designed to bypass clean water flows around the site, limit and control erosion of soil on site and minimise discharge of sediment off site during construction. They will thus avoid adverse effects on surrounding soils, and will appropriately manage potential erosion during construction/ earthworks activities".

A338-A343 This aspect has been reviewed by Paul Tyler - Council's Environmental Monitoring Officer. His assessment is attached at pages A338 to A343 as Appendix XIV.

Mr Tyler notes:

"The site has the advantage of being a self contained 'bowl like' shape and so any runoff from the site will naturally tend to fall to the centre of the existing car park. The applicant has provided sediment and erosion control plans that detail how clean water diversion will be constructed and how the proposed sediment controls shall be implemented".

Mr Tyler also notes that the sediment and erosion control plans that have been provided for the site at 500 South Titirangi Road are deemed to be appropriate for the works proposed.

Subject to the implementation of sediment and erosion control conditions of consent, it is considered that effects related to sediment loss/ runoff can be adequately mitigated on site.

o **Construction Noise**

The Acoustic Assessment included within the Application Documentation (referenced as APP17) prepared by Marshall Day Acoustics, provides an assessment in terms of construction noise. The assessment supports the implementation of a Construction Management Plan and highlights that whilst compliance with the Construction Noise standard would be achieved, it may be prudent to manage activities with respect to the kindergarten.

Whilst the application has applied for a 4 year construction timeframe, the proposal is both staged with distinct operations occurring on separate sites.

A277-A288 This aspect has been reviewed by Michael Riley - Consultant Acoustic Engineer. Mr Riley's assessment is attached at pages A277 to A288 as Appendix IX.

Mr Riley concurs with the findings of the information provided, and the following comment has been made:

"The MDA (Marshall Day Acoustics) report notes that construction methodologies have not yet been selected, and proposes that construction noise be controlled by implementation of a Construction Noise Management Plan. We concur with this suggestion. We consider it prudent to extend the concept to embrace vibration related considerations for the protection for surrounding buildings. A suitable Construction Noise and Vibration Management Plan (CNVMP) would consider the effects generated by the renovation of the existing Lopdell House structure, the construction of the adjacent galley building and the construction of the car park extension".

The Construction Management Plan, of which greater detail would be provided would both demonstrate with the New Zealand Standard 6803:1999, and place any additional requirements, e.g. hours of operation in order to protect nearby amenities. The implementation of the Plan would ensure that any adverse effects are adequately mitigated on-site, and would not require off-site mitigation to be undertaken. Adverse effects are considered no more than minor and would be temporary in nature.

o **Vibration / Dust**

The Structural Assessment included within the Application Documentation (referenced as APP15) prepared by Thorne Dwyer Structures notes that considerable levels of noise and vibration will be generated as well as dust during the upgrade process of Lopdell House. Pile foundations will also be used to construct the new gallery which will require substantial machinery that will generate dust and vibrations that are typical with construction sites of this nature and size.

The construction of the car parking building will result in levels of noise and dust as a result of excavation, compaction of hard fill and crane and truck movements, typical of a small scale project.

In summary Mr Thorne states that:

“All construction work proposed for the development involves the utilisation of standard and widely used construction techniques and machinery. Consequently the impact of any effects related to the structural aspects of the project are considered to be no more than minor and within normal expectations for a project of this type”.

The applicant considers that likely vibration from the drilling activities will comply with the District Plan standards as specified in Rule 15.1(a) of the Community Environment Rules and that the Management Plan would demonstrate compliance with this standard. As such, it is considered that any adverse effects will be no greater than that permitted and thereby ensuring that nearby amenities will be protected.

In terms of dust, it is considered appropriate that in order to protect the amenities of adjoining and nearby properties, that all necessary action is taken to prevent and minimise dust nuisance and shall be incorporated into the Management Plan.

o **Construction Traffic / Generation**

In light of the nature of the proposed development, both construction traffic will vary and existing off-street parking will be reduced in order to both construct the car parking building and the re-development of the surrounds of Lopdell House and Hall. The loss of parking will be in-part minimised by the staging of the development as detailed in Section 3.0 of this report.

A371

The application has been supported by a Traffic Impact Assessment prepared by Bryce Hall of Traffic Planning Consultants Ltd dated June 2009 (and is attached at pages A371 as Appendix XVII).

The following points are noted:

- The following parking spaces will be temporarily removed for their respective stages:
 - o 23 spaces at 500 South Titirangi Road; and
 - o 37 spaces at 418 Titirangi Road (but the additional parking spaces at 500 South Titirangi Road will be available).

- Loss of parking can be accommodated onto the surrounding roading network;
- The seismic and heritage upgrade (Stage 3) will result in little disruption to parking provisions;
- Construction Traffic, will cumulatively occur over 12-18 months;
- The number of truck movements will vary over the construction period but would normally be in the range of 5 to 10 truck movements over the busier part of the construction period;
- There will also be vehicles associated with the builders and subcontractors; and
- Traffic movements will be lower than the completed development.

Council's Transport Assets Engineer Mr Sam Shumane has assessed the traffic effects associated with construction and makes the following comments:

"The detailed description of the impact of construction traffic in sections 5.3 (construction traffic) and 5.4 (parking impact) of the TIA and is satisfied that the additional construction traffic can be accommodated safely with an appropriate construction traffic management plan to be provided for review and approval by the City at the detailed design stage".

Mr Shumane has added an addendum to this assessment that in-part relates to construction effects. The following salient points are noted:

- The main safety issue during construction of the Lopdell House extension is pedestrian traffic to the day care centre, particularly pedestrian safety across South Titirangi Road where most guardians will park during this period; and
- The most appropriate measure is the installation of temporary speed calming devices on both approaches of South Titirangi Road during the construction of the Lopdell House extension. Transport Assets recommends the use of speed cushions, which can be removed after completion of construction.

In summary, the overall effects of proposed construction will be localised and temporary in nature. Any effects generated by the construction can be mitigated by recommended conditions of consent including the implementation of management plans to ensure that nearby and adjacent amenities are protected and any adverse effects are no more than minor in nature.

8.1.6 Noise Effects (excluding construction)

The application documentation is supported by Noise Assessment prepared by Mr Kurt Robinson of Marshall Day Acoustics.

The main sources of noise from the proposed activities are considered to be conversation, amplified music, outdoor functions (roof terrace), mechanical services and car parking.

The Assessment concludes subject to appropriate management, e.g. activities on the roof cease by 10pm that the proposal will comply with Rule 13.1 Noise – Community Environment. Similar standards also apply in terms of Rule 8.1 Noise - Open Space Environment.

A277-A288 This aspect has been reviewed by Michael Riley - Consultant Acoustic Engineer. His assessment is attached at pages A277 to A288 as Appendix IX. Mr Riley is:

“in general agreement with the assessment of acoustic effects provided by the applicant. However they do consider it prudent to ensure that the noise from the roof garden is able to comply with the District Plan noise limits by developing controls for its use following appropriate monitoring of the noise from the first noisy events held in the roof garden”.

The operation of the car parking platform at 500 South Titirangi Road will make a barely perceptible difference to the noise levels presently and the noise levels will comply with the District Plan.

It is therefore considered subject to the implementation of conditions of consent as recommended by Mr Riley that the operational noise on adjacent and nearby amenities will be no greater than those levels permitted by the plan. The proposal will not detract from nearby amenities including the ability of the residential occupants of neighbouring residential buildings to achieve uninterrupted and adequate levels of sleep.

8.1.7 Lighting Effects

The proposed activity will involve the installation of lighting associated with the movement of people in and around the subject site (with an emphasis on bollard lighting), and feature lighting associated with Lopdell House (cypress trees lit, entrance ways nikau palms (in front of the proposed addition). Light spill associated with the bollards will measure over 10lux at the boundary with No's 509 & 511 South Titirangi Road. Light spill, however, sharply reduces within these respective sites to the extent that the amenities are not unduly undermined, nor will compromise matters of road safety.

In general, the additional lighting provided will provide for a safe and accessible environment, and will allow for greater surveillance and safety.

It is considered appropriate that a Lighting Management Plan be provided as a recommended condition, and would include certification of the light spill as identified on the submitted documentation. The Management Plan would need to address the lighting of the War Memorial (in order to articulate this feature), confirm appropriate lighting of car parking and pedestrian accessways, lighting on Lopdell House and its additions to both ensure that lighting will not detract from its heritage value, nor cause detriment to the dark night time sky.

8.1.8 Native Vegetation, Vegetation and Fauna Habitat

The subject site and the immediate surroundings is identified in the District Plan has follows:

- Outstanding Fauna Habitat (Map 3.5B); and
- Significant Vegetation (Map 3.5A).

The application has been supported by an Arboricultural Assessment undertaken by Rhys Caldwell of the Specimen Tree Company Ltd.

The vegetation being removed and/or works within dripline are identified in Appendix A of the fore-mentioned report:

The following salient points were made:

- Construction of the Art Gallery Extension will require the removal of eleven (11) protected trees that includes a visually significant tree (kauri) with other vegetation also proposed to be removed of significant size. In terms of the kauri, it is noted that the tree appears under stress. It is noted that the extent of removal is difficult to mitigate, however, vegetation removal is minimised, and other mature vegetation is retained;
- Removal of three (3) trees to accommodate the re-configured car parking area (No.418 Titirangi Road). Majority of vegetation is visually insignificant and obscured by Norfolk Pine (being retained);
- Works within the dripline of the scheduled Oak Tree; and
- The car parking building will facilitate the removal of sixteen (16) protected trees.

Mr Caldwell states,

“The loss of tree cover is unlikely to have an adverse impact upon the movement of native fauna as there will be still be a significant level of mature tree cover remaining within the sites”

A309-A314 The application has been reviewed by Andrew Richards – Arborist. His assessment is attached at pages A309 to A314 as Appendix XI. Mr Richards has assessed the application and notes the report is comprehensive, accurate and he concurs with its findings. He states *“undertaking the works as per the suggested conditions of consent within section 8.0 (8.0 Recommendations for the Protection of the Retained Trees) of this report is recommended”*. In terms of the kauri, Mr.Richards noted it is showing signs if decline and some of these potentially reflect Phytophthora taxon.

It is acknowledged by both Arborists that the number of trees to be removed has been kept to a minimum, limited to the confines of the building platform and areas immediately adjacent.

Replacement planting has been proposed to mitigate the loss of vegetation and weed management will be undertaken to enhance existing vegetation areas. Replacement planting will be situated in positions on both sites that will allow for long term retention of the vegetation, enabling it to add to the existing bush character of Titirangi, while adding to the onsite landscape amenity of the sites. In conjunction with the proposed weed management, replacement planting will supplement the existing native vegetation.

Due to the nature of the proposed development significant care will be required to be undertaken during the construction phase to ensure that existing vegetation that is retained is adequately protected. Mr Caldwell recommends conditions of consent which reflect construction methodology to ensure the health of the vegetation is maintained during that period.

The effects of the loss of vegetation on the surrounding environment will be no more than minor. From a visual perspective there will be a reduction of vegetation initially. This is considered to have a minor effect but will not materially change the natural character of the sites or Titirangi Village as it can be mitigated through the replacement planting.

Mr Rhys notes:

“proposed vegetation removal has endeavored to reduce the level of tree removal as well as the impact to the trees to be retained. The loss of the tree cover is unlikely to have an adverse effect upon the movement of native fauna as there will still be significant levels of mature tree cover remaining within the sites following completion of works”.

Mr Mark Tollemache, Council’s Waitakere Ranges Heritage Advisor has also assessed the vegetation alteration and in terms of the bush character of the Ranges notes *“the extent of vegetation removal proposed by the application does not undermine the identified heritage features. While a number of trees are individually notable, their removal does not undermine the prominent indigenous character of the suburb”*

The Green Network relates to the overall healthiness of the Network’s constituent parts and their ability to survive. Biodiversity relates to the overall diversity of genes species of vegetation and fauna and biological communities that exist within the City, the Green Network or an ecosystem. This diversity, which is best served by maintaining the range of native species and genetic stock in the City, contributes to the stability and resilience of the City’s environment.

In light of the nature and extent of the clearance and subsequent works, any adverse effects are considered to be no more than minor in nature and will noticeably diminish over time.

Weed clearance is considered to enhance the biodiversity and resilience of the Green Network. Proposed re-planting in the long-term using native species will improve its integrity.

8.1.9 Water Quality and Quantity

The subject site lies within the Titirangi/Laingholm Catchment area. Waitakere City Council holds the Comprehensive Catchment Management Plan (CMP) for the catchment therefore all stormwater management on the site is required to be designed as per the CMP. The proposed development will result in an increase of impermeable surfaces. At 418 Titirangi Road the proposed development results in a net increase in impervious area of 535m². 500 South Titirangi Road will have an impervious increase of 59m² above the area of the existing car park.

A228-A233 The application documentation has been reviewed by Ravinesh Chand - Drainage Engineer. His assessment is attached at pages A228 to A233 as Appendix V. Mr Chand has assessed the application in relation to the increase of impermeable surfaces and notes that the stormwater management measures as stated within the report titled “Lopdell House Redevelopment, Stormwater Management and Design Sewer Relocation” by N. Mark Brown of Environmental Context Ltd complies with the recommendation of the CMP.

A371 In terms of the minimization of runoff of copper from the proposed patented copper vertical cladding that is to be used on the new gallery on 418 Titirangi Road, further information was provided by Mr Brown of Environmental Context Ltd and is attached at page A371 as Appendix XVII.

Mr Brown notes:

“it is proposed to collect the runoff from three of the four walls and direct it to constructed rain gardens. Runoff from the fourth wall will mix with the runoff from the proposed car park and be treated by the proposed stormwater filter which will serve the car park”.

Calculations have been provided that estimate the accumulation of copper within the catchment contributing to the upper part of Big Muddy Creek, which is the receiving environment for the stormwater of the site. Mr Brown concludes:

“that the concentrations will be substantially less than the ARC’s Green Environmental Response Criterion, which means that it is unlikely the estuary is unlikely to be adversely affected by the runoff”.

Mr Chand concurs with the above findings.

The proposed increase in impermeable surfaces would be adequately accommodated by infrastructure provided on site; with stormwater runoff and generation not causing detriment to either reticulated systems or the wider receiving environment

8.1.10 Site Stability

A geotechnical investigation has been undertaken as part of the proposal which reviewed the proposed works in regards to the stability of the site. The report by Tonkin Taylor Ltd titled “Lopdell House, Titirangi, Geotechnical Investigation” dated January 2009 found that there is no visual evidence of instability on both sites. Tonkin Taylor Ltd have also conducted a stability analysis of the proposal and state *“subject to specific engineering design, the proposed development will not cause significant effects on structures on this site and on adjacent properties”.*

The recommendations of the fore-mentioned report are considered appropriate, and a condition of consent to this effect is recommended to ensure that the development will not cause harm to property or person.

8.1.11 Waitakere Ranges Heritage Features

A320-A337 Council’s Strategic Advisor - Waitakere Ranges, Mark Tollemache has provided a comprehensive assessment of the proposal and contains commentary against each of the relevant heritage features (Section 7) and objectives (Section 8) of the WRHAA. His assessment is attached at pages A320 to A337 as Appendix XIII. Significantly the statutory test of Objective 8(a) is to protect, restore and enhance the area and its heritage features as identified in Section 7.

Mr Tollemache concludes:

“In my opinion the Lopdell House improvements and the extension to the gallery is appropriate after having particular regard to the purpose and objectives of the WRHAA. I do not consider that the proposal is inconsistent or contrary to the objectives of the WRHAA. The proposal will contribute to a significant civic building”.

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.

8.1.12 Positive Effects

The proposed activity is considered to generate a number of positive effects and in particular the following is noted:

- The partial demolition of and modifications to Lopdell House (noting the rooftop additions) will return the building to its earlier form that is true to its heritage and landmark status;
- Lopdell Hall through its refurbishment, is considered to both protect and enhance its heritage values;

- The alterations and additions to Lopdell House will have positive visual effects when viewed from Titirangi Road;'
- The structural upgrade of Lopdell House will provide for enhanced safety during an earthquake event. It is considered that the proposal will provide for a safe environment;
- Additional Lighting, and revised pedestrian accessways will provide for a safe, accessible environment;
- Parking provided will both mitigate the effects the generated by the activity but also provide additional public parking for the use by the wider community; and
- The Preliminary Economic Assessment provided as part of the application documentation indicates that the gallery addition will generate a positive economic benefit to the Village.

8.1.13 Summary

In accordance with Section 104(1)(a) of the Act, it is considered that overall and subject to the recommended conditions, any adverse effects of the proposed development on the environment will be no more than minor.

The proposed activity does not compromise people's appreciation of the pleasantness, aesthetic, coherence and cultural and recreational attributes of this modified environment.

It is considered that the use and perimeters of the activities proposed have been appropriately designed and located. Of particular note is the following:

- The proposed activity, which has regard to the Conservation Plan are sympathetic to heritage values and returning Lopdell House to its earlier form. The proposed addition is considered to complement and not undermine or detract from those heritage values;
- Works on Lopdell Hall are focused on its retention with remedial and refurbishment work, and to be painted in the same colours as Lopdell House. It is considered that the proposed development will generate positive effects with the Hall both maintained and enhanced;
- Subject to methodologies as prescribed, the proposal will not require or lead to the clearance of the Oak Tree and will allow for its integration;
- The War Memorial lies on the edge of an at-grade car park. The proposed car parking building whilst of a similar purpose, will introduce a building that will physically dominate the War Memorial to a certain degree despite being open-sided and measuring only 4.6m in height. The use of lighting to illuminate the monument, drawing distinction from the surrounding environment, will however reduce physical domination;
- The proposed activity will be viewed from a wide catchment and reflects the unique qualities associated with Lopdell House. Views will undoubtedly change, but the proposal, having regard to the existing environment, will not introduce additions to this landmark building that are obtrusive on or above sensitive ridgelines, nor does it compromise the visual landscape qualities of the sensitive ridgeline and wider landscape values. No public views will be interrupted;
- The proposed car parking building is of an appropriate form, scale and height that will not unduly detract from the amenities currently and / or expected to be enjoyed by the adjacent Playcentre, or other users of the reserve;
- The parking, and/or associated transport measures are considered appropriate (by also allowing flexibility) to accommodate expected peak demands for the activity in order to protect nearby and adjacent amenities, provide a safe and accessible environment (having regard to the existing environment and existing site constraints), and to not cause detriment to matters of road safety;

- The proposed activity is of a size and scale that would continue to maintain expected and anticipated levels of privacy, on-site amenity, daylight and sunlight access to adjacent residential properties with clear separation distances provided;
- The proposed increase in impermeable surfaces would be adequately accommodated by infrastructure provided on site; with stormwater runoff and generation not causing detriment to either reticulated systems or the wider receiving environment;
- Construction will be managed through the implementation of a Construction Management Plan that will not unduly affect nearby amenities by residents, workers, the operation of non-residential activities and visitors. These effects are temporary in nature and will be of a limited duration;
- Noise has been assessed and independently reviewed and the proposal is considered to maintain appropriate amenities;
- The vegetated surrounds would not be noticeably diminished by the proposed activity in light of the extent of removal proposed. The remnant native vegetation, and also noting the Norfolk Pine prevails within the immediate locality, and the subsequent re-planting will remain the prevailing characteristic;
- The vegetated surrounds would not be noticeably diminished by the proposed activity in light of the extent of removal proposed. The remnant native vegetation, and also noting the retention of the Norfolk Pine, and the subsequent re-planting will remain the prevailing characteristic; and
- The proposal is not inconsistent or contrary to the objectives of the Waitakere Ranges Heritage Area.

It should be noted that the assessment above considers the effects in isolation; however, the definition of *effect* within Section 3(d) of the Act also refers to:

“Any cumulative effect which arises over time or in combination with other effects – regardless of scale, intensity, duration or frequency of the effect...”

All of the effects above are intrinsically linked, and on reflection in this instance the effects of the proposal are cumulatively considered to be no more than minor.

The proposal will undoubtedly change the character of the surrounding environment. The size and scale of the activity has regard to its surroundings, and responds accordingly.

The conditions of consent would further control aspects such as noise, construction and transport, and ensure that other mitigation measures would be appropriately undertaken and maintained.

It is considered that the actual and potential adverse effects of the proposed activity are no more than minor or can be adequately mitigated through appropriate conditions of consent.

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

Part 5 of the District Plan contains the objectives, policies and methods by which the effects of activities on natural and physical resources are to be managed. The majority of the objectives and policies are concerned with managing the effects of activities on the natural environment including water, native vegetation and air. The objectives and policies that relate to the built environment focus on the effects of activities on amenity values.

Part 6 of the District Plan contains an explanation of the strategic direction of the District Plan.

A352-A370 Comments are provided below in relation to the relevant provisions under the headings which they appear in Part 5 of the Plan. Full copies of the relevant plan provisions are attached at pages A352 to A370 as Appendix XVI.

9.1 Plan Weighting

Before a Proposed Plan Change becomes operative, any resource consent application is considered in terms of the provisions of both the Operative Plan and the Proposed Plan Change.

Based on case law, more weight should be placed on the provisions of the Operative Regional/District Plan until such time as the Proposed Plan Change has made sufficient advances through the public notification and hearing process that a governing degree of weight can be placed on its controls.

Of particular relevance is Plan Change 37 as this directly impacts upon the subject site and the wider surrounds.

Plan Change 37 was publicly notified on **Wednesday 10 February 2010**. Submissions closed on **Friday 12 March 2010**.

The Further Submission period was publicly notified on Wednesday, 28 April 2010. Submissions were due to close on Wednesday 12 May 2010 but were extended to **Friday 4 June 2010 at 5.00pm**.

In light of its timing, significant weight remains with the Operative District Plan.

Assessments received from Mr Tollemache and Ms Wimmer, and also the application documentation refer to Plan Change(s) 16 and 18.

The following is noted:

- In terms of Plan Change 16, Objective 0 relates to town centres and high density corridors, The subject site is not identified as being located in either in terms of Policy Map X and Schedule Y. The proposal does provide for new urban development, as such Policies 0.4 & 0.8 are considered relevant; and
- In terms of Plan Change 18, as Policy 11.47 in terms of existing centres at present relates to New Lynn Policy 0.4 has also been identified in the application documentation as relevant.

Decisions with respect to Proposed Change 16 on the **31 July 2007** and matters now lie within the appeal process. Given the stage in the statutory process that Proposed Change 16 & 18 is at, it is considered that some weighting should be given to the decision version although the proposal must also be assessed against the Operative District Plan.

9.1.1 Operative District Plan Policies and Objectives

○ Heritage

Relevant Objectives and Policies are: Objective 12 and Policies 12.1, 12.2, 12.3, 12.4, 12.5, 12.6, 12.7, 12.8, 12.9

Comment: There is a range of places, buildings, objects and structures that are valued by the City's residents to such a degree they would like to see them passed on intact to future generations. Their loss or modification to the degree that the integrity of the heritage values is lost is to be avoided.

The proposed activity does not avoid the partial demolition of Lopdell House (Category I item).

The demolition and alterations to Lopdell House has regard to the Conservation Plan and are sympathetic to heritage values and returns Lopdell House to its earlier form. The proposal, in the long-term is considered to protect, maintain and enhance the heritage significance of the building, and improves its interface with Titirangi Road.

The additions to the western elevation of the building (to accommodate the gallery space) are considered to complement and not undermine or detract from those heritage values.

Lopdell Hall through its refurbishment is considered to both protect and enhance its heritage values.

Signage and Exterior Lighting proposed is considered to maintain the integrity of the listed heritage items. Car parking and other aspects within the surrounds are in-part highly reflective of the existing environment. The proposed re-configuration of this area and with the inclusion of earthworks and infrastructure will not detract from the heritage values associated with the site, and will be enhanced with the planting framework proposed.

In terms of the Oak Tree, subject to methodologies as prescribed, the proposal will not require or lead to the clearance of the Oak Tree and allow for its integration.

The War Memorial lies on the edge of an at-grade car park. The proposed car parking building whilst of a similar purpose, will introduce a building that will physically dominate the War Memorial to a certain degree despite being open-sided and measuring only 4.6m in height. The use of lighting, however, will reduce physical domination.

Overall, the proposed activity is considered, in terms of Objective 12 to:

- Maintain its variety and complexity;
- Recognises and protects its regional and local significance;
- Protects the links between heritage objects and the surrounding context; and
- Integrates heritage with people's everyday lives.

It is considered that, on balance, the proposal is not inconsistent or contrary with **Objective 12 and Policies 12.1, 12.2, 12.3, 12.4, 12.5, 12.6, 12.7, 12.8, 12.9**

o **Visual and Landscape**

Relevant Objectives and Policies are: Objectives 9, 11, and Policies 5.4, 9.3, 9.4, 9.5, 9.6, 9.9, 9.12, 11.2, 11.3, 11.4, 11.8, 11.11, 11.14, 11.22 & 11.32

Comment: Objectives and policies seek to protect those aspects that are particularly valued by the community, but that does not mean that change cannot occur in that there are opportunities for flexibility and change that allows an area to evolve and respond to changing circumstances. Objective 9 highlights the importance of protecting landscape elements and character. This includes the domination of landscape elements of structures on ridgelines.

Objective 11 and the associated policies listed above relate to the protection of amenity and neighbourhood character of various environments of the City which are particularly valued by the community and recognise the varying character of the City. It should be noted that Objective 11 is not concerned with maintaining the total landscape as it currently exists. That is, while those elements and characteristics might be protected, there is also considerable opportunity for change and flexibility that allows each area to evolve and respond to changing circumstance, albeit within a framework of what people value.

The subject site has a number of competing features and is a 'melting pot' of arguably competing objectives and policies. The subject site lies within a urban environment (within the MUL), lies within a commercial village (recognised with the underlying Community Environment) or reserve (recognised with the underlying Open Space Environment). This is set within a landscape in which the built environment is generally subservient to its natural environment and is recognised in the District Plan of being of landscape value. The subject site is also viewed within the wider Waitakere Ranges Environment, with Titirangi Village being the gateway to the ranges.

Lopdell House, by its very nature, is an integral part of the landscape and this aspect will be viewed from a wide catchment and reflects the unique qualities associated with Lopdell House. Views will undoubtedly change, but the proposal, having regard to the existing environment, will not introduce additions to this landmark building that are obtrusive on or above sensitive ridgelines, nor does it compromise the visual landscape qualities of the sensitive ridgeline and wider landscape values. No public views will be interrupted. Whilst the built environment (unlike the car park building) is not subservient to the area's rural landscape, it reflects the current existing environment that in which Lopdell House plays an integral and defining role which is not diminishing by the proposed activity.

In terms of responding to its role within Titirangi Village, the proposed activity positively responds with respect to its relationship with Titirangi Road, and will enliven and invigorate this portion of Titirangi Road.

In terms of the surrounds, and including the car parking building the proposal will not introduce dominant and incongruous structures with buildings and activities predominantly located within cleared and modified areas, with framework vegetation surrounding the sites (with particular regard to 500 South Titirangi Road), and will be supplemented by additional planting.

It is considered that, on balance, the proposal is not inconsistent or contrary to **Objectives 9 & 11, and Policies 5.4, 9.3, 9.4, 9.5, 9.6, 9.9, 9.12, 11.2, 11.3, 11.4, 11.8, 11.11, 11.14, 11.22 & 11.32.**

○ **Activities on Open Space Environment(s)**

Relevant Objectives and Policies are: Objectives 5, 10 & 11 and Policies 5.3, 10.28 & 11.32
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Comment: In light of the modified nature of the reserve and its underlying purposes, the provision of additional parking (and within a predominantly cleared and modified area) is considered to be consistent with the existing purposes of the reserve.

The additional car parking will both mitigate the effects associated with the proposed activity but will also be available to the wider community.

The proposal retains the existing planting framework, but where vegetation is being removed, appropriate mitigation has been provided. The building is of an appropriate size, scale and height, and does not adversely impact upon the amenities of adjacent properties.

The proposed building will not reduce the current activities undertaken on the site at present, allowing for the continued use of community facilities.

It is considered the proposal is consistent with **Objectives 5, 10 & 11 and Policies 5.3, 10.28 & 11.32.**

- **Nearby and Adjacent Amenities**

Relevant Objectives and Policies are: Objectives 10 & 11 and Policies 10.5, 10.6, 11.4, 11.7, 11.8, and 11.14

Comment: The proposed activity will not noticeably detract from the amenities currently of nearby and adjacent properties. The objectives and policies have particular regard to residential amenities. The proposed development is of a size and scale that would continue to maintain expected and anticipated levels of privacy, on-site amenity, daylight and sunlight access to adjacent residential properties with clear separation distances provided.

It is considered the proposal is consistent with **Objectives 10 & 11 and Policies 10.5, 10.6, 11.4, 11.7, 11.8, and 11.14.**

- **Traffic**

Relevant Objectives and Policies are: Objectives 1, 10 & 11 and Policies 1.8, 10.14 & 11.12

Comment: The proposed development continues to provide for the safe and efficient movement of people. The scale and location of the activity would not detract from the capacity of nearby roads to cater safely for motor vehicles, pedestrians and cyclists, and the wellbeing of residents occupying surrounding sites.

The safe and efficient functioning of the road network is not adversely affected, nor the amenity values of the surrounding neighbourhood.

For the aforementioned reasons it is considered the proposal is consistent with **Objectives 1, 10 & 11 and Policies 1.8, 10.14 and 11.12.**

- **Car Parking**

Relevant Objectives and Policies are: Objective 10 & Policies 10.11 and 10.16.

Comment: The existing vehicular accesses on South Titirangi Road are utilised along with a new access to serve the car parking building. This access is considered to provide adequate sight distances and ensures safe traffic movements on / off South Titirangi Road.

The parking provision is considered sufficient to serve the proposed use and is considered appropriate to accommodate expected peak demands. The proposal will not diminish the availability of on and / off street parking.

The availability of off-street parking will be reduced in order to facilitate the construction and will place increased pressure on existing parking provisions. This is in-part minimised by the timing of the proposed works. The implementation of a Construction Management Plan will ensure that this is appropriately managed and will unduly affect nearby amenities, or matters of road safety. These effects are temporary in nature and will be of a limited duration.

It is considered the proposal is consistent with **Objective 10 and Policies 10.11 and 10.16.**

- **Noise**

Relevant Objectives and Policies are: Objective 10 and Policies 10.2 & 11.13

Comment: Noise, in terms of both single intensive noise sources and background or ambient noise sources has been identified by residents as one of the most significant concerns that affect health. Noise levels can contribute to stress, which can become a significant factor that affects people's health.

The proposed in terms of permanent effects will not generate noise levels over and above that permitted by Rule 13.1 Noise – Community Environment and Rule 8.1 Noise - Open Space Environment.

Noise generated by construction will be managed through the implementation of a Construction Management Plan that will unduly affect nearby amenities by residents, workers, the operation of non-residential activities and visitors. These effects are temporary in nature and will be of a limited duration.

The activity will not cause a nuisance to occupants to neighbouring properties and will not detract from the ability of the residential occupants of neighbouring residential buildings to achieve uninterrupted and adequate levels of sleep.

For the aforementioned reasons it is considered the proposal is consistent with **Objective 10** and **Policies 10.2 and 11.13**.

- **Vibration**

Relevant Objectives and Policies are: Objective 10 & Policy 10.10

Comment: The Construction Management Plan, as recommended by condition, would demonstrate compliance with Rule 15.1(a) of the Community Environment Rules. The proposal will not generate effects over and above that permitted, and will not cause a nuisance, or adversely affect the health of nearby occupants.

It is considered the proposal is consistent with **Objective 10** and **Policy 10.10**.

- **Lighting**

Relevant Objectives and Policies are: Objective 10 & Policy 10.3

Comment: The proposal is not considered to affect the reduce people's ability to sleep nor the general loss of the dark night-time sky that is expected within this urban environment. It is considered that the proposed lighting will provide for a safe environment, and in particular for the movement of pedestrians.

It is considered the proposal is consistent with **Objective 10** and **Policy 10.3**.

Natural Environment

- **Vegetation Alteration**

Relevant Objectives and Policies are: Objectives 2, 5, 10, & 11 and Policies 2.4, 2.5, 2.10, 2.15, 5.4, 9.9 & 11.2

Comment: Titirangi has significant native vegetation and fauna habitat which forms part of the integral character of the area. Trees and other vegetation, be they native or exotic, are always a significant element in defining the amenity values of an area. They are highly valued by residents.

The District Plan places emphasis on the retention of (native) vegetation. Exotic vegetation may be retained unless it is a noted environmentally damaging plant or is replaced with native vegetation.

Vegetation will be required to be removed to facilitate the proposed activity. The areas and level of clearance proposed is considered to be minimised and will allow for the integration of the built and natural form in order to retain the underlying characteristics. Appropriate methodologies to retain vegetation, re-placement planting and weed management will mitigate the loss of vegetation while enabling remaining vegetation to regenerate in a more sustainable manner.

The vegetated surrounds would not be noticeably diminished by the proposed activity in light of the extent of removal proposed. The remnant native vegetation and also noting the retention of the Norfolk Pine, and the subsequent re-planting will remain the prevailing characteristic.

Overall, it is considered that the proposal is consistent with **Objectives 2, 5, 10, & 11 and Policies 2.4, 2.5, 2.10, 2.15, 5.4, 9.9 & 11.2.**

- **Site Stability**

Relevant Objectives and Policies are: Objective 10 and Policies 3.4 & 10.13

Comment: The recommendations of the Geotechnical Report by A C Langbein of Tonkin & Taylor are considered appropriate, and a recommended condition of consent to this effect will ensure that the development will not cause harm to property or person.

The structural upgrade of Lopdell House will provide for enhanced safety during an earthquake event. It is considered that the proposal will provide for a safe environment

It is considered the proposal is consistent with **Objective 10 and Policies 3.4 & 10.3.**

- **Stormwater**

Relevant Objectives and Policies are: Objective 1 and Policies 1.2, 1.7 & 1.10

Comment: The proposed development has included a comprehensive stormwater management plan that is in accordance with the provisions of the Integrated Catchment Management Plan for the Titirangi/Laingholm area. Additional runoff, including stormwater quality treatment will be adequately mitigated by the use of on-site stormwater devices. The use of rain gardens within the development to collect runoff from the new gallery will also help to minimize the runoff of copper from the vertical cladding, which will reduce the effects upon the receiving environment.

Impermeable surfaces and stormwater infrastructure has been designed and managed in a way that avoids adverse impacts on water quality, including the life-supporting quality of water, arising from the discharge of stormwater into the wider environment.

It is considered the proposal is consistent with **Objective 1 and Policies 1.2, 1.7 & 1.10**

- **Erosion / Sediment Loss**

Relevant Objectives and Policies are Objective 1 and Policy 3.2

Comment: Appropriate sediment and erosion control measures will be incorporated into the construction methodology to ensure that the effects of earthworks on the site are adequately mitigated.

It is considered the proposal is consistent with **Objective 1** and **Policy 3.2**

9.1.2 Proposed District Plan Policies and Objectives

9.1.2.1 Plan Change 37

Relevant Objectives and Policies are: Objectives 5B.3.3.5 & Policy 5B.3.3.6

Comment: The proposed activity is considered to contribute to and enhance the village's function as a cultural destination and a gateway to the Waitakere Ranges (Heritage Area). The proposal provides for active building frontages onto Titirangi Road, will protect and enhance the area's heritage features and is an appropriate scale that integrates well into the surrounding forested landscape and natural landforms. Additional car parking has been provided that has primarily utilised existing cleared areas.

It is considered that the proposal is consistent with **Objectives 5B.3.3.5 & Policy 5B.3.3.6.**

9.1.2.2 Plan Changes 16

Relevant Policies are: Policies 0.4 & 0.8

Comment: Policy 0.4 recognises good design is critical to urban consolidation strategies. The proposal protects and enhances heritage buildings and avoids visual monotony. Site constraints will limit sustainability features, but energy-efficient measures are incorporated.

It is considered that the proposal is consistent with **Policies 0.4 & 0.8**

9.2 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 8.1.2 – 8.1.3. It is considered that the relevant Assessment Criteria has been addressed accordingly.

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

The Auckland Regional Policy Statement (ARPS) is a strategic document which sets out the direction of managing the use, development and protection of the natural and physical resources of the Auckland region. This document became operative in 1999.

The strategic objectives and policies of the ARPS provide a framework to achieve the integrated, consistent and co-ordinated management of the Region's resources.

Under the ARPS, matters related to environmental protection, such as cultural heritage, natural hazards and water quality, have specific objectives, policies and methods to achieve sustainable and integrated management of major natural and physical resources in the Region.

The ARC released decisions with respect to Proposed Change 6 and matters now lie within the appeal process. Given the stage in the statutory process that Proposed Change 6 is at, it is considered that some weighting should be given to the decision version of Plan Change 6 although the proposal must also be assessed against the operative policy statement. Plan Change 6 incorporates references to the Waitakere Ranges Heritage Area. Outstanding Appeals to Plan Change 10 relating to Natural Hazards do not materially affect the Decision associated with this Plan Change and significant weight is afforded to this aspect.

The assessment undertaken as part of the AEE is generally concurred with.

The following policies of the ARPS are considered relevant:

<p>Strategic Objectives: Policy 2.5.1 Natural Hazards: Policy 11.4.1 Heritage: Objective 6.3, Policies 6.4.1, 6.4.4</p>
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Comment: The heritage values associated with Lopdell House are considered to be protected, maintained or enhanced. The social, economic opportunities are recognised and utilised without compromising the intrinsic values of the resource. The seismic upgrade of Lopdell House will provide additional protection, and any adverse effects have been adequately mitigated.

The proposal is considered consistent with the above Policies.

In terms of the ARPS (Plan Changes 6 & 10), the following is considered relevant:

<p>Natural Hazards: Policy 11.4.1 Strategic Objectives 2.6.1</p>
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Comment: As stated above, the heritage values associated with Lopdell House are considered to be protected, maintained or enhanced. The proposal will not compromise the values associated with the Waitakere Ranges, including those features as identified as relevant under the WHRA.

The proposal is considered consistent with the above Policies.

9.5 National Policy Statement (104(1)(b)(i))

The only National Policy Statement in place at the time of writing (notwithstanding the NZCPS) is the National Policy Statement on Electricity Transmission. This policy statement is not considered relevant with respect to this application.

9.6 New Zealand Coastal Policy Statement (s104 (b)(ii))

It is noted that Lopdell House can be viewed from the coastline given its prominence and that the subject site sits within an Outstanding (Natural Character) Coastal Area. The subject site however lies over 1km from the Manukau Harbour.

The application documentation, and also Mark Tollemache- Waitakere Ranges Heritage Advisor does not consider that the NZCPS is a relevant consideration. In terms of the latter, if relevant, then the NZCPS must be considered pursuant to Section 13(a)(ii) of the Act. I concur that the NZCPS is not a relevant document in the instance.

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

Other Issues Raised by Submitters Not Covered Elsewhere in Report

• **Consultation**

Submissions received referred to both the lack and timing of consultation. The following is noted:

- Since the submissions period closed, Plan Change 37 has been notified;
- The application documentation (appendix 9) details Consultation. I was not involved in the consultation. It is noted that there is no obligation pursuant for the applicant to consult any person about the application pursuant to Section 36A of the RMA.

• **Access**

The proposed car parking building will potentially infer with a proposed access arrangement (right-of way easement) to No.408 Titirangi Road (as referred in the submission by Ms Margaret Rotondo. This easement is yet to be registered and is not considered a matter that can be imposed and /or addressed by this application. It is, however, noted that the easement (or equivalent) could be re-adjusted or minor amendments to the car parking building (at engineering plan approval) could positively address this matter.

• **Precedent Effect**

The proposed activity is non-complying for a number of aspects and includes:

- Alteration, Addition to , Demolition of Heritage Structures, Objects, Sites and Places;
- Buildings and Site Design- Titirangi;
- Vegetation Alteration;
- Earthworks;
- The partial demolition of Lopdell House (noting the rooftop additions) will return the building to its earlier form that is true to its heritage and landmark status Impermeable Surfaces (500 Sth Titirangi Road);
- Parking, Access and Traffic Generation (500 Sth Titirangi Road); and
- Lighting (Transport Environment).

For a consent authority to grant consent to a non-complying activity, there should generally be some unusual element to the proposal. If such unusual circumstances do not exist, then the proposal could potentially compromise the integrity of the District Plan, and public confidence in the consistent administration of the Plan may be undermined.

It is not considered that this proposal is not necessary unusual itself but the site (namely Lopdell House) is considered unique given both its nature and context. The proposed activity returns Lopdell House to its earlier form. The proposed addition is considered to complement and not undermine or detract from those heritage values. Nor are the modifications to this landmark building obtrusive on or above sensitive ridgelines, nor would it to compromise the visual landscape qualities of the sensitive ridgeline and wider landscape values. Whilst the built environment (unlike the car park building) is not subservient to the area's rural landscape, it reflects the current existing environment that in which Lopdell House plays an integral and defining role which is not diminishing by the proposed activity.

As such, the proposal is not considered in this instance to give rise to matters of District Plan integrity or generate an unwelcome precedent effect.

9.8 Bonds/Reserve Contributions/Development Levy/Financial Contributions

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 \$69,822.21 (incl. GST).

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

9.9 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.

9.10 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.

10.0 PART II OF THE RESOURCE MANAGEMENT ACT 1991

The purpose and principles of the Resource Management Act 1991 have primacy over all other considerations that are set out in section 104 of the legislation.

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 whilst: sustaining those resources for future generations; protecting the life supporting capacity of ecosystems; and avoiding, remedying or mitigating adverse environmental effects.

The proposal needs to be considered having regard to the following matters of natural importance (Section 6) of which the following is considered relevant:

- (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development;
- (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna; and
- (f) the protection of historic heritage from inappropriate subdivision, use, and development.

In this regard the following points are made:

- The vegetated surrounds would not be noticeably diminished by the proposed activity in light of the extent of removal proposed. The remnant native vegetation, and also noting the retention of the Norfolk Pine, and the subsequent re-planting will remain the prevailing characteristics;

- The proposed activity will be viewed from a wide catchment and reflects the unique qualities associated with Lopdell House. Views will undoubtedly change, but the proposal, having regard to the existing environment, will not introduce additions to this landmark building that are obtrusive on or above sensitive ridgelines, nor does it compromise the visual landscape qualities of the sensitive ridgeline and wider landscape values. No public views will be interrupted;
- The proposed activity, which has regard to the Conservation Plan are sympathetic to heritage values and returning Lopdell House to its earlier form. The proposed addition is considered to complement and not undermine or detract from those heritage values;
- Works on Lopdell Hall are focused on its retention with remedial and refurbishment work, and to be painted in the same colours as Lopdell House. It is considered that the proposed development will generate positive effects with the Hall both maintained and enhanced;
- Subject to methodologies as prescribed, the proposal will not require or lead to the clearance of the Oak Tree and allow for its integration; and
- The War Memorial lies on the edge of an at-grade car park. The proposed car parking building whilst of a similar purpose, will introduce a building that will physically dominate the War Memorial to a certain degree despite being open-sided and measuring only 4.6m in height. The use of lighting, however, will reduce physical domination.

Section 7 of the Act identifies “other matters” to be given particular regard by 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.

With the imposition of the recommended conditions it is considered that any adverse effects of the proposal on the environment can be avoided, remedied and mitigated.

Sections 7(c) and (f) require that particular regard be had to the maintenance and enhancement of amenity values and the quality of the environment. As discussed extensively in this report, it is considered that the proposal would not adversely affect amenity values associated with this neighbourhood.

The proposed development does not raise any section 8 (Treaty of Waitangi) issues. No submissions have been received from iwi authorities

Overall, it is considered that the granting of this application would not be contrary to the purpose of the Act. The proposal will enable people and communities to provide for their economic, social and cultural well-being and their health and safety without significantly compromising the needs of future generations or the life supporting capacity of natural resources such as air, water and soils. Through the imposition of appropriate conditions of consent, it is considered that the proposed activity can sufficiently avoid, remedy or mitigate any adverse effects on the environment.

It is concluded that the granting of this consent would promote the sustainable management of natural and physical resources and would achieve the purpose of the Act.

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

The threshold test in Section 104D of the Resource Management Act 1991 states that a consent authority must not grant consent to a non-complying activity unless it is satisfied that the adverse effects on the environment will be minor (104D (a)) or the activity will not be contrary to the objectives and policies of a plan or proposed plan (104D(b)).

It is considered that **both** threshold test for a non-complying activity has been met in that the adverse effects on the environment of the proposal will be no more than minor **and** the activity will not be contrary to the objectives and policies of a plan or proposed plan.

The ability to grant consent has therefore been established.

12.0 CONCLUSION

It is considered that the proposal **meets** the criteria for granting consent as the potential adverse environmental effects are no more than **minor** and **can** adequately be mitigated through the imposition of appropriate conditions of consent. The proposal also introduces a number of positive effects.

The demolition and alterations to Lopdell House has regard to the Conservation Plan and are sympathetic to heritage values and returns Lopdell House to its earlier form. The proposal, in the long-term is considered to both protect, maintain and enhance the heritage significance of the building, and improves its interface with Titirangi Road. In terms of heritage values, the proposal provides variety and complexities; recognises and protects its regional and local significance; protects the links between heritage objects and the surrounding context; and integrates heritage with people's everyday lives. The proposed activity has been sensitively handled having regard to the heritage features and the context of its surroundings.

The proposal will not lead to a decline in the amenity values of the area in which it seeks to locate.

The proposal is consistent with a range of statutory documents, including the Objectives and Policies of both the Operative and Proposed Plan, but also the Regional Policy Statement.

The proposal is considered to promote sustainable management of natural and physical resources, and is not contrary with Part II of the Act

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

Subject to any additional 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.

13.0 RECOMMENDATION

A. That pursuant to Section 37 of the Resource Management Act 1991, and subject to additional or contrary information being presented at the hearing, the following submissions be accepted:

- P Van Der Voort;
- P A La Roche;
- Auckland Playcentre Association Inc;
- A E Donald;
- E L Steiner;
- Kate Frances and Shayne Cox; and
- Lynette Lawson.*

***Note:** The submission from Lynette Lawson, was submitted 20 working days after the close of submissions requires the applicant's agreement.

As no persons will be prejudiced by the acceptance of these submissions, nor will acceptance result in unreasonable delay.

- B.** 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 Lopdell House Development Trust to undertake demolition, alterations and additions to Lopdell House (Category I Heritage Item); alterations to Lopdell Hall (Category II Heritage Item); and alterations (earthworks) to an archaeological site; the construction of a new, single level building to provide parking and includes removal and/or works within the dripline of protected vegetation, and an additional vehicle crossing at 500 South Titirangi Road (Open Space Environment) being Allot 740 Waikomiti Psh & Pt Lot 17 DP 6678 being pt Allot 46 & 242a Block VII Titirangi SD at 418 Titirangi Road and 500 South Titirangi Road (and adjacent road reserves) for the following reasons:
- (i) Both threshold tests for a non-complying activity has been met in that the adverse effects on the environment of the proposal will be no more than minor and the activity will not be contrary to the objectives and policies of a plan or proposed plan. The ability to grant consent has been established;
 - (ii) Any actual or potential effects on the environment by the proposal are considered to be no more than minor and would be adequately avoided, remedied or mitigated by the conditions of consent;
 - (iii) The proposed activity, which has regard to the Conservation Plan are sympathetic to heritage values and returning Lopdell House to its earlier form. The proposed addition is considered to complement and not undermine or detract from those heritage values;
 - (iv) Works on Lopdell Hall are focused on its retention with remedial and refurbishment work, and to be painted in the same colours as Lopdell House. It is considered that the proposed development will generate positive effects with the Hall both maintained and enhanced;
 - (v) Subject to methodologies as prescribed, the proposal will not require or lead to the clearance of the Oak Tree and allow for its integration;
 - (vi) The War Memorial lies on the edge of an at-grade car park. The proposed car parking building whilst of a similar purpose, will introduce a building that will physically dominate the War Memorial to a certain degree despite being open-sided and measuring only 4.6m in height. The use of lighting, however, will reduce physical domination;
 - (vii) The proposed activity will be viewed from a wide catchment and reflects the unique qualities associated with Lopdell House. Views will undoubtedly change, but the proposal, having regard to the existing environment, will not introduce additions to this landmark building that are obtrusive on or above sensitive ridgelines, nor does it compromise the visual landscape qualities of the sensitive ridgeline and wider landscape values. No public views will be interrupted;
 - (viii) The proposed car parking building is of an appropriate form, scale and height that will not unduly detract from the amenities currently and / or expected to be enjoyed by the adjacent Playcentre, or other users of the reserve;
 - (ix) The proposed activity is of a size and scale that would continue to maintain expected and anticipated levels of privacy, on-site amenity, daylight and sunlight access to adjacent residential properties with clear separation distances provided;
 - (x) The proposed increase in impermeable surfaces would be adequately accommodated by infrastructure provided on site; with stormwater runoff and generation not causing detriment to either reticulated systems or the wider receiving environment;

- (xi) The implementation of a Construction Management Plan will ensure that any adverse effects will be adequately avoided, remedied or mitigated and will not unduly affect nearby amenities by residents, workers, the operation of non-residential activities and visitors. These effects are temporary in nature and will be of a limited duration;
- (xii) Parking, and associated transport measures is considered sufficient to serve the proposed use and is considered appropriate (by also allowing flexibility) to accommodate expected peak demands for the activity in order to protect nearby and adjacent amenities and provides for a safe and accessible environment;
- (xiii) The existing road network would be of sufficient capacity to accommodate the additional traffic (including pedestrian, cyclist and vehicular) movements without detriment to the function of South Titirangi Road and other nearby roads or matters of road safety;
- (xiv) In light of the modified nature of the reserve and its underlying purposes, the provision of additional parking (and within a predominantly cleared and modified area) is considered to be consistent with the existing purposes of the reserve;
- (xv) The vegetated surrounds would not be noticeably diminished by the proposed activity in light of the extent of removal proposed. The remnant native vegetation, and also noting the retention of the Norfolk Pine, and the subsequent re-planting will remain the prevailing characteristic;
- (xvi) The proposal would not be contrary to the relevant objectives and policies of the Waitakere City District Plan;
- (xvii) The proposal would be consistent with the relevant objectives and policies of Plan Change 37, although little weight can be attached to this Plan Change;
- (xviii) The proposal would not be inconsistent or contrary to the objectives of the Waitakere Ranges Heritage Area; and
- (xix) The proposal would not be contrary to Part II of the Act.

Consent shall be subject to the following conditions:

General

GENERAL

- A371
1. The proposal shall proceed in accordance with the application and information, including further information submitted to Council and referenced as LUC 2008-1804. A copy of the relevant documentation is attached at pages A371 as Appendix XVII of this report and the plans as listed below:

Prepared by Mitchell & Stout Architects, issued 06 April 2009 unless otherwise stated:

Site Plans

- Site Aerial Photo, A0-00;
- Lot Plan, A0-01;
- Existing Site Plan & Proposed Demolition Works, A0-02, Rev A;
- Siteworks Extent of Cut & Fill, A0-02a, Rev B;
- Proposed Site Plan & Hardworks, A0-03 Rev A;
- Proposed Landscape Plan – 1 of 2, A0-04 Rev B, Prepared by Transurban Design & Planning;
- Proposed Landscape Plan – 2 of 2, A0-05 Rev B, Prepared by Transurban Design & Planning; and
- Proposed Construction Sites, A0-07 Rev A.

Plans

- Proposed Site Plan – Car parking, A1-00 Rev A;
- L-3 Truckdock/ Parking RL 133.3, A1-01 Rev A;
- L-2 Basement/ BOH RL137.90, A1-01 Rev A;
- L-1 Theatre/ Education RL 141.40, A1-03 Rev A;
- L0 Ground Floor/ Gallery RL 144.90, A1-04 Rev A;
- L1 First Floor/ Gallery RL 149.90, A1-05 Rev A;
- L2 Second Floor/ Gallery RL153.40, A1-06 Rev A;
- L3 Roof Terrace/ Roof, RL 156.40, A1-07 Rev A;
- Gallery Entry Detail, A1-08, Rev A; and
- Existing Lopdell Hall, A1-20.

Elevations

- North Elevation – Titirangi Road, A2-01;
- South Elevation, A2-02;
- Lopdell House – West Elevation, A2-03 Rev A;
- Gallery Addition- West Elevation A2-04; and
- Gallery Addition – East Elevation A2-05.

Sections

- Section AA- Lopdell House, A3-01;
- Section BB – Gallery, A3-02.

Car park 2 – South Titirangi Road

- South Elevation & Section AA, A4-03.

Perspectives

- View A, A5-01;
- View B, A5-02;
- View C, A5-03;
- View D, A5-04;
- View E, A5-05;
- View F, A5-06;
- View G, A5-07; and
- View H – Car park 2, A5-08.

Services

In consultation with EBG:

- Lopdell Site – Erosion & Sediment Control, A6-01, Rev A;
- Lopdell Site – Stormwater Management, A6-02, Rev A;
- Car park 2 Site – Stormwater Management & Erosion And Sediment Control, A6-03; and
- Stormwater & Sediment Control Details, A6-04.

Updated Plans

- Kindergarten Right of Way Easement, A8-01;
- Car park 2 View A, A8-02;
- Car park 2 View B, A8-03;
- Capark 2 Revision, A8-04;
- Car park 2 View C, A8-05;
- Copper Run off Mitigation, A8-08; and
- Proposed Colour Scheme, A9-01.

STAGING

2. No works shall commence on 418 Titirangi Road (unless otherwise agreed in writing by the Manager, Resource Consents) until the parking (including those provided within the car parking building) is available in 500 South Titirangi Road.

CONSTRUCTION

3. At least 1 (one) month prior to construction for the development as a whole, or for each respective stage, Construction Management Plan(s) shall be submitted and approved in writing by the Manager, Resource Consents and the Manager, Transport Assets.
- The **Construction Management Plan** must provide and/or provide confirmation of (but not limited to):
 - Identification and contact details of the Site Manager;
 - Identification of works in various stages;
 - Confirmation of the duration of works and site operating hours. No construction work is to take place outside of the following hours: Weekdays: 07:30 -1800, Saturdays 08:00-16:00. No work on Sundays and Public Holidays;
 - Details for the monitoring of Lopdell House and Lopdell Hall for building movement during the construction phase and immediate remedial steps shall be taken to mitigate any additional building movements;
 - An Erosion and Sediment Control Plan to avoid and minimise discharges of sediment laden runoff from the site;
 - Identification of stability issues on site and appropriate procedures/methods for construction/earthworking activities in relation to any stability issues;
 - Procedures/methods to control dust;
 - Procedures/methods to prevent discharges from concrete works to the stormwater system;
 - -Procedures/methods for washing machinery/plant on site to prevent discharges of contaminants/sediment to the stormwater system;
 - Procedures/methods to avoid or minimise the risk of spills or leaks from plant/machinery;
 - Identification of measures for storage and removal of waste from the site;
 - Identification of construction site areas to be fenced off, the location of any temporary buildings, bathroom facilities, storage areas etc;
 - Site protocols and methods to advise operators/parents/visitors to adjoining activities (including Titirangi Kindergarten site and Titirangi playcentre) of forthcoming heavy vehicle access; and
 - Methods to protect adjacent sites from works.

- **A Traffic Management Plan** is to be submitted to address specific construction issues such as parking and access. The management plan must provide and/or provide confirmation of (but not limited to):
 - When parking becomes unavailable on 418 South Titirangi Road;
 - Speed calming devices shall be installed on each approach of South Titirangi Road, in the vicinity of the proposed pedestrian entry/exits to the new Car park, to slow vehicle speeds and allow pedestrians to cross safely between the car parking areas and Lopdell House (refer to Attachment 2 of the Specialist Report Urban Design by Mr Peter Joyce and Ms Melanie McKelvie);
 - Managing vehicle and pedestrian traffic on the public roads and footpaths; and
 - Addressing public access to all adjoining on site facilities such as the Kindergarten, Hall, War Memorial, Library, Community Centre & Playground.

- **A Construction Noise and Vibration Management Plan** that details the following:
 - Finalised methodology for foundation formation, including equipment to be used and expected noise levels;
 - Identification of any other noisy construction activities that may potentially approach or breach the appropriate noise levels;
 - For each noisy activity identified, mitigation methodologies should be identified, approximate noise levels predicted (using tables from NZS6803:1999 for instance) and noise monitoring procedures specified;
 - Identification of any activity that may potentially approach or breach the appropriate vibration levels as specified in DIN4150;
 - Identification of any activity likely to generate vibration, mitigation methodologies should be identified;
 - Corrective action measures specified should non-compliances with the permitted noise or vibration levels be detected;
 - For each activity likely to generate vibration, mitigation methodologies should be identified;
 - Vibration levels from construction activities shall comply with Rule 15.1 Odour Glare & Vibration(Community Environment) which states that vibration level (acceleration measured in metres per second squared) relative to frequency not exceeding the base curves of figure 2a (z axis), 3a (x and y axes) and 4a (combined x, y and z axes) as contained within ISO 2631-2:1989; and
 - The upper limits for construction noise set out in NZS6803:1999 Acoustics Construction Noise shall be complied with at all times. The values in the 'long term duration' columns of Tables 2 & 3 shall be applied.

The approved Construction Management Plan(s) shall be implemented at time of construction and comply at all times thereafter

PRE-START MEETING

4. Prior to works commencing, organise a Pre-Start meeting held with Council's Environmental Monitoring Officer and Parks Planner (Phone Council's Call Centre 839 0400 to arrange an inspection) to discuss the following:
 - Works methodologies and timeframes;
 - Conditions of Consent;
 - Tree protection and removal;
 - Weed Removal and Management;
 - Details of Landscape works provided in the engineering plans and layouts;
 - The final location and design of the sediment and erosion controls; and

- Provide the name and phone number of a designated road sweeping contractor (*if part of the Construction Management Plan*).

The Consent Holder's representative, appointed works arborist, and all site works 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.

HERITAGE

5. Prior to lodgement of the Building Consent, the design of the proposed canopy along the frontage of Lopdell House and the gallery addition shall be submitted for the approval in writing of the Manager, Resource Consents
6. The Conservation Plan shall be updated by a suitably qualified person and submitted to Council prior to occupancy of the buildings to reflect any findings/investigations, including a photographic record and care for any artefacts found during construction activities.
7. At the time of building consent, detailed design drawings shall be provided for the written approval of the Manager, Resource Consents and shall be accompanied by documentation identifying particular design decisions and how these relate to the heritage values of the building/site and their consistency with the Conservation Plan.
8. A copy of the most recent version of the Conservation Plan shall be kept onsite at all times.
9. An Integrated Maintenance Plan for the Lopdell House site (including buildings and the landscape) prepared by a suitably qualified person shall be submitted for the written approval of the Manager, Resource Consents. The Plan shall include (but not limited to):
 - Specific maintenance regimes for individual elements within the place such as furniture, fittings, fixtures, artefacts and other items used on a regular basis; and
 - A two-tiered system of reporting (annual and quinquennial- five-yearly).

The quinquennial reporting programme shall identify:

- Measures to monitor and report on the effectiveness of the Integrated Maintenance Plan;
- Priority works to be undertaken;
- Review of the Conservation Plan; and
- Conformity of decisions with policies contained in the Conservation Plan.

The approved Integrated Maintenance Plan shall be implemented accordingly.

10. A Disaster Management Plan for the Lopdell House site (including buildings and the landscape) prepared by a suitably qualified person shall be submitted for the approval in writing of the Manager, Resource Consents. The Plan shall include:
 - Emergency escape procedures and the identification of emergency escape routes;
 - Procedures to be followed by staff;
 - Procedures to account for all persons on the premises after an emergency evacuation has been completed;
 - Rescue and medical responsibilities;

- The preferred means of reporting fires and other emergencies;
- Names of persons or services to be contacted in emergencies, and
- Priorities for the protection or rescue of artefacts.

The approved Disaster Management Plan(s) shall be implemented accordingly.

11. If any archaeological sites are uncovered during physical works the Project Manager will require the contractor to adopt the following Accidental Discovery Protocol:
 - 1 Work shall cease immediately at that place;
 - 2 The contractor must shut down all machinery, secure the area and advise the Site Manager;
 - 3 The Site Manager shall notify the Project Archaeologist (if one has been appointed), the New Zealand Historic Places Trust Regional Archaeologist Bev Parslow 307 0413 and if necessary the appropriate consent process shall be initiated;
 - 4 If the site is of Maori origin the Site Manager shall also notify the appropriate iwi group(s) to determine what further actions are appropriate to safeguard the site or its content;
 - 5 If skeletal remains are uncovered the Site Manager shall advise the Police; and
 - 6 Works affecting the archaeological site shall not resume until the New Zealand Historic Places Trust has given the appropriate approval for work to continue.
12. The retaining structures shall be constructed and/or finished in dark basalt stone walls similar to retaining structures located opposite the subject site on Titirangi Road. At the time of building consent submit details for the approval in writing of the Manager, Resource Consents in terms of the finished material and details of the proposed retaining structures

SIGNAGE

13. The large banner to be located at the western end of the gallery building shall only advertise events of a community or cultural nature e.g. exhibitions and theatre shows and events on the Lopdell House site or Titirangi village, and shall not be used for the advertisement of commercial and/or retail activities.
14. Details of signage to be attached to Lopdell House or its canopy shall be submitted to for the approval in writing of the Manager, Resource Consents prior to its installation.

LIGHTING

15. At detailed design stage and / or building consent, a Lighting Management Plan from a suitably qualified person who is familiar with the Lighting Report and Plan prepared by Kendelier Lighting Brilliance dated 11th November 2008 shall be submitted for the approval in writing for the Manager, Resource Consents. The Plan shall include (but not limited to):
 - Lighting of the War Memorial (in order to articulate this feature);
 - Details of the lumineres and light poles;

- Details of lighting of the car parking areas, including the deck underneath and pedestrian accessways to ensure a safe, accessible environment, this may include additional lighting at the entrance of the existing walkway leading to the car parking building;
- Lighting on Lopdell House;
- Amenity / Security Lighting for Lopdell Hall;
- Confirmation to the extent of the light spill as identified in the application documentation; and
- Procedures to ensure that the tilt of the lights is not altered during any maintenance work. This should be submitted for approval seven days prior to any maintenance being undertaken to the Manager, Resource Consents.

The approved Lighting Management Plan shall be implemented and comply at all times thereafter.

16. Certification shall be provided within three months of installation that the proposed lighting has been carried out in accordance with the approved Lighting Management Plan and that the extent of light spill onto neighbouring properties is no greater than that referred to in drawing COM-0751 attached as part Lighting Report and Plan prepared by Kendelier Lighting Brilliance dated 11th November 2008.

ROADING AND TRAFFIC

17. At Engineering Plan Approval stage, the detailed design of the car park building shall be submitted to for the approval in writing of the Manager, Resource Consents and the Manager, Transport Assets. The detailed design shall include (but not limited to):
 - All central concrete encased steel columns in the lower level of the War Memorial car park to be painted using white reflectorised paint; provide adequate lighting for the same level;
 - Ensure that the design of the handrail on the upper deck parking area takes into account vehicle impact;
 - Ensure that the design of the ramp handrail allows for full inter-visibility between exiting vehicles and pedestrians along the footpath;
 - Maintain a minimum of 2.1 m head clearance in the lower parking level unless mobility spaces are to be provided then allow for 2.5 m head clearance;
 - The pedestrian path which passes under the proposed new car park deck at 500 South Titirangi Road and connects to the existing pedestrian stairs linking the War Memorial car park to the car park beneath the public toilets on the corner of Titirangi and South Titirangi Roads shall be finished in a different surface texture to identify it as a pedestrian space. Lighting and signage shall be provided to clearly identify the entrance to this pedestrian route, with a lighting and signage plan to be provided;
 - The pedestrian path alongside the vehicle ramp to the structured car park shall be relocated to the southern side (refer to Attachment 2 of the Specialist Report – Urban Design by Mr Peter Joyce and Ms Melanie McKelvie). This pedestrian path shall be finished in a different pavement treatment/ colour to clearly differentiate it from the vehicle ramp;

- The concrete vehicle ramp to the upper level car park shall be finished in either a dark tinted or exposed aggregate finish to minimise its initial visual impact. The pedestrian footpath on South Titirangi Road which extends across the vehicle ramp shall be maintained in the same colour and finish as the existing footpath so as to maintain continuous pedestrian priority (refer to Attachment 2 of the Specialist Report – Urban Design by Mr Peter Joyce and Ms Melanie McKelvie). This will assist in ensuring that vehicles give way to pedestrians as they enter and exit the site;
 - The vehicle crossing on South Titirangi Road from the structured car park 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); and
 - Installation of panic devices and a CCTV system (subject to review and consideration).
18. Two parking spaces shall be provided for mobility car holders within the at grade parking area of 418 Titirangi Road. The location shall be submitted to for the approval in writing of the Manager, Resource Consents. The approved location shall be accordingly implemented
19. At the time of building consent, demonstrate that a minimum of 4.5 m head clearance is provided for the loading dock of the new gallery at 418 Titirangi Road.
20. The onstreet parallel car parks outside Lopdell House shall be shifted northwards to align with the carriageway line associated with onstreet parking to the west, and that this area be reinstated as footpath (refer to Attachment 1 of the Specialist Report – Urban Design by Mr Peter Joyce and Ms Melanie McKelvie).
21. At the time of building consent, submit details of cycle parking and/or storage within the Lopdell House site for use by staff and visitors for the approval in writing of the Manager, Resource Consents

VEGETATION ALTERATION

22. All works associated with the removal of vegetation, works within dripline of vegetation, and the general protection of retained vegetation of the Arborist report shall be carried out in accordance with the Recommendations (as contained in Section 8) of the Arboricultural Report by Rhys Caldwell of The Specimen Tree Company, titled, “ An Arboricultural Assessment Report on the Proposed Redevelopment of Lopdell House Precinct and Ancillary Works at 418 Titirangi Road and 500 South Titirangi Road (dated June 2009).
23. If during excavations and/or activities within or adjacent to the dripline of protected vegetation which in the opinion of the Works Arborist may generate more than minor adverse effects to the health and well being of vegetation, all work shall cease and Council’s Environmental Monitoring Officer shall be contacted immediately.
24. The Works Arborist shall submit a final completion report to the Council’s Environmental Monitoring Officer within one month of completion of the works. The arboricultural report will include a statement of effects of the development on trees, and that works were carried out in accordance with the provided methodology including photographic evidence and recommendations for any further remedial work to remedy any detrimental effects.

WEED MANAGEMENT AND LANDSCAPING

25. All weeds within the immediate works area, including those listed on the Removable Vegetation Appendix or Environmentally Damaging Plants Appendix shall be carried out in accordance with the recommendations of the Vegetation Management Plan authored by Nick Rae dated 10 July 2009. In addition, the following shall be undertaken:
- weed removal and management must be carried out by the consent holder at least two months before the proposed planting commences; and
 - All rubbish, debris and building materials must be removed from the site on completion of the works and during the 12 month maintenance period in accordance with those matters agreed as part of the Pre-Start Meeting to the satisfaction of the Parks Consent Planner.
26. All planting associated with either No's 418 Titirangi Road and No.500 South Titirangi Road shall be implemented and maintained in accordance with the approved landscaping plans (notwithstanding the amendments required below), within the first planting season i.e. 1st May to 30 September, following completion of any ground development works including earthworks or placement of services on the site. The following changes are recommended and shall be carried out following consultation with the Manager, Parks:
- Replace some of the Phormium cookianum species with emerald gem or green dwarf;
 - A climber or other appropriate screen planting must be planted in front of the new retaining wall shown in the Proposed Site Works Plan and Hardworks, drawing number A0-03, Rev A. The species must be approved by the Parks Consent Planner prior to planting;
 - Final layout of plants to be discussed on site with the Parks Consent Planner prior to planting; and
 - Planting within 2m each side of the existing walkway leading to the car park building must be low height to increase visibility and safety within this area. The final species must be approved by the Parks Consent Planner at detailed design stage.

All planting shall be maintained for a minimum of two further planting seasons with any plant losses within this time being replaced and maintained for a further planting season from date of replacement.

27. All landscape planting works carried out under this consent must comply with the relevant specifications of section 7 of the Council's Code of Practice. All plants must be staked and tied (if specimen trees), mulched (with aged wood mulch), eco-sourced (where possible), of healthy nursery stock and irrigated if required, to the satisfaction of the Manager: Parks.
28. All edges within the road berm must be completed and finished to a level contour in line with the footpaths and will be grassed or vegetated up to the edge of the footpaths to the satisfaction of the parks consent planner. All ground areas that are grassed or planted are to have a minimum layer of 100mm of weed free topsoil spread evenly across the surface.
29. The consent holder will undertake maintenance in relation to weed removal and management, landscape planting, hard landscape works and rubbish and debris removal in relation to reserves, streets and open for a period of one year from the completion of the landscape works.

30. On the completion of landscape work and maintenance period the site areas must be clean and tidy (all rubbish, debris, silt fencing and warratahs and building materials to be removed), weed free, mowed (where grassed) in accordance with the requirements of the Council's Code of Practice relating to parks and reserves. The consent holder must arrange a site visit with the Manager, Parks to determine completion of the works.
31. All areas of the road and reserve that have been grassed under this consent must be, on the completion of the works under this consent be mowed and weed free and have an 80% grass rate strike to the satisfaction of the Manager: Parks.
32. All ground areas that are grassed or planted will have a least 100mm of weed free top soil spread evenly across the surface to the satisfaction of the Manager: Parks.
33. The hard works set out in the plan titled Proposed Site Plan and Hardworks, drawing number A0-03, Rev A and A0-05 must be implemented as set out in the plans and in accordance with any amendments approved by the Parks Consent Planner together with the following:
 - (a) all details must comply with the specifications of the Code of Practice;
 - (b) All details must be implemented to the satisfaction of the Manager, Parks;
 - (c) The lime hoggin footpath must be implemented over compacted aggregate basecourse and timber edging must be placed along the length of the footpath in accordance with the Code of Practice specifications, the area where the hoggin footpath meets the existing footpath along South Titirangi Road must be smooth and evenly contoured;
 - (d) All concrete must have an exposed aggregate or sand blasted finish (or another finish approved by the Manager, Parks) and may also be finished with saw cuts and all details must comply with the specifications of the Code of Practice;
 - (e) All details of pavers and ground treatments and materials must be provided to the Parks Consent Planner for approval at engineering stage; and
 - (f) The details of the connection of the existing walkway to the lower level of the new car park at 500 South Titirangi Road must be provided to the Manager: Parks for approval at engineering stage.

NOISE

34. Prior to commencement of the respective activities, a Noise Management Plan shall be prepared by a suitably qualified person that demonstrates compliance with the following District Plan provisions:

- Bush Living Environment:

7:00am – 7:00pm Monday to Saturday	7:00pm – 10:00pm Monday to Saturday	7:00am 10:00pm Sundays & Public Holidays	10:00pm -07:00am	
50dBA L ₁₀	45dBA L ₁₀	45dBA L ₁₀	40dBA L ₁₀	70dBAL _{max}

- Community Environment (418 Titirangi Road only)

7:00am – 7:00pm Monday to Saturday	7:00pm – 10:00pm Monday to Saturday	7:00am 10:00pm Sundays & Public Holidays	10:00pm -07:00am	
55dBA L ₁₀	55dBA L ₁₀	45dBA L ₁₀	45dBA L ₁₀	75dBAL max

The Noise Management Plan shall include the following provision:

- The Consent Holder shall perform noise monitoring during the first events which take place in the roof garden and which incorporate amplified music. Monitoring shall be performed by a suitably qualified acoustic consultant during a sufficient number of events and at a sufficient number of locations to enable the formulation of controls for use of the roof garden and the music amplification system that will ensure compliance with Rule 13.1 Noise (Community Environment). The controls shall be provided within three (3) months following commencement of activities to be approved in writing by the Manager, Resource Consents. Compliance with Rule 13.1 Noise (Community Environment) is required to be achieved at all times

The approved Noise Management Plan(s) shall be implemented at time of the commencement of activities and comply at all times thereafter

INFRASTRUCTURE

35. Design, provide and install a complete public wastewater reticulation system to serve the development in compliance with Councils Code of Practice for City Infrastructure and Land Development (Refer Section 5.0). Provide engineering plans and calculations to Council for approval prior to commencing works:
 - (i) At Engineering Consent stage provide EcoWater with engineering plans and design calculations for re-aligning the existing 100mm PVC wastewater drain to avoid collision with the new foundation of the proposed car park, as shown in the drawings 7473-1 and 7473-2 prepared by Mitchell & Stout Architects;
 - (ii) Remove the length of the existing 100mm PVC wastewater pipe that will be abandoned under Council's supervision; and
 - (iii) Allow in the design of the public wastewater reticulation for the geotechnical constraints of the site. If necessary use PE pipe to allow for settlement, increased grades or other methods as appropriate. The proposed detailed engineering design will be subject to peer review by Councils Geotechnical consultant at the consent holder's expense as necessary to consider geotechnical issues relating to the infrastructure. EcoWater may require an extended maintenance period and/or bond depending upon the review.

Advice Note: EcoWater policy requires any wastewater manholes or line connections on live lines to be constructed by Council Contractor. Wastewater manhole connections may be constructed by the applicants' contractor with engineering plan approval and under EcoWater's Quality Assurance supervision or by EcoWater maintenance contractor.

36. Design, provide and install a complete public stormwater reticulation system to serve the development in compliance with Councils Code of Practice for City Infrastructure and Land Development (Refer Section 5.0). Provide engineering plans and calculations to Council for approval prior to commencing works:
- (i) At Engineering Consent stage provide EcoWater with engineering plans and design calculations for re-aligning the existing 300mm RCRRJ stormwater drain to avoid collision with the new foundation of the proposed car park, as shown in the drawings 7473-1 and 7473-2 prepared by Mitchell & Stout Architects;
 - (ii) Remove the length of the existing 300mm RCRRJ stormwater pipe that will be abandoned under Council's supervision; and
 - (iii) Allow in the design of the public stormwater reticulation for the geotechnical constraints of the site. If necessary use PE pipe to allow for settlement, increased grades or other methods as appropriate. The proposed detailed engineering design will be subject to peer review by Councils Geotechnical consultant at the consent holder's expense as necessary to consider geotechnical issues relating to the infrastructure. EcoWater may require an extended maintenance period and/or bond depending upon the review.
37. 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 impervious surfaces discharging to the stormwater system must be treated prior to discharge to the receiving environment, as per the ARC Guidelines for Design of Stormwater Treatment Devices (TP10) to achieve 75% removal of suspended solids; and
 - (ii) Provide a maintenance manual and Surveyors As-Built for each of the treatment devices to EcoWater for approval.
38. To prevent increasing channel erosion in the watercourse, stormwater disposal is required to comply with the Auckland Regional Council's TP10 'Stormwater Management Devices Design Guideline Manual. Pursuant to Section 108(2)(d) a covenant is to be entered into, 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 2 year storm event. Store the first 34.5mm of rainfall and discharge over 24 hours;
 - (ii) Rainwater may-be stored and reused for outdoor facilities to reduce runoff volumes and minimise water importation;
 - (iii) Design and location to be approved by EcoWater prior to carrying out mitigation measures;
 - (iv) The property owner is required to maintain any devices to meet the above requirements to the satisfaction of Council; and
 - (v) On the second anniversary of the date of this consent, and at two yearly intervals thereafter, the owner (at the owner's expense) must provide to the Council a report from a Registered Drainlayer demonstrating that the stormwater management system, including mitigation measures and devices installed as the condition of this consent or as a condition of any future building consent for the proposed buildings, are functioning in accordance with their intended purpose.

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

Where any condition imposed upon this consent is to be complied with on an ongoing basis by the owner the consent holder shall pay the Council's Solicitors legal costs and disbursements relating to the preparation of the covenant

39. **Engineering Approval and Quality Assurance Process:** Public infrastructure works, as conditioned above, require Council's approval of engineering plans and specifications prepared by the applicant's engineer in accordance with Council's Code of Practice for City Infrastructure and Land Development:
- (i) Submit full engineering plans, long sections and calculations, prepared in accordance with Council's Code of Practice, to Council for approval;
 - (ii) Advise the name of the appointed developer's representative fulfilling engineering responsibilities as detailed in section 1.4.1 of the Code of Practice;
 - (iii) After engineering approval has been given and prior to commencing construction, contact Subdivision Assistant on 836 8000 extension 8248 to arrange a QA Pre-Start Meeting. Allow 3 working days for the QA Pre-Start Meeting to be booked;
 - (iv) The consent holder is required to ensure that the contracted drainlayer and developer's representative attend the QA Pre-Start Meeting, and that construction materials are on-site for inspection;
 - (v) EcoWater's QA Supervisor will then undertake random site inspections throughout the construction process;
 - (vi) Upon completion of construction the consent holder's surveyor is required to prepare As-Built plans in accordance with the Code of Practice, and CCTV inspection of the drains are to be carried out;
 - (vii) The developer's representative is required to fully inspect the drainage including overseeing the drainage tests, view the cctv's and check against the as-builts, and ensure that any remedial works are completed;
 - (viii) When the developer's representative is satisfied that all works meet Council standards, they are required to complete the 'QA Final Inspection Request Form' and lodge this at Council together with As-Builts and CCTV (all footage on one DVD);
 - (ix) Submit a complete Developers tax invoice to Council for all infrastructures to vest. Form 5.4 in Council's Code of Practice for City Infrastructure and Land Development;
 - (x) EcoWater's QA Supervisor will check all information against the approved design and Code of Practice, then undertake a field check and testing of the new drainage systems in conjunction with Council's approved maintenance contractor;
 - (xi) When all public works and documentation are completed to Council's satisfaction the QA Completion Certificate will be issued to the consent holder;
 - (xii) Submit a copy of the QA Completion Certificate to the Environmental Monitory Officer as evidence of compliance with the conditions of consent requiring construction of infrastructure to public standards; and
 - (xiii) Pay all of Council's engineering fees and costs associated with engineering approvals, quality assurance site inspections, as-built & cctv approvals, final inspections, testing and bond management.

40. Pursuant to Section 108(2)(b) and Section 108A, and in accordance with Council's Code of Practice for City Infrastructure and Land Development, the applicant is required to provide a maintenance bond to Council, equivalent to 2½% (minimum \$2500.00) of the value of works being taken over by Council. This maintenance bond will be held for six months or to 31 October whichever is longer. Maintenance of these assets are the responsibility of the developer during the maintenance period. At the end of the maintenance period the QA Supervisor will undertake a maintenance inspection to ascertain whether the assets are still in satisfactory condition and if so, will instruct the bond to be released, and Council will take over maintenance responsibilities from that time forward. Where defects occur during the developer's maintenance liability period, the costs of repairing such defects are the full responsibility of the developer. Where the developer does not repair the defects, Council will retain the bond monies for use in repairing the defects, and refund any residual monies held to the developer. The developer's liability is not limited to the amount of the maintenance bond, and any additional costs will be invoiced to the developer and will become a debt due to the Council.
41. Temporary fencing is to be installed above all retaining walls where a fall risk exists until such time as the vegetation is established to act as a barrier at these positions. Fencing is then to be removed.
42. Any non-residential activity and any temporary activity in premises licensed under the sale of Liquor Act 1989 located on the Lopdell House site:
 - (i) Shall not open for the sale of liquor outside the hours 11.00am to 10.30pm, Sunday to Thursday inclusive and 11.00am to 11.30pm, Friday and Saturday; and
 - (ii) Shall not involve amplified music:
 - Between the hours 10 pm – 8 am Monday – Thursday, Sundays and public holidays; and
 - Between the hours 11 pm – 8 am Friday and Saturday.

GEOTECHNICAL

43. All development shall be undertaken in accordance with the recommendations of the Geotechnical Investigation authored by Tonkin & Taylor Ltd dated January 2009 or any subsequent information as approved as part of the associated building consent processes.
44. A report undertaken by a Chartered Professional Engineer (with experience of geotechnics) shall provide written confirmation that condition (42) has been met to the satisfaction of the Manager, Resource Consents.

EARTHWORKS

45. **Before commencement of any works**, and until completion of exposed site works, the proposed sediment and erosion control measures and clean water diversions shall be constructed and maintained in accordance with the approved sediment control plans attached as appendix (*drawings A6-01 & A6-03 & A6-04*) and in accordance with Auckland Regional Council Technical Publication No. 90 "Erosion and Sediment Control Guideline for Earthworks" (latest edition). The control measures must be maintained until the site has been adequately stabilised against erosion and sediment-laden run off. The site manager is to monitor these controls on a daily basis and changes are to be made on site if at any time they appear to be inadequate or not functioning correctly.

46. Footpaths, berms and kerbs shall be protected from damage by construction machinery and vehicles to the satisfaction of the Manager Resource Consents. Any damage which is attributed to the earthworks operation shall be rectified at the cost of the consent holder and at the direction of Council.
47. 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.**

MONITORING

48. A consent compliance monitoring fee of \$1415.00 (inclusive of G.S.T.) has been paid to the Council. This fee is to recover the actual and reasonable costs incurred ensuring compliance with the conditions of this consent. If, on inspection all conditions have not been satisfactorily met, a reinspection shall be required at the relevant hourly rate applicable at the time the re-inspection is carried out.

Report prepared by: Kristin Spyve - Resource Planner and Matthew Wright - Team Leader - Resource Consents.

