

NOTICE OF MEETING

HEARINGS COMMITTEE

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

DATE: **Thursday, 19 December 2002** **TIME:** **9.30 am**

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

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

10 December 2002



Owena Schuster
COMMITTEE SECRETARY

Telephone (09) 836 8000 extn 8864

MEMBERSHIP:

Councillors	GE	Nash, JP (Chairperson)
	DA	Yates, JP (Deputy Chairperson)
	DQ	Battersby, JP
	BA	Brady, JP
	PA	Hulse
	VS	Neeson, JP

Ward Representative
Mr RE Taylor (Waitakere Community Board)

Alternate Representative
Ms DJ Goodley (Waitakere Community Board)

(Quorum 4 members)

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

**AGENDA FOR AN ORDINARY MEETING OF THE HEARINGS COMMITTEE TO BE HELD
IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,
ON THURSDAY, 19 DECEMBER 2002, COMMENCING AT 9.30 AM.**

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**AGENDA FOR AN ORDINARY MEETING OF THE HEARINGS COMMITTEE TO BE HELD
IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,
ON THURSDAY, 19 DECEMBER 2002, COMMENCING AT 9.30 AM.**

1 APOLOGIES



2 URGENT BUSINESS

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

- (i) the item is a minor matter; and
- (ii) the Chairperson has explained at the beginning of the meeting (when open to the public) that the item will be raised for discussion, why the item is not on the agenda, and why it cannot be delayed until a subsequent meeting; and
- (iii) the Committee resolves to deal with the item.

No resolution, decision, or recommendation may be made in respect of the item except to refer the item to a subsequent meeting for further discussion.

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



3 CONFIRMATION OF MINUTES

Ordinary - Thursday, 21 November 2002
Ordinary - Friday, 29 November 2002

RECOMMENDATION

That the minutes of the Ordinary Meeting of the Hearings Committee held on Thursday, 21 November 2002 and Friday, 29 November 2002, as circulated, be taken as read and now be confirmed.



4 NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991 BY CORNER STONE LIMITED TO BUILD SIX OFFICE UNITS WITHIN ONE BUILDING BEHIND AN EXISTING BUILDING AT 120 PARK ROAD, TITIRANGI - BEING A SCHEDULED SITE (SHOP 23) IN THE BUSH LIVING ENVIRONMENT AND IN THE GENERAL NATURAL AREA

WAITAKERE WARD

RMA 991194

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

APPLICATION DETAILS

Planner: Richard Blakey, Harrison Grierson Consultants Limited

Site Address: 120 Park Road, Titirangi

Applicant: Corner Stone Limited

Date Received: 4 June 1999

Resource Consent No: RMA 991194
SPW

Building Consent No: N/A

Legal Description: Lot 2 DP 69071 (CT 25A/1318)

Address for Service: Corner Stone Limited
C/- John Childs
PO Box 52 077
AUCKLAND

Site Area: 1,962m²

Unit Site Area(s): N/A

Transitional Plan:
Zoning: Commercial 2
Section: Waitemata
Hazards: Nil

Proposed Plan:
Human Environment: Bush Living (including Variation No.23)
Natural Area: General
Landscape Elements: Moderately Sensitive Ridgeline
Hazards: Nil
Roading Hierarchy: Collector Roads (Park Road and South Titirangi Road)

Further Information Required: 2 September 1999 (Pre-hearing meeting)

Date Requested: 2 September 1999 (Pre-hearing meeting)

Date Received: 11 June 2001, and subsequent

1.0 INTRODUCTION AND RECOMMENDATION

1.1 NATURE OF THE APPLICATION

The applicant seeks consent to construct a two level office building behind the existing building (locally referred to as "Toby's Kitchen" or the "Toby Jug") on the south-eastern corner of the Park Road and South Titirangi Road intersection.

The applicant envisages that the likely tenants for the six office units to be business and professional people. The units are to be constructed on two levels, with each of the units to consist of a total floor space ranging from 78 to 92m² (plus decks for the first level units), with a total gross floor area of 518m². Construction materials include plastered external walls, aluminium joinery with natural timber trim and detailing, and a zincalume profiled steel roof.

The existing building on the site dates from the 1930's and currently houses two businesses, one being the "Toby's Kitchen" restaurant and bar, and the other being a small graphic design company.

There are six existing parking spaces marked out along the Park Road frontage of the site, with an additional five 90° spaces adjacent to the western boundary within the road reserve. Vehicle access to the rear part of the site currently consists of a single-width crossing located on South Titirangi Road. Vehicle access to the proposed development is to be provided from a new entrance to be located on South Titirangi Road, some 16 metres from the southern boundary of the site.

The proposal involves a number of infringements to the General Natural Area and Bush Living Environment provisions of the Proposed District Plan, including building coverage, earthworks, traffic generation, tree removal and impermeable surface infringements.

A total of 20 new parking spaces are to be provided to result in a total of 26 spaces on-site, with new freestanding rectangular signage to advertise the individual tenants to be located adjacent to the South Titirangi Road road frontage.

Earthworks of between 700 and 750m³ are to be undertaken in order to accommodate the building platform and parking area on the site. As part of these works, a significant number of trees and vegetation will be removed and the finished site will be landscaped and re-vegetated with a mix of trees, including primarily native species (as per the recommendation of the Council's Landscape Architect, refer section 8.1.1 of this report).

The application was originally notified on 7 July 1999, but was subsequently placed on hold while amendments were made to the design of the proposal. The application was re-notified on 19 June 2001, with a total of 24 submissions being made to the proposal.

1.2 RESOURCE MANAGEMENT ISSUES RAISED

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

The subject site is identified as "Scheduled Site No. 23 (shop)" in the 'Bush Living Human Environment' and is located in the 'General Natural Area' under the Proposed Waitakere City District Plan ("the Proposed Plan"). The site is zoned 'Commercial 2' under the Transitional Waitemata District Plan ("the Transitional Plan").

The proposal is to be assessed as a **non-complying activity** under the provisions of the Proposed Plan due to matters regarding building coverage, traffic generation, earthworks and signage. Additional matters for which assessment is required under the Proposed and Transitional Plans are stated within section 5.1 of this report, but include impermeable surface coverage and parking dimension infringements and tree removals.

There is also a shortfall of parking as determined under the Waitakere City Council Guidelines for Parking for the existing and proposed activities on the site.

1.3 PLANNER'S RECOMMENDATION

The writer of this report recommends, subject to any contrary or additional evidence submitted at the Hearing, that **consent be granted** to the application for the proposed development of six office units at the subject site. It is considered that the environmental effects that may be generated by the activity would be no more than minor or can be adequately avoided, remedied or mitigated by the imposition of conditions, and that the relevant objectives and policies of both the Transitional and Proposed Plans will be satisfied.

2.0 LOCATION AND ZONING PLANS

A1-Ap12

The Location and Zoning Plans are attached at pages A1 to A7 (including a copy of Variation No. 23). Photographs of the site and surrounds are attached at pages A8 to A12.

3.0 THE PROPOSAL

The applicant seeks consent to construct a two level office development, comprised of six office units on the rear portion of the subject site. The units will be arranged with three units (Units A - C) on the ground floor (92m² each) and three on the first floor (Units D - F, 82m², 78m² and 82m² respectively, plus decks), within a building envelope of 276m² (i.e. excluding eaves). Construction materials include plastered external walls, aluminium joinery with natural timber trim and detailing, and a zincalume profiled steel roof.

A167-A178

The building platform and surrounding parking and manoeuvring/access area are to be created by excavating the mid-portion of the site and removing a total of 23 generally protected trees, as attached at pages A167 to A178. Some fill and retaining work will be necessary as a result of the excavations, including development of two 'stepped' retaining walls along the site adjacent to the southern boundary, to a maximum of 0.9 metres in height.

Approximately 28% of the site is to be comprised in landscaped surfaces (with a further 11% comprised of 'turblok' parking areas) and a landscaping plan prepared by Encompass Landscape Architects has been provided in order to provide for the revegetation of the landscaped-permeable areas of the site. This new planting will be provided primarily within landscaping strips along the western, southern and eastern boundaries (and hedging along the northern boundary) and will include karakas, hangahanga, kawakawa, cabbage trees and other native shrub and grass species.

A new two-way driveway access of 6 metres width will be constructed within South Titirangi Road, some 16 metres from the southern boundary of the property (to replace the existing vehicle crossing). This driveway will provide access to 20 carparking spaces around the office building, resulting in a total provision of 26 spaces on the site. The applicant proposes that some of the existing vegetation along the western boundary will need to be removed in order to allow adequate visibility for users of this driveway.

The application also proposes the provision of a 3.0 metre-high/1.25 metre-wide sign (with a 2m² advertising face) located immediately adjacent and to the north of the proposed vehicle crossing on South Titirangi Road. This will be a modern 'ladder'-type sign which will advertise the various tenancies within the proposed office development.

Current uses within the site, being the Toby's Restaurant and Living Room Bar, and design studio, will be retained within the northern part of the site.

A13-A73

The original application proposal is attached at pages A13 to A45. A summary of submissions on the original proposal is attached at pages A46 to A52. The proposal has been amended from that originally notified, and these changes are in response to the notification/submission process and subsequent pre-hearing meeting held in September 1999, as attached at pages A53 to A57 and section 6.2 below. The revised application (as re-notified) is attached at pages A58 to A73. This appendix also includes a copy of the revised plan, additional comments from the applicant and other information on which the assessment in this report is based.

4.0 SITE DESCRIPTION, SURROUNDING NEIGHBOURHOOD AND BACKGROUND

4.1 SITE DESCRIPTION

The subject site is a corner site of 1,962m², located on the south-eastern corner of the intersection of Park Road and South Titirangi Road. The site has an irregular shaped south-eastern boundary and has a mix of retained areas and a variety of fencing on the south, west and east boundaries. The site falls gently from north to south and falls more steeply away in the south-eastern corner where it abuts adjacent residential properties. The area contains a mix of regenerating native vegetation and exotic trees and other shrubs and weed species, with a total of 40 trees that are considered 'generally protected' under the Proposed District Plan.

The existing building on the site is of an older style, constructed of a block base with timber cladding toward the rear and east and a rough cast plaster finish along the road frontages. There is an existing vehicle crossing and access driveway through gates from South Titirangi Road. This provides access to the rear of this site in general, and as a result of the proposed development it will be relocated slightly to provide access to the proposed parking area. There is a retained area at the south-eastern corner of the building, with more recent decking constructed above this at first floor level.

As earlier described, the existing building is close to its abutting road frontages, with six parking spaces marked out at right angles to the building on the Park Road frontage. These parking spaces are included in the parking provision for the existing premises, whereas a further five spaces marked at right angles to the building along the South Titirangi Road frontage are within the road reserve and therefore not included in overall parking provision.

The Traffic Impact Assessment report by Traffic Planning Consultants Ltd (dated October 2000) describes the local traffic environment and roading characteristics (refer [Appendix 11](#)). It is noted that South Titirangi Road provides for one traffic lane in each direction, with on-street parking on its western side. A "no stopping at all times" (NSAAT) parking restriction is marked on the eastern side of the road in the vicinity of the site, and along part of the western side of the road in the vicinity of the intersection with Park Road.

4.2 SURROUNDING NEIGHBOURHOOD

The Titirangi Fire Station is located directly on the opposite side of South Titirangi Road and to the north of this are various driveways accessing the adjacent properties, and a local Power New Zealand substation. The 'Bush Living Human Environment' zone extends to this point on this side of South Titirangi Road. Lopdell House is situated nearby at the intersection of Titirangi Road and South Titirangi Road, and there is a carparking area behind this building, accessed from South Titirangi Road. To the north, between the Titirangi Road and the Park Road intersections with South Titirangi Road, there is the public parking area known as the "Titirangi Corner Carpark". The Titirangi Library, the RSA buildings and Women's Bowling Club grounds follow with a telephone exchange building on the corner of Park Road, marking the beginning of the Bush Living Environment zone on this side of South Titirangi Road.

To the east of the existing building on the site is the Titirangi Soldiers' Memorial Church buildings. The residential properties begin beyond the Church, the Fire Station and Toby's Kitchen sites. These three buildings and associated existing activities provide community services in the Bush Living Environment zone, at the interface between the retail/commercial sites in Titirangi Village and the residential community which radiates down South Titirangi Road.

Overall, development in the vicinity of the subject site is characterised by these well-established community service buildings and dwellings, together with established vegetation and landscaping, some of which is very well maintained. Atkinson Park is also very close to the subject site (to the east).

A8-A12

As previously noted, photographs of the site and surrounds are attached at pages A8 to A12.

4.3 BACKGROUND

The site has a zoning of 'Commercial 2' under the Transitional Plan. Through an error in the preparation of the new Proposed Plan, this commercial zoning was not carried through. Following concerns raised by the owners of the site regarding this omission, the Council proposed a variation to the Proposed Plan, being Variation No. 43, which scheduled the site for retail activities (refer Appendix 1). This Variation required, however, that the site would still be subject to the general standards of the Bush Living Environment zone.

5.0 REASONS FOR THE APPLICATION

Consent is required under those provisions of the Transitional and Proposed Plans for the following reasons:

5.1 PROPOSED WAITAKERE CITY DISTRICT PLAN

5.1.1 Bush Living Environment

- (a) Controlled Activity (Rule 2.2) for the development of a building within a moderately sensitive ridgeline (natural landscape element);
- (b) Non-Complying Activity (Rule 7.3) for 36% (706m²) of building coverage (including eaves) on the site that infringes the permitted building coverage of 15% (294m²), pursuant to Rule 7 of the Bush Living Environment;
- (c) Non-Complying Activity (Rule 9.2) for a non-residential activity with traffic generation exceeding 1% of the daily traffic volume of South Titirangi Road (being 60 - 100 vehicles per day); and
- (d) Limited Discretionary Activity (Rule 10.3) for vehicle parking spaces shorter than the required 5 metres.

5.1.2 General Natural Area

- (a) Limited Discretionary Activity (Rule 2.3) for the removal of 23 generally protected trees;
- (b) Non-Complying Activity (Rule 3.4) for earthworks of up to 750m³ for development of the vehicle access and manoeuvring areas; and
- (c) Limited Discretionary Activity (Rule 4.2) for the development of a total of 72% (1,414m²) of impermeable surfaces over the site which infringes the permitted impermeable surface coverage of 15% (294m²) for non-sewered sites (and 60% for sewered sites).

5.1.3 Transport Environment

- (a) Non-Complying Activity (Rule 4.3) for a 2m² (signage area) non-residential sign within the road reserve adjacent to the site to advertise the office tenancies that will be located more than 0.3 metres from the site boundary and is not adjacent to a scheduled site that is being used for retail activity.

5.2 TRANSITIONAL WAITEMATA DISTRICT PLAN

Under the Transitional Plan, the subject site is zoned 'Commercial 2'. Under this zoning, offices are a permitted activity. However, the proposal requires consent for the following infringement:

Discretionary Activity (Rule 6.2:2) for the non-provision of an off-street loading space.

5.3 OVERALL STATUS OF APPLICATION

Overall, the application is considered to be a **non-complying activity**. The proposal complies with all other development controls under the Transitional and Proposed Plans.

No other consents are required in respect of this application.

Notes:

1. The original application documentation referred to the proposed activity as a discretionary activity due to the Scheduled Site provisions of the Proposed Plan relating to this property. However, it is considered that offices within the subject site are considered to be a permitted activity. This is for the reason that Rule 3 of the Schedule Sites provisions relate to retail activities and Rule 8 of the Bush Living Environment relate to non-residential activities except for non-residential activities within scheduled sites. As referred to in Note 1 to the rules, if an activity is not controlled or restricted in any way by any part of the Plan it is permitted.

A211-A229

2. The proposal provides an additional 20 parking spaces (total on-site provision of 26 spaces, plus 5 adjacent on-street spaces), which exceeds the requirement of 15 spaces as described by the Waitakere City Council "Parking and Driveway Guideline" for the proposed new building (with 518m² gross floor area). However, the existing activities on the site (restaurant and bar), having a total parking requirement of 17 and 9 spaces respectively under the District Plan, result in a total on-site parking requirement of 41 spaces. The applicant's agent has stated in a letter dated 6 June 2001 that existing use rights in this regard need to be recognised. However, it is considered by the writer that the proposed new activity removes any existing use right assessment under section 10 of the Act, as the effects of the combined activities on the subject site are not considered to be of the "*same or similar character, intensity and scale*" and accordingly an assessment of the combined parking requirement against the above Council standard is therefore necessary (refer section 8.1.7 below). An additional assessment of parking demand has therefore been provided by the applicant (refer letter dated 1 March 2002, as attached at pages A211 to A229).

6.0 ISSUES IDENTIFIED THROUGH THE SUBMISSION PROCESS

6.1 SUBMISSIONS - ORIGINAL APPLICATION

A46-A52 The application was originally publicly notified on 7 July 1999, and the period for submissions closed on 9 August 1999. A total of 60 submissions were received. Three of the submissions were received after the closing date and are therefore considered as late submissions. All the submissions to the original proposal were in opposition to the proposal, and sought that the application be refused. Please refer to pages as attached at A46 to A52 for a copy of the summary of submissions.

6.2 PRE-HEARING MEETING

The applicant was offered a pre-hearing meeting - this was agreed to and held on 2 September 1999. Following concerns raised by submitters at this meeting, the applicant requested that the application be placed on-hold so that amendments could be made to the proposal to attempt to address the concerns raised, particularly with regard to stormwater issues.

A52-A57 A copy of the agenda, attendance list and minutes from the meeting, as attached at pages A52 to A57.

6.3 SUBMISSIONS - REVISED APPLICATION

As a result of concerns raised within the submissions and at the meeting, the applicant carried out amendments to the proposal and provided additional information.

These changes then formed part of a revised application, which was re-notified on 19 June 2001, and the period for submissions closed on 20 July 2001. A total of 24 submissions were received on the revised proposal, with 23 being in opposition and one submission in conditional support. The concerns of the submitters, and the relief sought, is set out below:

	Name	Address	Main Concerns	Oppose/Support	To be heard?
<i>A76-A77</i>	J H Wells	11 Warwick Avenue Titirangi	1	Oppose	No
<i>A78-A79</i>	N Woodcock	11 Warwick Avenue Titirangi	1	Oppose	Unstated
<i>A80-A86</i>	Titirangi Ratepayers & Residents Association	4 Wairenga Place Titirangi	2, 3, 4, 5	Oppose	Yes
<i>A87-A93</i>	B Burnside & K Matthews	508 South Titirangi Road Titirangi	1, 2, 3, 4, 5, 9, 10, 11, 12, 13, 14	Oppose	Yes
<i>A94-A95</i>	N Pel	PO Box 60-183 Titirangi	1, 14	Oppose	Yes
<i>A96-A101</i>	K Burge	5 Grendon Road Titirangi	1, 2, 3, 9, 10	Oppose	Unstated
<i>A102-A105</i>	D Mason	541b South Titirangi Road Titirangi	2	Conditional Support	No
<i>A106-A107</i>	L & J M Wigham	18 Warwick Avenue Titirangi	2,	Oppose	No

	Name	Address	Main Concerns	Oppose/Support	To be heard?
<i>A108-A111</i>	D D Brown	522 South Titirangi Road Titirangi	2, 4	Oppose	Yes
<i>A112-A116</i>	Trustees of the Titirangi Soldier's Memorial Church	62 Daffodil Street Titirangi	2, 3, 4, 6, 15	Oppose	Yes
<i>A117-A119</i>	D R & R Smart	533 South Titirangi Road Titirangi	2, 3, 5	Oppose	No
<i>A120-A122</i>	C Silvester	511 South Titirangi Road Titirangi	1, 2, 3	Oppose	No
<i>A123-A125</i>	Royal Forest & Bird Protection Society (Waitakere Branch)	PO Box 45-144 Te Atatu Peninsula	3, 4, 5	Oppose	No
<i>A126-A130</i>	Waitakere Ranges Protection Society Inc.	Bethells Road Henderson	1, 2, 3, 4, 5, 11, 13, 14	Oppose	Unstated
<i>A131-A133</i>	P van der Voort	54 Huia Road Titirangi	1, 2, 3, 5, 10	Oppose	No
<i>A134-A136</i>	M T Derham	77 Park Road Titirangi	2, 3, 12	Oppose	No
<i>A137-A138</i>	A T & S T Hinson	110 Park Road Titirangi	2, 3	Oppose	Unstated
<i>A139-A142</i>	K & D Anstis, H Brodie	112 Park Road Titirangi	1, 2, 10	Oppose	Unstated
<i>A143-A147</i>	K Hardie	PO Box 60 436 Titirangi	2, 4, 10, 16	Oppose	Unstated
<i>A148-A157</i>	S Hill & B Castle- Hill	535 South Titirangi Road Titirangi	2, 3, 5, 10, 11, 14, 15,	Oppose	Yes
<i>A158-A159</i>	J W White	62 Daffodil Street Titirangi	2, 3, 5, 15	Oppose	Yes
<i>A160-A161</i>	T R Brown	PO Box 60-145 Titirangi	1, 3	Oppose	Unstated
<i>A162-A163</i>	J & C Cook	114 Park Road Titirangi	1, 2, 3, 9	Oppose	Unstated
<i>A164-A166</i>	T Horring	PO Box 60-031 Titirangi	1, 2, 3, 4, 5, 10, 17	Oppose	Yes

Main Concerns

- 1 Generally opposed to proposal.
- 2 Traffic issues and parking effects on surrounding area.
- 3 Building coverage exceeds permitted levels.
- 4 Stormwater drainage and impermeable surfaces - drainage effects.
- 5 Clearance of vegetation, effects on native tree cover in the locality.
- 6 Lowering of water table.
- 7 Stability effects arising from proposed earthworks and retaining wall structures.
- 8 Amenity issues - office activities inappropriate for site.
- 9 Height to boundary infringements and potential shading effects.
- 10 Signage - visual intrusion and traffic safety.
- 11 Noise of office activities and construction process.
- 12 Privacy effects on surrounding residential properties.
- 13 Construction effects.
- 14 Contrary to the Objectives and Policies of the Proposed Plan and purpose of the Act.
- 15 Excavations and Retaining Structures - visual effects
- 16 Existing use rights not supported.
- 17 Scheduled site issues.

A74-A166 A copy of these submissions, and a submitter location plan, are attached at pages A74 to A166.

7.0 STATUTORY REQUIREMENTS

7.1 INTRODUCTION

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

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

Section 105(2A) states that:

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

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

The proposal is therefore considered against the above requirements in Section 10 of this report, following an assessment of the proposal in terms of its actual and potential effects on the environment and in terms of the objectives and policies of the Proposed Plan.

7.2 THE WEIGHTING OF DISTRICT PLANS

The Council is obliged to administer both the Transitional Plan and the Proposed Plan. Once a proposed plan is notified, an application must be considered in terms of that plan as well as the existing transitional plan. The weight to be given to a proposed plan depends on what stage the relevant provisions have reached, the weight generally being greater as a proposed plan moves through the notification and hearing process. In this case the Proposed Plan is at the stage where there are still outstanding references to the Environment Court. However, there are no outstanding references affecting this specific site or the relevant development controls. Therefore the Proposed Plan is considered to have greater weight in this particular case.

7.3 NON-COMPLYING ACTIVITIES

As earlier noted, the proposal requires consideration as a non-complying activity under the provisions of the Act. Section 105(2A) of the Act sets a threshold test which all resource consent applications for non-complying activities must first pass before a consent authority has jurisdiction to grant consent, having regard to the matters specified in section 104. In short, the proposal must be able to establish and operate without generating more than minor adverse effects on the environment, or must not be contrary to the relevant objectives and policies of either the Proposed or Transitional Plans.

Section 104 of the Act sets out those matters to be considered when assessing an application for resource consent. Amongst other things, these matters require consideration of any actual and potential effects on the environment arising from the proposal, together with an assessment as to whether the application is consistent with relevant objectives, policies and rules of the Proposed and Transitional Plans. All considerations are subject to the provisions of Part II of the Act, which sets out the purpose and principles that guide this legislation.

The Proposed Plan has been prepared with an “effects based” emphasis, in keeping with the requirements of the Act. As such, and although the proposal is a non-complying activity overall, consideration of the application in relation to each of the assessment criteria relating to the various infringements will ensure that all the relevant matters contained in section 104 of the Act would have been addressed. In addition, an assessment is presented below of the main effects on the environment generated by the application.

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

8.1 SECTION 104(1)(A): ACTUAL AND POTENTIAL EFFECTS ON THE ENVIRONMENT

As a non-complying activity, a variety of issues are relevant when determining the nature and scale of adverse effects on the environment, including effects on amenity values, stormwater and wastewater disposal, traffic, parking and access, noise, visual amenity, privacy, aural amenity, traffic generation, infrastructural capacity and construction and cumulative effects. The schedule of effects as identified within the Proposed Plan have also been included and addressed in the following sections.

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

(a) Introduction

Amenity is defined in section 2 of the Act, as:

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

The amenity values and neighbourhood characteristics of an area are those special qualities, in particular natural and physical characteristics, that make an area unique or different. The proposal is therefore assessed in terms of potential dominance effects, and character effects, in arriving at a conclusion of the overall amenity effects of the proposal on adjacent properties and the wider environment in the following assessment.

(b) Built Form Character / Dominance Effects

The surrounding neighbourhood is characterised primarily by single level and two storey dwellings with a rural outlook on the western side of South Titirangi Road. Given that the proposal is for an office activity within the vicinity of residential properties, it is considered that there may be some adverse effect on the visual amenity and neighbourhood character of the surrounding residential properties. Any such effect is anticipated by the District Plans, given the permitted activity status for office and retail activities on this site. Nevertheless, it is noted that the properties surrounding the subject site already have a modified/non-residential outlook with the existing restaurant and office activity and associated parking spaces currently within the site.

The applicant's agent (Mr John Childs) in the original Assessment of Environmental Effects states in regard to this matter that *"the development is part of a site which has been used for commercial purposes for over 50 years. The development which involves a two storied building with a village character (i.e. sloping roof, shutters etc) is compatible with the amenity values of this part of Titirangi. In addition, the site is located in an area of mixed activities including a Fire Station, Community Centre and Church."* With regard to the amended plans and reduced scale of building, Mr Childs comments in a letter dated 6 June 2001 that a more domestic style of building has been achieved, and that landscaping has been adjusted with more area available for planting on the western and southern sides of the site.

The writer concurs with the assessment by Mr Childs. The proposed building, while modern in appearance and in comparison with surrounding developments, provides a stepped form of moderate height, with visual interest created by the use of glazing and different cladding materials. The roof of the building slopes upwards to the north to maximise sunlight egress, while presenting a lower façade height, and smaller windows, to the residential sites to the south. The lower façade height also ensures compliance with the 2 metre + 35° recession plane which is designed to protect sunlight access for sites adjacent to a southern boundary.

The proposed building has been designed to achieve a built form and exterior finish that is consistent with a modern residential-type structure. It will not necessarily be of a similar appearance to the style of residential buildings to the south and on the opposite side of South Titirangi Road. However, as discussed above, it is considered to achieve an appropriate transition between the mix of commercial and community activities and buildings to the north and west, and residential buildings to the south.

Any adverse effects on the amenity of the surrounding environment resulting from the changes on site associated with the proposed office building are also considered able to be mitigated by the following factors:

- The setback of the building from the southern boundary of 7 metres, and the maintenance of daylight and sunlight arising from this setback (including, as previously noted, compliance with the 2 metre + 35° southern boundary recession plane);
- Boundary planting and fencing (with parking spaces limited to two vehicles between the building and the southern boundary);
- Smaller windows along southern elevation to maintain privacy to the residence to the south. Use of the decks along the rear of the building is likely to be limited given their southern aspect;
- Use of a sloping roof design, the combination of cladding materials which provides visual interest while being of a colour that will assist the building to integrate within its surroundings; and
- Use of the site for office activities, which are considered to be a quiet activity that is consistent with a residential noise environment. In addition, such an activity will typically be vacant in the evening, providing a 'built buffer' effect between the existing restaurant activity and the residential property.

The proposal is therefore considered to involve a built structure that is able to integrate within the subject site. The particular design characteristics and features of the building and overall site development as listed above will result in a development that has no more than minor effects on the amenity and character of the site and/or the surrounding environment.

(c) Vegetation Effects

A167-A178

With regards to potential amenity effects arising from the removal of vegetation from the site, the proposal has been assessed by the Council's Landscape Architect, Mr Gordon Griffin (in conjunction with Council's arborist Mr Andrew Richards). The input from Mr Griffin has involved a number of changes to the proposal and the provision of further arboricultural information from the applicant. In a memorandum dated 18 October 2002, however, Mr Griffin was able to confirm the removal of the trees and associated works as having no more than minor effects, subject to recommended conditions (refer Appendix 8). An amended landscape plan has also been prepared in accordance with Mr Griffin's requirements outlined in his memo of 18 October 2002. This plan has been reviewed by Mr Griffin, and approved subject to minor amendments as noted on the plan (refer to comments attached as attached at pages A167 to A178). The applicant has also amended the site plan in order to accommodate the Kaihikatea tree in the north-eastern corner of the site as per the recommendations of Mr Griffin (refer section 8.1.2 below).

(d) Signage

In terms of signage, the writer concurs with the assessment of Mr Griffin in his memo of 18 October 2002, that the proposed sign is of an excessive height for the locality, and accordingly it was recommended to the applicant that the sign be reduced in height to 3 metres. The applicant has amended the sign accordingly. It is also recommended that the sign be located within the boundaries of the site, and that a condition of consent be imposed to this effect. This matter is discussed in more detail in section 8.2.1.3 of this report.

(e) Parking and Noise

With regards to parking, it is considered that use of the proposed car parking area for restaurant patrons in the evening may have a potential effect on the noise environment for surrounding residential neighbours, with other effects such as headlight glare being emitted from the site. For those adjacent properties at 118-118 Park Road, this effect may result from a relocation of parking activity (and any associated noise) from within Park Road to within the subject site, with little noticeable change in such noise effects. For the property to the immediate south (508 South Titirangi Road), the effect will be mitigated by the noise buffer effect of the proposed building and proposed fencing. It is understood, however, that the area in which the building and parking area are to be constructed is intended for parking for the restaurant, and the formed and sealed parking will therefore reduce those effects of manoeuvring vehicles from any current use of the gravel car park which could occur at present. In addition, the proposal involves new landscaping and provision of fencing along the site boundaries which will mitigate or avoid any adverse headlight glare effects on surrounding properties.

It is therefore considered that (subject to conditions regarding protection of trees, new planting and signage) that any adverse amenity and character effects on those persons considered potentially affected (including the immediately abutting properties at 508 South Titirangi Road and 114-118 Park Road), will be no more than minor.

8.1.2 Native Vegetation, Vegetation and Fauna Habitat

A58-A73

The proposal involves the removal of a total of 23 generally protected trees from the subject site. This includes 2 quality Cabbage trees and two mature Kanukas. As noted in section 8.1.1 above, the proposal has been assessed by the Council's Landscape Architect and Arborist. The assessment by Mr Griffin over the course of assessing the application identified the possible means of retaining the Kahikatea tree at the north-eastern corner of the site. This required the widening of the area to be retained in this area to a minimum of three metres width, with some further alteration of the parking layout (including the slight narrowing of some of the parking spaces and the access way to the restaurant). This widening has been incorporated into the revised site plan, as attached at pages A58 to A73.

A167-A178

The amended plan prepared by Mr Griffin as attached at pages A167 to A178 and is referenced as 'Appendix A' to his memorandum of 18 October 2002. In this memo, Mr Griffin accepts that those trees numbered as 19 - 21 are likely to require removal as part of the proposed retaining works in this area of the site (although the applicant notes in the letter dated 5 November 2002 that these trees will be retained if possible). Overall, the tree removals are considered acceptable subject to the implementation of the approved landscape plan as amended by Mr Griffin. Mr Griffin has also suggested a number of conditions in order to protect those trees to be retained as part of the proposed development, and these are recommended to be included as part of any consent granted.

It is considered, therefore, that subject to compliance with recommended conditions and implementation of the approved landscaping plan (which provides for the establishment of appropriate native species within the site) that the proposal will have no more than a minor effect on the general native tree cover and fauna habitat of the site.

8.1.3 Water Quality and Quantity

The area of the site proposed for development is currently comprised of an 800m² metal/gravel car park, bounded by vegetation along the western, southern and eastern boundaries. According to the review of the application by the Council's Subdivision Engineer, Mr Richard Thomas, this site is presently not served by a reticulated stormwater system. As a result, stormwater drains off the site in sheet flow to neighbouring properties. Mr Thomas states that *"given the topography (of the site) and an occurrence in recent years of a known slip further south on Titirangi Road, stormwater disposal from the site is a significant issue."*

A179-A194

The proposal will result in the development of 286m² of new building area and 583m² of paved surfaces (plus 215m² of 'turblok' car parking areas). The development therefore has the potential to result in additional run-off from the site. The applicant has submitted specialist reports by Soil & Rock Consultants (dated 19 November 2001) and Law Sue Consultants Limited (dated 26 November 2001) addressing stormwater disposal and stability of the site for dispersion of stormwater respectively, as attached at pages A179 to A194. These reports have outlined the methods for stormwater control in order to limit post-development flows to those of pre-development.

The report by Law Sue recommends that mitigation of stormwater run-off from the site be achieved by the following measures:

- Re-use of roof water for toilet, laundry and outside use;
- Detention of roof water to achieve the limitation on discharge requirements;
- Use of some semi-permeable (gobi-block) car parking areas to reduce stormwater run-off;
- Stormwater overflow from the detention/re-use tank be piped to the cesspit on the western side of South Titirangi Road; and
- Detention and dispersion of stormwater run-off from paved areas.

A179-A194

In a memorandum dated 12 March 2002, as attached at pages A179 to A194, Mr Thomas notes that the methods proposed by Law Sue were discussed with EcoWater prior to submitting the report and that *"EcoWater are in agreement with the proposed stormwater disposal methods though do recommend that fully permeable paving with detention storage, or Atlantis cell detention systems be used rather than the scoria pit detention device proposed."*

A195-A210

The geotechnical report by Soil & Rock recommends methods for stormwater dispersion for run-off from the paved areas, taking into account the stability of the site and downstream properties, as attached at pages A195 to A210.

With regard to wider water quality concerns, it is considered that there would be no more than de minimis adverse effects in relation to water quality/quantity arising from the proposed activity as the subject site is not located near any natural water body or stream.

A number of conditions are recommended by Mr Thomas in order to ensure that the proposed mitigation measures are undertaken by the applicant and that stormwater run-off is able to be limited to pre-development levels for the 1 in 10 year storm event. Mr Thomas concludes that (subject to the recommended conditions) that:

"The stormwater mitigation measures proposed are multi-faceted. The calculations submitted with the report demonstrate that the proposed measures will limit stormwater run-off on to adjacent properties to predevelopment levels, or better, for the 1 in 10 year storm event. EcoWater support the proposal with the mitigation measures proposed."

The writer concurs with the above assessment and conclusions, and accordingly it is considered that the potential stormwater run-off effects of the proposal on the stability of the site and on downstream properties will be no more than minor.

8.1.4 Wastewater

The review of the application by Mr Thomas notes that the wastewater disposal for the site is limited by the topography of the site. Private wastewater pumps or pump stations will therefore be required to service the development. Mr Thomas also states that "*the density of development will result in wastewater flows beyond that allowed for in the design of public reticulation*" (refer memorandum in Appendix 9). While it is noted that the 'density' of development arises from additional building coverage on the site, measures are available to mitigate the effects of the proposal on the capacity of local infrastructural networks, with three options available to the applicant. These are described in proposed condition (19) which is recommended to be imposed should consent be granted to the proposal.

8.1.5 Land / Soil Stability

The proposal involves up to 750m³ of earthworks to provide for the basement level and parking areas of the development. The applicant has provided a geotechnical investigation report and addendum prepared by Soil & Rock Consultants (dated 12 April and 19 November 2001 respectively, refer Appendix 10). This investigation was carried out to determine sub-soil conditions, assess site stability and provide recommendations on foundation design requirements. The report concludes that "*the site is currently stable and the proposed construction will not adversely affect the stability of the site*" (provided that the foundations are carried out in accordance with the recommendations of the report), and that the site is therefore suitable for the proposed development.

This report has been reviewed by Cyril Lin of the Council's Project Management Unit. In a memo dated 2 July 2002 (also attached within Appendix 10), Mr Lin has confirmed the findings of the above report, subject to a number of conditions related to specific engineering design and engineering inspections. These conditions are included in the recommended conditions of consent as part of this report.

Based on the findings of Soil & Rock and the review by Council's engineer, and subject to recommended conditions, it is considered that the proposal will not have an adverse effect on the stability of the subject site, or any adjacent sites.

8.1.6 Traffic Generation

According to the Traffic Impact Assessment ("the TIA") prepared by Mr Bryce Hall of Traffic Planning Consultants (dated October 1999, refer Appendix 11), the proposed construction of the 518m² office development will generate approximately 50-60 vehicle movements per day, with morning and afternoon peak traffic generation of 10-14 vehicles. The TIA notes that:

"The main effect on the road network will be associated with vehicles turning to and from the site on South Titirangi Road. Turning movements will occur to and from the vehicle crossings associated with the proposed development. During the morning peak period, it is estimated that there will be up to 14 turning movements per hour ... Given the nature of the road network, the majority of vehicles would be expected to turn left into the site in the morning. The number of vehicles turning right into the site would be expected to be in the order of 1 to 2 per hour.

During the afternoon peak period, the majority of vehicles would be expected to exit the site via a right turn movement with perhaps 9 vehicles turning right in the peak hour. With the access point designed to a high standard and with there being adequate visibility available from the access point, the effect of the turning movements associated with the proposed development will be minimal."

The initial review of the application by the Council's Traffic and Transportation Engineer, Mr R Hill (dated 2 September 1999) indicated a likely traffic generation rate of approximately 100 vehicle movements per day ("vpd"), based on the Council's Parking and Driveway Guidelines. While the TIA comments on page 6 that "*no additional works are required on or off the site to mitigate the effects of the proposal*", Mr Hill notes in his memorandum of 2 September 1999 that:

"The intersection of Titirangi and South Titirangi Road has sufficient capacity to serve the extra traffic without a noticeable drop in level of service. However, if combined with extra traffic that might in future be generated by the development of the Car Park site on the corner of Titirangi Road queues would lengthen significantly but remain small.

To mitigate this effect it would be desirable to adjust the Lopdell House side kerb line between 25m and 50m from Titirangi Road to provide 2 full width approach lanes within 50m of Titirangi Road. A condition of consent should be that the developer make a financial contribution to this small infrastructure adjustment to the Roading and Traffic Manager."

In recent discussions with Mr Hill, he has advised that the road widening work would still be necessary as well as improvement work to the Titirangi and South Titirangi Road intersection (possibly incorporating signalisation). A financial contribution of 10% (being the percentage of additional traffic movements generated by the proposal, of existing vehicle movements on the road) of the value of the works would be required. This has been estimated to be \$6,000.00. This would be required as a condition of consent.

Overall, subject to minor upgrading of this key intersection it is considered that there would be no more than minor adverse effects on the capacity and efficiency of the local road network.

8.1.7 Parking

The site currently provides six parking spaces located at the front of the restaurant and bar on the site. An additional five 90° spaces are located along the western boundary of the site but are within the South Titirangi Road road reserve (and are therefore not counted as part of the overall provision of parking for the site). The rear of the property is metalled (gravel) and provides for on-site parking in an informal manner (i.e. the parking spaces are unmarked). The proposal will provide an additional 20 spaces around the office development, resulting in a total of 26 spaces being provided for all the activities on the site.

A211-A229

While the additional parking to be provided is in excess of the requirements under 2.1 of the Waitakere City Council "*Parking and Driveway Guideline*" for the office activities alone, there is an existing shortfall with regard to the restaurant and bar currently within the site (requiring a total of 41 parking spaces under the above Guideline). The applicant has therefore carried out a detailed patronage and parking survey of the existing activities on the site in order to determine the effects of the proposal in order to assess the likely parking demand versus the parking that is to be provided. In a letter dated 27 February 2002, as attached at pages A211 to A229, Mr Bryce Hall states:

"It is necessary to consider that the different activities on the site operate at different times. For instance, the office activities typically operate from 8am to 6pm Monday to Friday, the bar operates from 4pm to midnight and the restaurant operates from 6pm to midnight. In this regard, the parking requirements will vary throughout the course of the day

.... The results of the analysis indicate that virtually all of the actual parking demand associated with the activities can be accommodated within the 26 parking spaces provided on the subject site. During the evening from 8pm onwards on a Friday, it may be necessary for some vehicles to park on the street, although the number of vehicles parking on the street would be significantly less than that which currently occurs. We would note that the analysis indicates that all of the parking demand for a typical Saturday can be accommodated within the 26 existing and (sic) proposed parking spaces on the site."

It is also noted that no specific loading space has been set aside for the proposal. However, it is stated within the TIA that "given the size of the office, most deliveries will be made by couriers who can temporarily park in the parking spaces provided while picking-up or dropping-off packages."

A211-A229

In a memorandum dated 10 April 2002, as attached at pages A211 to A229, Mr Reg Cuthers, the Council traffic engineer now assigned to this application, has commented that:

"The parking survey has clearly demonstrated that the shortfall of parking can be accommodated on-site. The recent Strategic study of the Titirangi Village confirms this (within the 85% threshold where parking demand is not an inconvenience to traffic trying to locate parking). The shortfall of 15 parking spaces is not an issue in this case where the varying operating times for each activity does not impact on the requirement to provide 41 parking spaces"

As the parking is to be shared between activities, it is recommended as a condition of consent that appropriate signage be erected within the site which clearly identifies the parking spaces as being available for patrons of the restaurant after 6.00 pm Monday to Friday, and from 12.00 pm Saturday, Sunday and public holidays.

The memorandum by Mr Cuthers does, however, raise a concern with regard to the issue of access and lighting from the car parking area to the restaurant access from Park Road. The revised plans have now been amended to show a pedestrian pathway from the parking area to the restaurant. The issue of lighting has not been addressed, and the applicant is requested to clarify this matter at the hearing. It is, however, recommended that appropriate lighting be provided along the proposed pathway that includes shielding to avoid any light spill effects on surrounding residential properties.

The original assessment by Mr Hill in September 1999 also proposed a condition recommending that real estate offices and medical rooms be excluded from the professional offices to be accommodated within the proposed units. This was for the reason that these activities typically require twice (or more) as much parking as professional offices. In addition, and for the same reason, it is considered that retail sales, while provided for as a permitted activity on the site, would result in parking and traffic generation effects beyond the capacity of the on-site parking to be provided. It is therefore considered that retail sales from the proposed building be excluded, and a condition to give effect to these restrictions is therefore recommended.

It is noted that the original application included reference to the use of the proposed offices as including health professionals. The applicant has since confirmed that this proposed use is no longer to be considered as part of the proposal.

Overall, and subject to clarification of the issues raised above with regards to pedestrian lighting, it is considered that the proposal will provide an acceptable level of on-site parking that is sufficient to meet the reasonable day-to-day requirements of the existing and proposed activities to be located on the site.

8.1.8 Vehicle Access

The proposal involves the development of a new 6 metre-wide vehicle crossing along the South Titirangi Road boundary, approximately 16 metres from the southern boundary of the site. The main potential effects arising from a new vehicle crossing are related to the maintenance of appropriate sight distances, and that the crossing is designed to ensure safe vehicle and pedestrian movements. These matters have been assessed within the TIA, which notes that:

"At the moment, sight distance from the proposed access point is severely restricted as a result of a large amount of vegetation along the property boundary. To provide sufficient visibility, some of this vegetation will need to be removed...the available sight distance exceeds the requirements set down in the LTSA guidelines to the north, but falls slightly under that required to the south. If additional vegetation could be removed, then it is possible that the sight distance available would comply with the guidelines. The shortfall in sight distance is not considered to be significant and would not result in a compromise in traffic safety.

The new vehicle crossing has a width of 6 metres which is sufficient to accommodate two-way traffic flow. This will minimise the potential for congestion to occur."

The proposed access has been assessed within the Council memorandum of September 1999. In that review it was confirmed that the proposed access point would have suitable visibility, provided that the South Titirangi Road frontage is kerbed and channelled and no stopping markings are installed to the approval of the Roading and Traffic Services Manager. Separate pedestrian access has been provided in the revised plans in accordance with the recommendations of Mr Hill.

8.1.9 Noise

Effects of the proposal in terms of noise are considered to fall into two categories, being noise arising from the construction period, and noise generated from the people and activities proposed to be accommodated on the site. These matters are considered below:

(a) Noise from Construction

The original application documents advise that the building will take between 3 and 6 months to build, with a maximum of 4 truck movements to and from the site per day over the construction period. Noise arising from construction activities associated with the development of the site will be subject to the general rules related to construction activity within the Proposed Plan (which specify the maximum noise limits permissible as part of any construction activity). This effect can be considered as a temporary effect, restricted to the construction period (refer to section 8.1.10 below), and will be carried out during the daytime hours.

(b) Noise from People, Activities and Traffic

Any external adverse effects arising from the noise of employees working within the proposed building are likely to be minor in the context of the location of the site, being in a busy commercial and traffic environment. In addition, vehicle noise within the site will be largely mitigated by the buffer effect of the proposed building and those currently existing on the site. There are therefore no residential properties in the vicinity that would be affected by the noise of vehicle movements to and from the site, and there are no unusual circumstances relating to this site or proposal that would preclude the ability of the operation of the site from complying with the noise controls of the Proposed Plan.

Refer also to those comments made within section 8.1.1 above.

It is therefore considered that any adverse effects arising from either construction noise or noise from occupation of the proposed development will be consistent with office activity in what is a mixed commercial and residential locality, and will have no more than a minor adverse effect on the amenity of the surrounding properties.

8.1.10 Construction Effects

Construction of the office building will occur over a period of approximately 3-6 months. The TIA indicates that construction traffic activities will be comprised of *"deliveries to the site of concrete, timber, exterior and interior cladding and roofing together with roading materials to form the additional parking areas. The number of truck movements associated with the construction will vary from day to day although, on average, we estimate there will be a maximum of 4 truck movements per day over the construction period."*

The TIA also notes that *"the number of (builder and sub-contractor) vehicles will vary from week to week over the course of the construction and may be in the order of 5 to 10 traffic movements per day. This level of traffic can be accommodated on South Titirangi Road with little or no effect."*

It is therefore considered, that subject to a condition requiring that a site management plan be imposed as part of any consent granted, that the adverse effects arising from the proposed earthworks and excavations and construction of the proposed development will be no more than minor.

8.1.11 Ecosystem Stability

As the site is within the urban area and the existing environment is already modified, it is considered that there would be no adverse effects on the stability of local or City-wide ecosystems as a result of the proposal. Any adverse effects arising from proposed tree removals have been assessed under section 8.1.2 of this report.

8.1.12 Cumulative Effects

In light of the other non-residential activities (the existing restaurant and graphic design office) that are operating on the subject site, it is considered that there may be a potential cumulative effect on the surrounding environment as a result of the additional non-residential activity. However, in this regard, the proposed office development is considered moderate in scale and located some distance from adjacent boundaries and in particular the road reserve to the west, and will be consistent with a permitted retail development of the site. The external appearance of the proposed building will not be inconsistent with other buildings on the site, and will be in accordance with the required 6 metre setback under the Scheduled Sites provisions of the Proposed Plan.

Given that there is existing and proposed planting along the southern site boundary and given that the aural and noise effects of the office activity will be largely internalised to the proposed boundary, any potential adverse or cumulative effects on the adjacent residential property resulting from the location of non-residential activities closer to the southern boundary are considered to be no more than minor.

In addition, and having regard to any cumulative impact resulting from a potential increase in traffic movements to and within the site, it is considered that any adverse effects on the surrounding property owners and the adjacent road network will be similarly minor, based on the information provided within the TIA and the assessment by the Council's traffic engineers in the context of existing traffic flows in the area, and subject to a condition regarding the upgrading of the Titirangi and South Titirangi Road intersection.

It is therefore considered that any adverse cumulative effects resulting from the proposed office development on the site will be no more than minor.

8.1.16 Summary

In summary, the proposal is considered to be one that can be incorporated within the site with only minor effects, subject to the mitigation measures proposed by the applicant and adherence to the conditions proposed at the end of this report.

It is the writer's opinion, therefore, that the potential adverse effects of the proposed activity are no more than minor, and can be adequately mitigated through appropriate conditions of consent. Further, having regard to the meaning of the word 'effect', the potential adverse effects are such that this activity can meet the requirements of section 104(1)(a).

8.2 SECTION 104(1)(D): RELEVANT OBJECTIVES, POLICIES, RULES AND OTHER PROVISIONS OF A PLAN OR PROPOSED PLAN

8.2.1 Proposed District Plan

The relevant assessment criterion from the Proposed Plan, together with comments as to whether each criterion can be satisfied are provided in the following sections of this report. Note that no assessment has been provided against the Scheduled Sites provisions or activity definitions within the Bush Living Environment as the activity itself has been determined to be a permitted activity.

8.2.1.1 Rules and Assessment Criteria - Bush Living Environment

The proposal is assessed against the relevant rules and assessment criteria of the Bush Living Environment under the Proposed Plan are as follows.

8.2.1.1.1 Building Location - Natural Landscape Elements (Controlled Activity)

The proposed office building will be located on land identified as a 'moderately sensitive ridgeline', but is not considered to be visible above or in front of the sea or skyline as viewed from a road or other public place, and this matter is therefore considered as a controlled activity and subject to assessment criteria 2(a) - (f) of Rule 2 of the Bush Living Environment.

- (a) *"The extent to which buildings are obtrusively visible on or above sensitive ridgelines from a public place."*

The site slopes away from both Park Road and South Titirangi Road, providing a building platform location that is lower than adjacent road levels. The proposed building will be set back some 16 metres from the nearest road boundary (South Titirangi Road), and at right angles to this boundary, and will be below the 8 metre maximum height limit for the site. The proposal is therefore considered to have no more than a minor visual effect from any surrounding public place or road. In addition, existing and proposed landscaping will mitigate any potential visual effects of the development.

- (b) *"The extent to which buildings and development compromise the visual landscape qualities of sensitive ridgelines, and other natural landscape elements."*

As above, a combination of building setback, limited building aspect to the road and height of less than 8 metres is considered to result in a building that will not compromise the visual landscape qualities of the surrounding sensitive ridgeline, or any other natural landscape elements.

- (c) *"The extent to which development adversely affects the visual, historical, cultural and spiritual significance for iwi of sensitive ridges."*

The subject site has been previously modified and is currently comprised of buildings and a gravel car parking area. No submissions were received from iwi authorities in the area.

- (d) *"The extent to which landscape treatment is used to mitigate the visual impact of buildings and development."*

The applicant has provided a landscaping plan, prepared by Encompass Landscape Architects (refer Appendix 8) which has been approved (subject to amendments and conditions) by Mr Griffin. This plan involves landscaping on all site boundaries, with a variety of native trees and shrubs. This landscaping involves planting strips of 5 metres along the southern part of the western boundary, between 1 and 7 metres along the southern boundary, and 6 metres along the eastern boundary. Planting around the car park areas and along the northern boundary is also proposed. This planting will serve to further mitigate the visual effect of the proposed building and associated car parking.

- (e) *"The extent to which more than minor adverse effects can be adequately avoided, remedied, mitigated or offset through provision of works and services on or off the site and/or through payment or provision of a financial contribution."*

As stated under the previous criteria, the proposal is not considered to have more than minor visual effects on the environment. Any adverse effects are therefore able to be appropriately mitigated by way of proposed landscaping.

- (f) *"The extent to which the height of the building or development will interrupt identified Public Views, as listed in Appendix K of the Policy Section of the Plan."*

There are no specific views that are affected by the proposed development.

8.2.1.1.2 Building Coverage (Non-Complying Activity)

The proposal results in a total building coverage (when combined with existing buildings on the site) of 706m², or 36% (including eaves). This exceeds the 'permitted' level of 10%, and the 'limited discretionary' level of 15%, under Rule 7 of the Proposed Plan. While this aspect of the proposal is a 'non-complying activity', the assessment criteria listed within Rule 7 provides the appropriate criteria against which such an infringement may be considered.

- (a) *"The extent to which the scale of buildings detracts from the natural landscape and neighbourhood character."*

The proposed building will be located on modified ground, adjacent to an existing commercial building which, due to the topography of the site, will remain elevated above the new building. As per the assessment carried out in section 8.2.1.1.1 above, the building will have no more than minor visual effects and will not detract from the established character of the area, which is comprised of residential, commercial and community activities.

- (b) *"The extent to which building coverage creates pressure on existing infrastructure or the receiving ability of the surrounding natural environment from the buildings or the activities to be conducted within them - in particular on water supply, wastewater and stormwater drainage, water tables, proximity to water courses, soils and road access."*

As discussed in section 8.1.3, stormwater issues, and the methodology for resolving these issues, has been addressed within the report by Law Sue Consultants. This report has been audited by the Council's engineer, Mr Richard Thomas, who concluded that *"the calculations submitted with the report demonstrate that the proposed measures will limit stormwater run-off on to adjacent properties to predevelopment levels, or better, for the 1 in 10 year storm event."*

It is therefore considered that following detailed investigation of the proposal by both the applicant's and the Council's infrastructure engineers, that the effects of the proposal in terms of stormwater run-off arising from additional building coverage will be no more than minor.

- (c) *"The extent to which more than minor adverse effects can be adequately avoided, remedied, mitigated or offset through provision of works and services on or off the site and/or through payment or provision of a financial contribution."*

As discussed previously, the adverse effects arising from the proposal in terms of stormwater will be no more than minor, and accordingly additional works or services, or a financial contribution is not considered necessary in this regard. However, in terms of wastewater, Mr Thomas has recommended that due to the density of the proposed development and resultant increase in wastewater flows, mitigation measures are required. These measures, which include payment of a financial contribution, are detailed in proposed condition (19) as part of this report.

8.2.1.1.3 Traffic Generation - Non-Residential Activities (Non-Complying Activity)

Rule 9 of the Proposed Plan provides for non-residential activities with up to 20 vehicle movements per day or 1% of the road's traffic volume, whichever is the greater, to be assessed as Limited Discretionary Activities. The proposal is anticipated to result in approximately 50-60 additional traffic movements per day (although the AEE notes that this may vary depending on the use of the office units and the Council memo of September 1999 indicates a figure of around 100 vpd), and as a result requires assessment as a non-complying activity.

The TIA estimates daily traffic volumes on South Titirangi Road to be in the region of 4,700 vehicles per day. As that information was based on September 1999 traffic counts it is reasonable to assume that this volume may have increased to approximately 5,000 vehicles or more. The restricted discretionary activity threshold is therefore estimated to be 50 vpd, which according to the Council traffic review is likely to be exceeded in this case.

Although a non-complying activity, the assessment criteria provided for the assessment of limited discretionary activities is utilised as a guide in assessing this component of the application.

- (a) *"The effects of traffic generation on:*
- *the characteristic level of quiet in the area*
 - *the capacity of roads giving access to the site, having regard to the road's function in the Roading Hierarchy*
 - *the safety and efficiency of road intersections*
 - *the amenity of front sites due to traffic generated by the non-residential use of any rear sites*
 - *the safety of road users, including cyclists and pedestrians*
 - *the reduction of overall levels of traffic and encouragement of other, less polluting forms of transport such as walking, cycling and public transport*
 - *the neighbourhood character."*

The above criteria (where relevant to this application) are addressed in turn as follows:

- South Titirangi Road is designed to carry a reasonable level of traffic, as a 'collector' road, as it distributes traffic over a considerable distance and between local and arterial roads. The existing level of traffic noise would therefore be greater than for a local road, and it is not anticipated that the level of traffic noise would cause a noticeable effect over this existing ambient level.
- As noted, South Titirangi Road is a collector road, and is therefore a traffic carrying road at a level between local roads and arterial roads. According to the TIA, the traffic associated with the proposed office development will not compromise the traffic carrying function of South Titirangi Road.
- The main vehicle access to the site will be located some 30 metres from the intersection of South Titirangi Road and Park Road. The TIA states that vehicle access to the site from South Titirangi Road is clear of the intersection with Park Road, with good visibility available from the vehicle access for vehicles exiting onto South Titirangi Road. This is confirmed by the Council review of September 1999.
- In terms of safety of road users, the TIA notes that separate pedestrian access is provided into the site via a footpath (on the southern side of the driveway). This is considered to effectively separate those people who may walk to the office units from those who arrive by car and park on the site.
- The ability of tenants or employees to access the site by other means than by private vehicle will be dependent on the location of their homes relative to the subject site, and a reduction in traffic in this regard is therefore an uncertain outcome. The subject site is in reasonably close proximity to commercial/retail premises within Titirangi Village, and it will therefore be possible and convenient for occupants of the proposed development to walk to the Village should they need to utilise services within the Village.
- The traffic generation effects of the proposal on the surrounding neighbourhood are required to be considered in terms of the mixed use character of this neighbourhood and collector road function of South Titirangi Road. As earlier noted, the surrounding area of Titirangi is comprised of a restaurant and bar, residential buildings, a church, telephone exchange, community centre, library, fire station, and further to the north, Lopdell House. The additional traffic effects of the proposal can therefore be viewed in the context of these activities and existing traffic volumes, and are likely to easily merge into the general day-to-day traffic that is generated by this wide variety of activities, as supported by the TIA submitted with the application. Nevertheless, the review by the Council's traffic engineers identifies the need for improvements to the Titirangi and South Titirangi Road intersection, and that a contribution to these works will be required at a level commensurate with the additional traffic generated by this proposal.

- (b) *"The extent to which more than minor adverse effects can be adequately avoided, remedied, mitigated or offset through provision of works and services on or off the site and/or through payment or provision of a financial contribution."*

With regard to this criterion, the TIA states that *"given the function of South Titirangi Road and Park Road, they can easily accommodate any additional traffic generated by the proposed development. On this basis, no additional works are required on or off the site to mitigate the effects of the proposal."* As noted in section 8.1.6 of this report and paragraph (a) above, however, additional road works are referred to within the Council memo of September 1999 and subsequent discussions, and a contribution in regard to upgrade works to the Titirangi and South Titirangi Road intersection is recommended as a condition of consent.

8.2.1.1.4 Car Parking and Driveways (Limited Discretionary Activity)

The proposal provides 20 additional parking spaces for the new office units. These spaces are shown on the site plan as 2.5 metres wide, and 4 metres long (with 1 metre overhangs into landscaping strips). As such, these spaces do not technically comply with the standard specified in Rule 10.1 (car parks to be 5 metres long), and therefore require assessment as a Limited Discretionary Activity in accordance with relevant assessment criteria 10(a) - (e).

- (a) *"The extent to which driveways are positioned in a way which recognises the need to integrate development with amenity values and the natural landscape."*

The vehicle access driveway to the site is located in the most logical position, being to the immediate west of the proposed building, with direct access to the proposed car parking. It is also located some 16 metres from the southern (residential) boundary, with a landscaping strip of 4.5 metres width between the access and this boundary.

- (b) *"The extent to which driveways provide safe and efficient vehicular access from the road to buildings."*

As discussed in section 8.1.8 of this report, the proposed access has been assessed within the Council memorandum of September 1999. In that review it was confirmed that the proposed access point would have suitable visibility, provided that the South Titirangi Road frontage is kerbed and channelled and no stopping markings are installed to the approval of the Roding and Traffic Services Manager.

- (c) *"The extent to which car parking accommodates expected peak demand of an activity, having regard to the position of the site in relation to public transport routes and the parking capacity of adjacent roads; and having regard to the road's function in the Roding Hierarchy."*

The review of parking carried out in section 8.1.7 of this report confirms that the proposal will provide the required level of parking to meet the various peak parking demands that occur from the existing and proposed activities on the site.

- (d) *"The extent to which driveways and car parking create adverse visual or aural effects on adjoining sites."*

As discussed in section 8.1.1(e) of this report, it is considered that, subject to conditions, any adverse visual or aural effects on immediately abutting properties will be no more than minor.

- (e) *"The extent to which more than minor adverse effects can be adequately avoided, remedied, mitigated, or offset through provision of works and services on or off the site and/or through payment or provision of a financial contribution."*

As per the analysis carried out in section 8.1.7 of this report, sufficient parking is to be provided on the site to cater for the expected parking demands of the subject proposal and existing activities. The parking spaces are considered to be of appropriate dimensions for the proposed use, and the utilisation landscaping to provide for vehicle overhangs (rather than providing 5 metre long car parks) reduces the amount of paved surface required on the site.

It is noted, however, that the spaces adjacent to the northern boundary have been narrowed slightly in response to the recommendations of the Council's Landscape Architect in order to provide greater root zone protection for the Kaihikatea tree located in the north-eastern corner of the site. The reduction to 2.4 metres width is not considered likely to impact on the operational efficiency of these spaces, particularly when they are primarily utilised by regular users.

8.2.1.2 Rules and Assessment Criteria - General Natural Area

8.2.1.2.1 Vegetation Clearance (Limited Discretionary Activity)

The proposal involves the removal of 23 generally protected trees (although the applicant advises that trees noted as 19-21 on the plan provided by the applicant's arborist will be retained if possible). Under the provisions of Rule 2 of the General Natural Area rules, the removal of generally protected trees requires assessment as a Limited Discretionary Activity. While the effects of the proposed removal of trees has been assessed in sections 8.1.1 and 8.1.2 of this report, it is also necessary to consider the proposal in terms of the relevant assessment criteria of the Proposed Plan as follows.

- (a) *"The extent to which vegetation alteration adversely affects amenity values and neighbourhood character."*

The removal of vegetation will have no more than a minor effect on neighbourhood character and will be mitigated by the planting of new native planting.

- (b) *"The extent to which vegetation alteration will threaten natural ecosystems."*

The proposal will not have any adverse effects on natural ecosystems of the wider environment.

- (c) *"The extent to which vegetation alteration creates, contributes to, or exacerbates stability problems."*

The removal of vegetation will not exacerbate any stability issues on the subject site - the development involves construction of new retaining walls and planting beds which will ensure maintenance of the stability of the site.

- (d) *"The extent to which development is located or can be designed in a way that avoids the need to remove vegetation, and in particular the removal of any trees which are notable examples of their species."*

There are no significant or notable trees that will be required to be removed as part of this proposal, and the more prominent Kaihikatea tree is to be retained.

- (e) *"The extent to which the proposed vegetation alteration is necessary:*
- *to accommodate development otherwise permitted by the Plan*
 - *to ensure the safety or integrity of existing development on the site*
 - *for pruning to provide light*
 - *for pruning to preserve public views"*

The proposed vegetation clearance is required in order to provide for the building platform and parking areas associated with the development, and surrounding new landscape planting.

- (f) *"The extent to which the vegetation alteration adversely affects plant health."*

The proposal is not considered likely to have adverse effects on adjacent vegetation.

- (g) *"The extent to which vegetation alteration adversely affects the historical, cultural or spiritual significance of any site or waahi tapu of significance to iwi or archaeological site."*

No local iwi authorities have made a submission on this matter.

- (h) *"The extent to which more than minor adverse effects can be adequately avoided, remedied, mitigated or offset through provision of works and services on or off the site and/or through payment or provision of a financial contribution."*

There are no significant adverse effects arising from the proposed vegetation removal that would require the payment or provision of a financial contribution.

- (i) *"The extent to which vegetation alteration reduces the ability to create linkages between native vegetation, fauna habitats, or natural features or landforms."*

The proposal will not have any adverse effects in this regard.

- (j) *"The extent to which vegetation alteration can be offset by restoration or enhancement around and within the area subject to the application."*

Restorative planting is proposed around all boundaries of the site and the proposed building and parking areas within the landscape plan submitted as part of the subject application.

- (k) *"The extent to which vegetation alteration adversely affects the significance, natural character or landscape value of any natural features."*

As there are no notable natural features pertaining to the site, the proposed vegetation removal will not have any significant adverse effects in this regard.

8.2.1.2.2 Earthworks (Non-Complying Activity)

The proposal involves up to 750m³ of earthworks as part of the proposed development, much of which will be retained within the site. These earthworks are required in order to provide an appropriate flat area for the building platform for the development and for the proposed car parking areas. As the volume of earthworks are associated with development of parking areas (as well as a building platform), and are located within a site designated as being within a 'moderately sensitive ridgeline', the proposal requires assessment as a non-complying activity.

The relevant assessment criteria provided for the assessment of discretionary activities (3(a) - (e) and (i) - (l)) is therefore utilised as a guide in assessing the effects of this non-complying component of the application.

- (a) *"The extent to which the scale of earthworks is consistent with the scale of development being undertaken."*

The scale of earthworks will be used to provide the necessary level areas on the site for parking associated with the proposed office unit development. Given the topography of the site, the volume of earthworks is considered to be consistent with the scale of the proposed development.

- (b) *"The extent to which earthworks adversely affect the potential for restoration or enhancement around the area of earthworks."*

A landscaping plan is proposed for the site which will be able to be implemented following completion of earthworks and building activities on the site (note that this is subject to amendment in accordance with the recommendations of the landscape architect).

- (c) *"The extent to which earthworks reduce the amount, range and linkages between representative vegetation, fauna habitat and natural features."*

The proposed earthworks are effectively contained to the rear half of the subject site and will not have any significance on natural landscape features, or fauna habitat, beyond the site boundaries.

- (d) *"The extent to which earthworks adversely affect the significance or landscape value or natural character of natural landscape elements or other natural features."*

The proposed modification of the site arising from the earthworks will result in the development of level areas - these areas will not be significantly altered from the existing topography of the site, and the proposal will not have an adverse effect on any natural landscape features in the locality.

- (e) *"The extent to which earthworks exacerbate or contribute to flooding, erosion or instability of land or the potential for flooding, erosion or instability of land."*

As discussed in section 8.1.5 of this report, a geotechnical report has been prepared and reviewed by the Council engineers (refer Appendix 10). As a result of those assessments, it is considered that the proposal will not have an adverse effect on the stability of the subject site, or any adjacent sites.

- (h) *"The extent to which earthworks adversely affect the visual amenity of the site or adjoining sites."*

The subject site is essentially a modified site, such that the proposed earthworks, followed by implementation of proposed landscaping, will not have an adverse visual effect on the site or any adjoining sites.

- (i) *"The extent to which cut and fill activities involving earthworks are confined to the site rather than being transported off the site."*

The TIA provided by the applicant notes with regard to construction and earthworks that most of the earthworks will be retained on the site. It is anticipated that the applicant will seek to utilise as much of the earthworks on-site due to the costs involved in transportation of earthworks material.

- (j) *"The extent to which earthworks may harm the health and safety of residents."*

The proposed earthworks are not considered to have any potential to harm the health and/or safety of neighbouring residents. As noted in section 8.1.5 of this report, and based on the findings of Soil & Rock Consultants and the review by the Council's engineer, and subject to recommended conditions, it is considered that the proposal will not have an adverse effect on the stability of any adjacent sites.

- (k) *"The extent to which heavy vehicle traffic generated to the site by earthworks activities creates:*
- *physical damage to a road;*
 - *a situation hazardous or unsafe to road users."*

South Titirangi Road is a collector road which the TIA confirms is suitable to accommodate traffic movements associated with the removal of earth from the site (if necessary), as well as having the capacity for construction traffic associated with the proposal in general.

- (l) *"The extent to which earthworks are necessary to accommodate development otherwise permitted by the Plan."*

The earthworks (additional to the building platform) are necessary to develop the proposed parking area which is associated with an otherwise permitted activity.

8.2.1.2.3 Impermeable Surfaces (Limited Discretionary Activity)

The proposal involves the development of new paved areas for manoeuvring and access to the proposed parking areas, bringing the total area of impermeable surfaces (as defined within the Proposed Plan and including building coverage and building eaves) on the site to 1,414m² (72%). As this exceeds the limits within Rule 4.1(ii) of the General Natural Area provisions (15% for non-reticulated sites, and 60% for reticulated sites), this aspect of the proposal requires assessment as a limited discretionary activity in terms of the relevant assessment criteria 4(a) - (d) and (f), (g) and (k).

- (a) *"The extent to which impermeable surfaces adversely affect potential for restoration or enhancement around and within the area subject to the application, and adjoining sites."*

The proposed impermeable surface is related only to the access and manoeuvring areas associated with the parking spaces (which are themselves to be comprised of 'turblok' in order to assist in the absorption of stormwater on-site). The surface will replace in part an existing large area of semi-permeable gravel, thereby providing an all-weather surface that is able to be utilised by occupants of the proposed office units. The impermeable surface will be contained to the middle area of the rear of the subject site, except where it adjoins, by necessity, the vehicle crossing to South Titirangi Road. This enables development of the surrounding boundary strips to be comprised in restorative landscaping planting.

- (b) *"The extent to which impermeable surfaces reduce the extent, range and linkages between vegetation, fauna habitat and natural features."*

The proposed impermeable surfaces are, as earlier described above, confined to a central area within the rear part of the subject site and will not have any significance on natural landscape features, or fauna habitat, beyond the site boundaries.

- (c) *"The extent to which impermeable surfaces adversely affect the significance and the landscape value of natural features."*

The proposed impermeable surfaces will provide level access and manoeuvring areas to the adjacent parking spaces - these areas will not be significantly altered from the existing topography of the site, and the proposal will not therefore have an adverse effect on any natural landscape features in the locality.

- (d) *"The extent to which impermeable surfaces contribute to the creation, or exacerbate stormwater flooding problems on-site or in any other part of the stream catchment, with particular regard to impacts in known flood-prone areas and any impact on an existing stormwater system."*

The proposed development of both additional building coverage and impermeable surfaces on the site has necessitated a review of the proposal by stormwater engineers, both by the applicant (Law Sue Consultants) and the Council/EcoWater. As previously discussed in this report, the report by Law Sue has been audited by the Council's engineer, Mr Richard Thomas, who concluded that *"the calculations submitted with the report demonstrate that the proposed measures will limit stormwater run-off on to adjacent properties to predevelopment levels, or better, for the 1 in 10 year storm event."*

It is therefore considered that following detailed investigation of the proposal by both the applicant's and the Council's infrastructure engineers, that the effects of the proposal in terms of stormwater run-off or flooding arising from the proposed impermeable surfaces will be no more than minor.

- (f) *"The extent to which impermeable surfaces destroy or harm surrounding native vegetation."*

The proposed impermeable surface area will, as stated, be largely located within a previously modified area currently comprised of a gravel car park. It is therefore considered that this aspect of the proposal will not have an adverse effect on surrounding native vegetation. Any effects that do arise will be effectively mitigated by the proposed replanting indicated in the landscape plan.

- (g) *"The extent to which impermeable surfaces result in adverse effects arising from soil loss from the site."*

The levelling of the site, construction of retaining walls adjacent to the southern boundary, proposed stormwater treatment methods and re-vegetation of the site boundaries will ensure that there are no adverse soil loss effects arising from the proposal.

- (k) *"The extent to which more than minor adverse effects can be adequately avoided, remedied, mitigated or offset through provision of works and services on or off the site and/or through payment of a financial contribution."*

As discussed previously in this report, the adverse effects arising from the proposal in terms of stormwater will be no more than minor, and accordingly additional works or services, or a financial contribution is not considered necessary in this regard. However, in terms of wastewater, Mr Thomas has recommended that due to the density of the proposed development and resultant increase in wastewater flows, mitigation measures are required. As previously noted, these measures, which include payment of a financial contribution, are detailed in proposed condition (19) as part of this report.

8.2.1.3 Rules and Assessment Criteria - Transport Environment

8.2.1.3.1 Signs (Non-Complying Activity)

Rule 13 of the Proposed Plan specifies a limit of 1.5m² for signage that is located within a site. As the proposal involves a sign of 2m² (and 3 metres in height) to be located within the road reserve immediately adjacent to the vehicle crossing for the proposed development, this rule is not considered of relevance to the proposal, and the proposed signage must therefore be assessed in terms of Rule 4 of the Transport Environment provisions. In this regard, and as the proposed signage is not associated with land within the Community or Working Environment, or a scheduled site to be used for retail activities, the proposal requires assessment as a non-complying activity.

As the proposal is, however, located within a scheduled site (to be used essentially for commercial purposes), the assessment criteria provided for the assessment of limited discretionary activities (4(a) - (c)) is considered applicable for use as a guide in assessing the effects of this non-complying component of the application.

- (a) *"The extent to which signs are visually appropriate to amenity values and neighbourhood character."*

The proposed sign has been assessed by the Council's Landscape Architect, Mr Griffin. In his memo of 18 October 2002, Mr Griffin noted that a sign was recently approved at 2.94 metres height at 85 Park Road. Mr Griffin also considers the sign (as originally proposed at 3.4 metres height) to be quite high and may lead to pressure to remove or prune nearby vegetation to increase its visibility, and therefore recommends the sign be limited to a height of 3 metres. This amendment has been made on the revised plans by the applicant.

The sign would be consistent with that provided for any permitted commercial activity on the site, and will be appropriate in the context of the zoning history of the site and the mixed use of the locality, and is considered to have no more than minor effects on the visual amenity of the surrounding environment.

- (b) *"The extent to which signs create a situation hazardous to the safe movement of traffic."*

As currently proposed, the sign has been shown to the south of the proposed access and within the road reserve. The Council traffic review of the proposal dated September 1999 noted that the sign should not be located within the road reserve, and the applicant in various correspondence has accepted that the sign can be located within the site boundaries by way of a condition of consent. Discussions with Council traffic engineers also indicates that a sign within the road reserve would affect the provision of a footpath in this location which has been requested by the local Community Board. It is therefore recommended that a condition be imposed that requires the sign be placed within the boundaries of the site. Such a condition does not, however, authorise the removal of any additional trees that have not been requested to be removed as part of this application. Should any additional trees require removal as a result of this condition, or in order to increase the visibility of the proposed sign, the applicant will need to make a separate application to this effect.

- (c) *"The extent to which more than minor adverse effects can be adequately avoided, remedied, mitigated or offset through provision of works and services on or off the site and/or through payment of a financial contribution."*

Any adverse effects are considered to be suitably mitigated through the reduction in height of the proposed sign that has been made by the applicant, and the recommended condition regarding the location of the sign. No other works or financial contribution requirements are considered necessary in this matter.

8.2.1.4 Objectives and Policies

It is considered that the proposed development would be consistent with the objectives and policies of the Proposed Plan. The Proposed Plan is "effects-based" in its approach to natural and physical resources and it has been demonstrated in the previous environmental assessment of effects that, subject to conditions, any adverse effects arising from the proposal would be insignificant or no more than minor.

The relevant objectives (and policies) considered to be of relevance to this proposal are:

- Objective 2 - Native Vegetation (2.4, 2.10);
- Objective 4 - Air Quality (4.7);
- Objective 10 - Protecting Amenity Values (10.2, 10.3, 10.5, 10.6, 10.11, 10.14, 10.16, 10.17); and
- Objective 11 - Protecting and Enhancing Amenity Values (11.4, 11.8, 11.9, 11.10, 11.11, 11.12, 11.13, 11.18).

A230-A234 A copy of these objectives and policies is attached at pages A230 to A234. The proposal has met the criteria of these objectives and policies as summarised below.

A58-A73 The applicant has sought to reduce the impact of the proposal by reducing the overall size and bulk of the proposed building (and sign) as per the amended plans as attached at pages A58 to A73. This relates in particular to Policy 11.8 which states:

"Structures (except within the Working and Community Environments), should be of a form, height and scale which avoids physical domination of surrounding sites and buildings, which does not adversely affect the landscape character and other amenity values of these areas, and which minimises encroachment on views. In particular, relocated housing must be of a scale, form and finished quality, and located so as to maintain and enhance surrounding amenity values and neighbourhood character."

The proposed location of the office building adjacent to the residential property at 508 South Titirangi Road, ensures adequate sunlight and daylight will reach the adjacent dwelling (south). Issues relating to amenity and character are also discussed in section 8.1 of this report.

The Council's traffic engineers have reviewed the application and are of the opinion that the additional parking generated by the proposed activity will be sufficiently accommodated by the existing and proposed parking spaces, and will not affect the safety and efficiency of the local roading network (subject to a condition requiring a contribution to upgrading works to the Titirangi and South Titirangi Road intersection). In addition, the provision of a modest-scale office activity within the subject site is consistent with Policy 4.7 which seeks:

"That a wide range of opportunities for Non-Residential Activities be provided within the urban area to help reduce the need for travel, and as a consequence reduce the discharge of contaminants from motor vehicles into the air."

Other matters raised within those objectives and policies that are identified above as being of relevance to this application have been reviewed by the writer. Following an assessment of the characteristics of the proposal and the potential effects that the proposal will have on the environment, it is concluded that the proposal will either be consistent with, or not contrary to, those objectives and policies that are identified.

Overall, it is therefore considered that the proposal is generally in accordance with the policies and objectives of the Proposed Plan. In addition, it is considered that the proposed office units would be a complementary activity to the existing non-residential uses within the site, being the restaurant/bar and the graphic design office that have been an established part of this environment.

8.2.2 Transitional District Plan

As discussed in Section 7.2 of this report, the Proposed Plan is considered to be the dominant document and discussion of the proposal in relation to the objectives, policies and rules of the District Plan has therefore been limited to those of the Proposed Plan.

However, and as outlined above, the proposed office activity is a permitted activity in the Transitional Plan and involves only an infringement with regard to the non-provision of a dedicated loading space. This matter has nevertheless been addressed within section 8.1.7 of this report, whereby it was determined that the proposal would be able to meet its day to day loading requirements within the parking and manoeuvring areas that are to be developed.

8.3 SECTION 104(1)(C): AUCKLAND REGIONAL POLICY STATEMENT

The Auckland Regional Policy Statement identifies the strategic direction for the Auckland Region. It advocates intensification within the existing urban areas of the Region which may then be able to accommodate the Region's growth for a longer period of time. The Policy Statement also identifies that planned urban development may improve the relationship between residential development and employment opportunities in order to reduce the need for travel. Intensification should, however, be balanced within infrastructural limitations and protection of the natural environment and amenity values. For the reasons discussed in this report, and because the proposal will result in additional employment opportunities in close proximity to existing residential areas and within the urban area of the Region, it is considered that this proposal will be consistent with the provisions of the Regional Policy Statement.

8.4 SECTION 104(1)(I): ANY OTHER MATTERS THE CONSENT AUTHORITY CONSIDERS RELEVANT

8.4.1 Other Issues Raised by Submitters Not Covered Elsewhere in Report

Matters raised within the submissions, including suggested conditions should the Council grant consent to the proposal, and where these matters relevant to an assessment of resource management significance, are considered to be addressed within the assessment provided within sections 8.1 and 8.2 of this report and in the recommended conditions that follow.

8.4.2 Bonds/Reserve Contributions/Development Levy/Financial Contributions

The only financial contributions that are recommended at this stage are those that relate to the mitigation of wastewater flows (condition 19), and the improvements to the Titirangi and South Titirangi Road intersection (condition 26). The background to these conditions has been provided in the assessment sections of this report, and no further discussion of these matters is considered necessary.

8.4.3 Monitoring

The performance of the activities under this consent will be subject to the Council's standard monitoring procedures. These procedures include scheduled inspections to ascertain compliance with conditions of consent, together with periodic inspections as and when required to establish whether conditions are being complied with on an ongoing basis. In particular, attention is likely to be directed toward the implementation of conditions relating to the protection of trees to be retained on site, the implementation of the landscape plan, management of earthworks and the construction process, and the overseeing of compliance with the infrastructural conditions.

8.5 SECTION 104(1)(f): REGIONAL PLAN OR PROPOSED REGIONAL PLAN

No other consents are required for this proposal under any regional plans.

9.0 PART II OF THE RESOURCE MANAGEMENT ACT 1991

The purpose and principles of the Act have primacy over all other considerations that are set out in section 104 of the legislation. In summary, Sections 5, 6 and 7 require that resources must be sustainably managed in such a way that any adverse effects on the environment can be avoided, remedied or mitigated. Furthermore, the Act requires that amenity values and the quality of the environment are to be maintained and enhanced.

9.1 SECTION 5

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

It is considered that the proposal is consistent with sustainable resource management as prescribed in section 5. In particular this proposal is concerned with the sustainable management of office activities on a site adjacent to a locality characterised by a mix of commercial, community and residential activities, in such a way that the communities' social and cultural aspirations are realised whilst the quality of the environment and amenity values of the adjacent residential neighbourhood are maintained. The proposal would allow for the establishment of an office activity that would be compatible with existing uses on the site and appropriate within the environment, and would be able to establish and operate in such a way that the amenities of the neighbourhood would not be adversely affected to more than a minor degree.

It is therefore considered that the granting of this application would not be contrary to the overriding 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.

9.2 SECTION 6

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

9.3 SECTION 7

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

9.4 SECTION 8

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

9.5 CONCLUSION

The potential effects of the proposal on the amenity and character of the area have been discussed in detail in the effects assessment contained in section 8.1 of this report. Subject to conditions such as ensuring that the works will be carried out in accordance with the approved plans and application material, including the provision of landscaping, it is concluded that the proposed development would be compatible with the surrounding built and natural environment and the existing amenity of the area would not be reduced.

In conclusion, it is considered that the proposal would be consistent with Part II of the Act.

10.0 EVALUATION IN ACCORDANCE WITH SECTION 105 OF THE RESOURCE MANAGEMENT ACT 1991

The threshold test in Section 105(2A) of the Act 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 (sub-section (2A)(a)) or the activity will not be contrary to the objectives and policies of a plan or proposed plan (sub-section (2A)(b)). As discussed in section 7.2 of this report, very little weight shall be given to the objectives, policies and rules of the Transitional Plan as the Proposed Plan is considered to be the dominant document in this case.

It is considered that the threshold test for a non-complying activity has been met as the proposal satisfies Section 105(2A) in that (subject to appropriate conditions of consent) the adverse effects on the environment of the proposal will be no more than minor, and the proposal is not contrary to the relevant objectives and policies of the Proposed District Plan. Jurisdiction to grant consent has therefore been established.

CONCLUSION

The applicant seeks consent to construct a two level office development, comprised of six office units on the rear portion of the subject site (92m² floor area each). The subject site is identified as "Scheduled Site No. 23 (shop)" in the 'Bush Living Human Environment' and is located in the 'General Natural Area' under the Proposed District Plan and 'Commercial 2' under the Transitional Plan.

The proposal is to be assessed as a non-complying activity under the provisions of the Proposed Plan due to matters regarding building coverage, traffic generation, earthworks and signage.

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. It is considered that the establishment and operation of the proposed office activity will not lead to a decline in the amenity values of the area in which it seeks to locate.

The proposal is considered to be consistent with the objectives and policies of the Proposed Plan which seeks to provide for the protection of natural and physical resources, while providing for an appropriate level of development within the urban area of the City. In addition, and based on the assessment within Sections 8 and 10 of this report, the proposal is considered to meet the threshold tests of section 105(2A) 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 and/or contrary evidence being presented at the hearing, it is concluded that the application merits consent in accordance with sections 104 and 105 of the Act, and that consent can be granted.

RECOMMENDATION

That pursuant to Sections 104, 105, 108 and 113 of the Resource Management Act 1991 (and subject to additional or contrary information being presented at the hearing) the Non-complying Activity land use resource consent application by Corner Stone Limited to construct a two-level office building (for six separate tenancies) involving:

Proposed Waitakere City District Plan

- the development of a building within a moderately sensitive ridgeline;
- the removal of 23 generally protected trees;
- earthworks of up to 750m³ for development of the vehicle access and manoeuvring areas;
- the development of a total of 72% of impermeable surfaces over the site;
- an infringement of the building coverage rule of 15% by 21%;
- the development of a non-residential activity with traffic generation exceeding 1% of the daily traffic volume of South Titirangi Road;
- the use of vehicle parking spaces shorter than the required 5 metres; and
- development of a 2m² sign within the road reserve adjacent to the site to advertise the office tenancies that will exceed the sign standards,

Transitional Waitemata District Plan

- the non-provision of an off-street loading space,

at 120 Park Road, Titirangi, being Lot 2 DP 69071 (CT 25A/1318), be **granted consent** for the following reasons:

- (a) The proposal has been considered in terms of the relevant assessment criteria for development of the site and is considered to create no more than minor adverse effects on the environment. In particular:
- Provision of an office activity on this property will enhance the amenity of the site and is an efficient use of the urban area of the City;
 - The potential traffic generation effects of this proposal will have no more than a minor effect on the safety and efficiency of the adjacent road network;
 - The proposal can be accommodated on the site with no more than minor effects on stormwater run-off or on the established infrastructural networks in the vicinity of the site;
 - The bulk and form of the proposed building will be consistent with surrounding structures and the design of the building, in terms of amenity, character and dominance, and will ensure that any adverse effects on surrounding sites are no more than minor;

- The provision for new landscaping in accordance with the application plans will enhance the visual and landscaping qualities of the site in terms of the relationship of the site to surrounding land use activities;
 - The proposed earthworks and excavation will disturb the existing landform of the site only insofar as alteration of the site is required to provide for the building platform and associated parking and manoeuvring areas; and
 - There will be no ecological or significant adverse environmental effects generated by the development.
- (b) The proposed office activity is considered to be consistent with the relevant assessment criteria for non-complying activities, and in particular the office development will be compatible with the existing buildings and activities provided for at the subject site.
- (c) Any adverse effects can be avoided, remedied or mitigated through appropriate conditions of consent.
- (d) The proposal is generally consistent with the objectives and policies of the Proposed District Plan and Part II of the Resource Management Act 1991.

Consent shall be subject to the following conditions:

General

- (1) Except where otherwise amended by the conditions that follow, the development shall proceed in accordance with the plans and information submitted with the application, being:
- The site plan prepared by Abri Architecture (job no. 633), titled "*120 Park Road Development*", being sheet RC01/6, dated November 2000;
 - The architectural drawings prepared by Abri Architecture (job no. 633), titled "*120 Park Road Development*", being sheets RC02/3, RC03/3 and RC04/3, dated December 1999;
 - The landscape plan prepared by Encompass Landscape Architects, titled '*120 Park Road Titirangi Landscape Plan*';
 - The Assessment of Environmental Effects, prepared by John Childs, dated 4 June 1999 and subsequent letters dated 6 June 2001 and 15 July 2002; and
 - The geotechnical report prepared by Soil & Rock Consultants, titled "*Geotechnical Investigation for Proposed Commercial Development at 120 Park Road, Titirangi*", reference 00341, dated 12 April 2001 and addendum dated 19 November 2001;
 - The stormwater disposal report prepared by Law Sue Consultants Limited, titled "*120 Park Road, Titirangi*", reference 00183, dated 26 November 2001;
 - The traffic engineering assessment, prepared by Traffic Planning Consultants Limited, titled "*Proposed Development 120 Park Road, Titirangi - Traffic Impact Assessment*", reference 00269, dated October 2000 and letter titled "*Patronage and Parking Survey*", dated 27 February 2002;

all referenced by the Council as **RMA 991194**.

Parking and Access

- (2) Real estate sales offices, medical rooms or surgeries and retail sales shall be excluded from the activities provided for as part of this consent.

- (3) That the parking area proposed as part of this development shall be made available to patrons of the existing restaurant on the site outside normal business hours (ie. from 6.00 pm Monday to Friday, and all day Saturday, Sunday and public holidays). Signage shall be located within the site to identify the availability of these spaces after hours to the approval of the Roading and Traffic Services Manager, Waitakere City Council, prior to the commencement of the activity.
- (4) The access driveway to South Titirangi Road shall be kerbed and channelled and NSAAT markings installed to the approval of the Roading and Traffic Services Manager, prior to the commencement of the proposed offices.

Arboricultural

- (5) The consent holder shall engage a suitably qualified arborist to identify all existing trees to be retained, as shown on the Appendix A site plan attached to the Council memorandum of 18 October 2002, and shall arrange for the erection of temporary protective fences around these trees. The position or line of the protective trees shall be established at least 1 metre outside the drip line of each tree to be retained. If this cannot be achieved, the protective fences shall be placed at the edge of the drip line of the trees to be retained, or as far from the trunk face of the retained tree as is practical. The final position of those protective fences that cannot be installed 1 metre outside the drip line of the subject trees shall be inspected and approved by the Council's Customer Field Advisor - Resource Management (ph 836 8000, extn. 8041) prior to the commencement of any site works.

Note: The temporary tree protection fence can be constructed using orange plastic mesh, but this must be supported by waratahs (or equivalent) placed firmly into the ground at 3 metre centres. The waratahs shall have at least two strands of wire attached to them (top and bottom) and the orange plastic mesh shall be securely fastened to the wires at 1 metre intervals (top and bottom).

- (6) No building, excavation or depositing of materials is permitted within the area defined by the tree protection fencing. All earthworks and fill from earthworks shall be kept outside the drip lines of the trees that are to be kept. The protective fencing shall remain in place and intact until the completion of all works on the site.

Note: When working within the drip line of a protected tree all care shall be taken to minimise damage to the root system. Where underground services are to be laid within the drip line the excavation shall be dug by hand. All roots over 50 mm in diameter shall be retained and other roots shall be cut cleanly back to the edge of the excavations using a sharp instrument.

- (7) Clearance of those trees not identified for retention in the works area and any required earthworks, including soil scraping and/or excavation works and retaining, shall be carried out following identification of the trees to be kept and installation of the tree protection fencing required by conditions (5) and (6) above.
- (8) Landscape treatment, including retaining and planting shall be carried out as per Appendix B to the Council memo of 18 October 2002 and the approved landscape treatment and planting plan dated 3 December 2002. Planting shall be carried out prior to occupation or use of the units or in the first planting season (May - 7 September) following occupation or use of the units. All planting areas shall be maintained and kept weed free, and irrigated as necessary, for a minimum of one planting season following instatement of the planting. Replacement planting shall be carried out as necessary in the following two planting season(s) until the planting has been established successfully.

Site Management Plan

- (9) Prior to commencement of any works on the site, the consent holder shall provide to the Council, a site management plan that shall include:
- the name, telephone number and address of the site manager;
 - the site address to which the consent relates;
 - measures to be used to maintain the site in a tidy condition;
 - the location of ingress and egress during earthworks and construction on the site;
 - the proposed numbers and timing of truck movements throughout the day;
 - measures to prevent the discharge of sediment contaminated water from the site; and
 - the expected duration of works.

Infrastructure

- (10) All infrastructure relating to stormwater treatment and disposal, wastewater disposal, and water supply shall be designed and completed to the satisfaction of the Council's Drainage Assets Engineer. (Compliance with the Waitakere City Council Code of Practice for City Infrastructure and Land Development is deemed to be in accordance with the above condition).

- (11) Before the commencement of any work, the consent holder shall obtain the approval of the Council to engineering plans and specifications prepared in accordance with the Council's "*Code of Practice for City Infrastructure and Land Development*" detailing the nature and extent of any proposed work. *Note: To avoid delays in the issue of a future Building Consent provide engineering plans of all stormwater mitigation measures, wastewater service, overland flow path details etc to EcoWater for Engineering Approval at least 10 days prior to lodging a building consent.*

The consent holder shall be liable for the costs of any engineering and works supervision fees as incurred. These fees will be charged at the Council's advertised schedule of fees.

- (12) The consent holder shall design, provide and install a complete wastewater reticulation system to serve the building in compliance with the Council's "*Code of Practice for City Infrastructure and Land Development*" (refer Section 5.0), New Zealand Building Code and applicable NZ Standards. The consent holder shall pay, if applicable, to the Council the cost of connecting the said reticulation to the Council's main sewer. The consent holder shall also:
- (i) Provide wastewater pumps/pump stations to EcoWater's satisfaction, and as necessary, to serve those units unable to drain by gravity to the public wastewater system. An encumbrance will be required on the Title advising of the pump wastewater service for applicable units. Provide sufficient levels on the plan to demonstrate a pump is required. If a wastewater pump/s is required to provide wastewater service then an encumbrance will be required to be registered on the title.
 - (ii) Locate all drainage lines in the shared driveway where possible to provide for ease of access for future maintenance requirements.
- (13) All units are to be individually metered for water supply at the road reserve boundary in accordance with the Council's Code of Practice. The ducting of private service lines is recommended under paved surfaces.

- (14) The consent holder shall design, provide and install a complete stormwater drainage system to serve the development to EcoWater's satisfaction. The consent holder should note in this regard that:
- (i) Public drainage from the cesspit in South Titirangi Rd is to be in compliance with Councils Code of Practice for City Infrastructure and Land Development (Refer section 4.0). The consent holder shall therefore upgrade the cesspit as required.
 - (ii) Stormwater runoff for the development is to be limited to predevelopment levels for the 1 in 10 year storm event. The stormwater drainage and mitigation is to be generally in accordance with that proposed by Law Sue Consultants Ltd dated 26 November 2001 and 7 December 2001 (and dispersion device location as proposed by Soil and Rock Consultants Ltd) including use of stormwater detention and re-use tank, semi permeable paving (gobi block) and dispersion device. *It is recommended that fully permeable paving be used with detention/storage designed in the pavement or Atlantis cell detention systems be used rather than the scoria pit detention device shown in the stormwater report.*
 - (iii) The re-use of roof water for toilet, laundry and outside use (to minimise stormwater runoff) shall be required. The consent holder shall provide plumbing details at the time of building consent.
 - (iv) The consent holder shall provide for the collection of stormwater from all existing discharge points, and is to pay, if applicable, to the Council the cost of connecting the said reticulation to the Council's stormwater system.
 - (v) All drainage within the site is to be private and will be the responsibility of the owner/body corporate to manage and maintain.
 - (vi) The consent holder shall provide a maintenance schedule for maintenance of all stormwater mitigation devices, to EcoWater's satisfaction.
 - (vii) The consent holder shall locate all drainage lines in the shared driveway where possible to provide for ease of access for future maintenance requirements.
- (15) The consent holder shall contact the Secretary, extn. 8248 EcoWater, Development Services, to arrange a pre-start meeting with EcoWater's Quality Assurance Inspector. Plans are required to be submitted and Engineering Approval obtained before work commences.
- (16) The consent holder shall provide an "As-Built" drainage plan for the property including an As Built plan to the Council's Code of Practice requirements for the proposed public drain.
- (17) The report prepared by Law Sue Consultants Limited (dated 26 November 2001) details in writing how overland flow will not be concentrated on downstream property owners. The consent holder is therefore required to provide a construction plan and calculations for EcoWater's approval prior to the commencement of works on the site.
- (18) The consent holder shall advise the Council the name of the Consultant and/or person/s who will be the developers representative fulfilling engineering responsibilities as detailed in section 1.4.1 of Councils Code of Practice for City Infrastructure and Land Development, prior to the commencement of works on the site.

- (19) Due to the increase in wastewater flows mitigation is required. Therefore the consent holder is required to advise the Council which of the following measures shall be used to mitigate this additional wastewater flow:

Either mitigate the increase in wastewater flows from the site by providing the following flow reduction measures in the proposed units:

1. All taps over hand basins/sinks are to be of a type that limit the flow rate to 9 litres/minute or less.
2. All toilets shall be of 6/3 litre dual flush type.
3. No in sink waste disposal units shall be installed.

An encumbrance is required to be issued and registered on the title requiring the use of low water use devices to limit wastewater flows to Councils satisfaction. Under a building consent provide an "EcoWater Water Saving Devices Inventory" form completed by a registered plumber to demonstrate that the above requirements are satisfied. The Councils Hazard Register will be advised of the above requirement.

In addition, the consent holder will need to pay to the Council the sum of \$3,944.84 to further mitigate wastewater flows. Note: (1) Further reductions may be possible through recycling of grey water or other innovations.

Or pay to the Council the sum of \$6,360.96 (incl. GST) to mitigate the increase in flows arising from the development. No mitigation works will be required by the consent holder under this option.

Geotechnical

- (20) The recommendations of the geotechnical investigation report prepared by Soil & Rock Consultants (dated 12 April 2001, reference 00341) are to be read in conjunction with this resource consent and strictly adhered to.
- (21) The sub-floor structure for the proposed building shall be specifically designed by a registered engineer to comply with the geotechnical report referred to in conditions (1) and (20) and submitted with the building consent application.
- (22) A soils engineer shall be retained at the consent holders expense to inspect all excavations, foundations over public and private drains and site conditions exposed during construction prior to pouring any concrete, to check that ground conditions encountered are consistent with those assumed in the geotechnical report referred to in conditions (1) and (20) and shall certify this in writing to the Council on completion of construction.
- (23) A registered engineer shall be retained at the consent holders expense to supervise all pile driving and to ensure that compliance with the design referred to in condition (21) is achieved and on completion of construction shall certify this in writing to the Council, including design criteria, layout of piles and sets obtained.

Signage and Fencing

- (24) The proposed 3 metre sign shall be located within the boundaries of the site, to the satisfaction of the Council.
- (25) Boundary fencing shall be set in place in the locations indicated on the approved landscape plan, i.e. on the southern boundary and north of car parks 14 - 20, prior to occupation of the proposed building.

Roading Improvements

- (26) The consent holder shall make a contribution towards works on the Titirangi Road and South Titirangi Road intersection, involving the adjustment of the side kerb line on South Titirangi Road adjacent to Lopdell House between 25 and 50 metres from Titirangi Road to provide 2 full width approach lanes on South Titirangi Road within 50 metres of Titirangi Road, and upgrading of the intersection (including possible signalisation). Prior to the commencement of works on the site, a financial contribution of \$6,000.00 (exclusive of GST), being 10% of the estimated values of the road and intersection upgrading works, shall be paid to the Council.

Monitoring

- (27) A consent compliance monitoring fee of \$300.00 (inclusive of GST) shall be paid to the Council. This fee is to recover the actual and reasonable costs incurred ensuring compliance with the conditions of this consent. If, on inspection all conditions have not been satisfactorily met, a re-inspection shall be required at a further cost of \$75.00 per hour (inclusive of GST).

The \$300.00 fee shall be paid as part of the resource consent and the resource consent holder shall be advised of any further monitoring fees if they are required.

ADVICE NOTES

- (1) EcoWater policy requires any public stormwater line connections to be constructed by EcoWater Solutions maintenance contractor. Stormwater manholes or manhole connections may be constructed by the applicants contractor with engineering plan approval and under EcoWater's Quality Assurance supervision or by EcoWater Solutions maintenance contractor.
- (2) Under a building consent pay a 2½% maintenance deposit (minimum \$500.00) on the value of works being taken over by the Council which is refundable upon final acceptance of the works at the end of the maintenance period.

Report prepared by: Richard Blakey, Senior Planner, Harrison Grierson Consultants Limited.

