



Waitakere City Council
Te Taiao o Waitakere

NOTICE OF MEETING

HEARINGS COMMITTEE

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

DATE: **Thursday, 16 December 2004** **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.

8 December 2004

Owena Schuster
COMMITTEE SECRETARY

Telephone (09) 836 8000 extn 8864

MEMBERSHIP:

Councillors	DQ	Battersby, JP (Chairperson)
	WW	Flaunty, QSM, JP (Deputy Chairperson)
	PA	Hulse
	JP	Lawley
	VS	Neeson, JP
	CA	Stone

Ward Representative
Mrs EAG Grimmer, MNZM (Henderson Community Board)

Alternate Representative
Mr WS Bainbridge (Henderson Community Board)

(Quorum 4 members)

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

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

**AGENDA FOR A MEETING OF THE HEARINGS COMMITTEE TO BE HELD IN THE
CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,
ON THURSDAY, 16 DECEMBER 2004, COMMENCING AT 9.30 AM.**

TABLE OF CONTENTS

<u>ITEM</u>		<u>PAGE NO.</u>
1	APOLOGIES	1
2	URGENT BUSINESS	1
3	NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991 BY LOMOND DEVELOPMENTS LIMITED TO CONSTRUCT A MULTI-STOREY, MIXED-USE BUILDING AT 84 GUNNER DRIVE, TE ATATU PENINSULA	1

**AGENDA FOR A MEETING OF THE HEARINGS COMMITTEE TO BE HELD IN THE
CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,
ON THURSDAY, 16 DECEMBER 2004, COMMENCING AT 9.30 AM.**

1 APOLOGIES



2 URGENT BUSINESS

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

- (i) the Committee by resolution so decides; and
- (ii) the Chairperson has explained at the beginning of the meeting (when open to the public) that the item will be raised for discussion and decision, why the item is not on the agenda, and why it cannot be delayed until a subsequent meeting.

The Committee may make a decision on a matter determined to be urgent.

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



**3 NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE
RESOURCE MANAGEMENT ACT 1991 BY LOMOND DEVELOPMENTS LIMITED TO
CONSTRUCT A MULTI-STOREY, MIXED-USE BUILDING AT 84 GUNNER DRIVE, TE
ATATU PENINSULA**

HENDERSON WARD

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:	Greg Sawyer
Site Address:	84 Gunner Drive, Te Atatu Peninsula
Applicant:	Lomond Developments Limited
Date Received:	30 June 2004
Resource Consent No:	RMA 20041619

Building Consent No: No application lodged as of 5 December 2004

Legal Description: Lots 2 & 3 DP 206924

Address for Service: Cato Bolam Consultants Limited
PO Box 21-355
Henderson
WAITAKERE CITY
Attention: Peter Raeburn

Site Area: 1,722m²

Unit Site Area(s): N/A

District Plan:
Human Environment: Harbour View North Special Area
Natural Area: General
Landscape Elements: None
Hazards: Special Feature Number 2715: Foundations of any residential building subject to further soils investigation and specific design by a registered engineer experienced in geomechanics.

Roading Hierarchy: Te Atatu Road - District Arterial Road
Gunner Drive - Local Road

Further Information Required: Yes

Date Requested: 24 August 2004, 26 August 2004, 27 August 2004,
3 September 2004, 22 September 2004,
9 November 2004

Date Received: 25 August 2004, 17 September 2004, 4 October 2004,
11 November 2004, 18 November 2004

1.0 INTRODUCTION AND RECOMMENDATION

1.1 Nature of the Application

The applicant seeks resource consent to establish a multi-storey (six levels plus basement) building on the subject site, to be used for commercial and residential purposes. The proposed development requires resource consent for various infringements of the Operative District Plan rules, including those relating to building height, daylight recession planes, density of residential occupancy, building coverage and impermeable surfacing, setbacks of buildings from road boundaries, quantity of earthworks, use of sites for non-residential activities and provision of car parking spaces.

1.2 Resource Management Issues Raised

The Resource Management Act 1991 requires that, when considering an application for resource consent, a consent authority shall have regard to the environmental effects of the proposed activity, together with any relevant objectives, policies and rules of the District Plan. The most significant issues raised by this proposal relate to the potential adverse effects of the building's height on neighbourhood character and visual amenity, the effects of the increased number of vehicle movements on traffic flows in the immediate area, and the effects associated with the proposed shortfall of on-site car parking spaces on the surrounding roads. The potential impact of the proposed building on daylight and sunlight access to adjoining and nearby sites, and on local residents' privacy is also a significant matter to be addressed.

1.3 Planner's Recommendation

The planner who has prepared this report recommends that, subject to any contrary or additional evidence submitted at the Hearing, **consent be granted** to the application for the establishment of the proposed multi-storey, mixed-use building on the subject site. It is considered that the environmental effects that may be generated by the activity would be minor or could be adequately avoided, remedied or mitigated by the imposition of conditions, and that the relevant objectives and policies of the District Plan will be satisfied.

2.0 LOCATION PLAN

Legal Description:	Lots 2 & 3 DP 206924
Human Environment:	Harbour View North Special Area
Natural Area:	General
Landscape Elements:	None



Figure 1. Site Location & General Area Plan

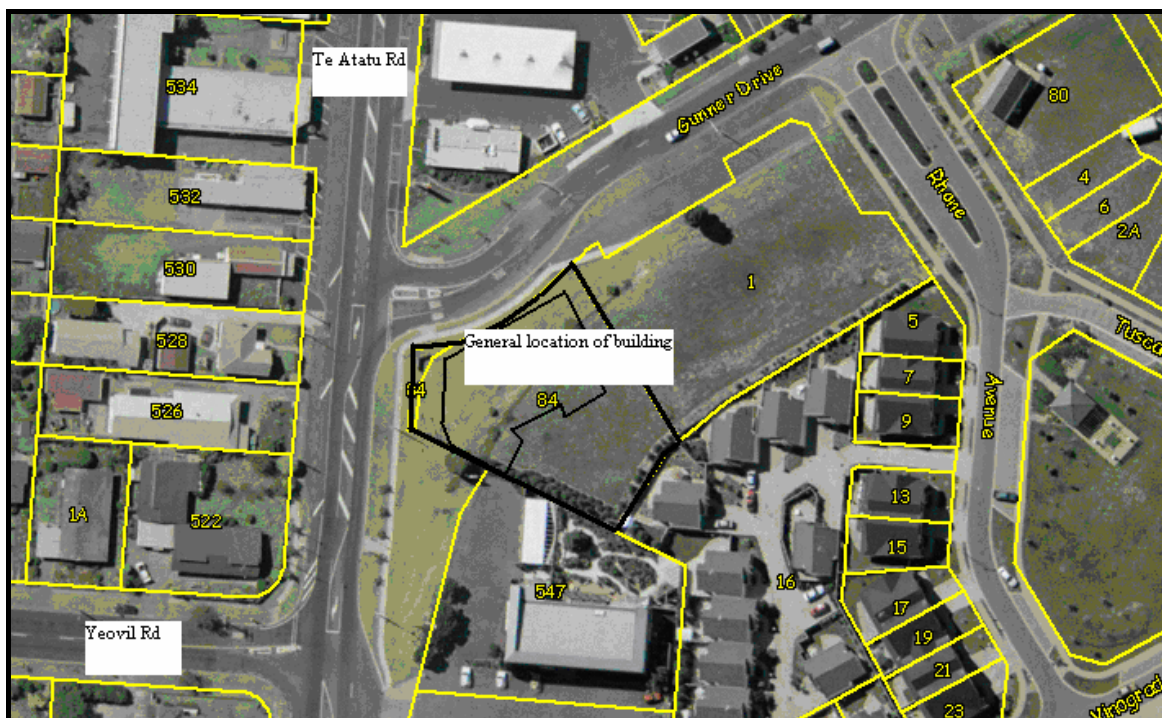


Figure 2. Locality Plan Showing Approximate Location of Proposed Building

Note: Section 3.0 of the application includes a road map showing the site in the context of the wider area

3.0 PROPOSAL

The applicant seeks consent to establish a multi-storey building on the subject site. The building would comprise seven levels: basement car parking and storage space; ground level commercial/retail use; and five levels of two and three-bedroom residential apartments. A total of 37 apartments would be established. The applicant has provided the following table, describing the areas and proposed uses of the seven building levels:

Basement Level	53 car parking spaces, accessed via a ramp from the rear of the building.
Ground Level	Shops / commercial service units (3) totalling 598m ² in area, plus 23 outdoor car parking spaces.
Level 1	8 two-bedroom apartment units - sizes 67.3 - 75.8m ² plus balconies.
Level 2	8 two-bedroom apartment units - sizes 67.3 - 75.8m ² plus balconies.
Level 3	8 two-bedroom apartment units - sizes 67.6 - 75.8m ² plus balconies.
Level 4	4 two-bedroom apartment units - sizes 67.4 - 75.8m ² plus balconies; lower floor of 4 two-bedroom apartment units ¹ (total area of both floors 82m ² plus balconies), and lower floor of 1 three-bedroom apartment unit (total area of both floors 111m ² plus balconies).
Level 5	4 two-bedroom apartment units - sizes 64.8 - 75.8m ² plus balconies; upper floor of 4 two-bedroom apartment units; and upper floor of 1 three-bedroom apartment unit.

1

Not 3 two-bedroom apartment units, as stated in the application.

The total gross floor area of the building (including basement) is 6,214m², with the largest single floor being the basement floor, with an area of 1,396m². The other six floors would vary in area from 632m² (ground floor) to 943m² (first floor). The other floors would have an average area of 810m². The uppermost level would be the smallest, with an area of 677m². The total height of the building above the existing ground level would be 19.3m.

The first floor level would comprise a large internal atrium area, extending through all floors to the building's partly glazed roof. Light would also reach the building's atrium via glass louvers at either end of a 5m-wide breezeway running through the building from north to south.

Access to the apartments would be achieved via a ground-level lift and stairway at the rear of the building, or from the basement car parking area. Public access to the ground-level commercial units will be available via entrances from the Te Atatu Road frontage, the Gunner Drive frontage and the rear of the building.

The proposal also comprises the following components:

Parking

There would be 53 car parking spaces provided in the basement, all of which would be allocated to the residential units. Cars would enter and exit the basement via a ramp to the rear of the building. A further 23 ground-level outdoor car parking spaces would be provided to the rear and side of the building. These spaces would be allocated solely to the commercial units on the ground floor. A total of 76 car parking spaces would be provided on the site.

Vehicle access to all parking spaces provided on the site would be achieved via the existing formed right-of way directly to the west of the commercial offices and retail shops on the adjoining site.

Loading and unloading of commercial vehicles would occur at the rear of the building, adjacent to the site's south-western boundary. The ground-floor commercial units would each have double-doors to the rear, facing the customer car parking area, and residents' furniture and other bulky goods could be transferred upstairs via the lift or possibly the stairway.

Traffic Generation

The applicant states that there would be a total of 1,396 vehicle movements per day associated with the residential and non-residential activities on the site. The majority of these movements - 1,196, or 85.6% - would be associated with the commercial units on the ground floor.

Earthworks

Earthworks in the order of 4,300m³ would be undertaken to establish the basement area and to form the ground level car parking spaces and manoeuvring areas. Earthworks would be undertaken over the entire site, though deep excavations – i.e. excavations other than a superficial re-contouring to create outdoor car parking spaces – would be focussed on the northern portion of the site, adjacent to the western and northern boundaries. The earthworks would be completed within a period of approximately 5 weeks, based on a 6-day working week, 15 truckloads removed per day, 10m³ of material per truck. (This period may need to be extended if the Council's transport engineer's recommended time restrictions on heavy vehicle movements to and from the site are imposed as a condition. In all, the applicant states that 860 vehicle movements (430 truckloads transported off-site) would be required. The applicant proposes that trucks access the site via the wide berm on Te Atatu Road. The berm would be reinstated following the completion of works.

Erosion and Sediment Control / Dewatering of Excavations

The applicant has provided detailed plans demonstrating how erosion and loss of sediment from the site would be controlled during the earthworks phase. Essentially, a combination of silt fencing, the construction of clean water diversion bunds, decanted sediment ponds, a wheel wash facility and a stabilised entrance and exit would be used to control these effects.

Geotechnical Assessment

The applicant has submitted a geotechnical report prepared by Argo Thomson Consulting Engineers. This report concludes that the proposed development is feasible from a geotechnical perspective, provided that specified recommendations are complied with. The report states that further site investigation would be required to establish the final foundation and retaining wall design. These specifications and details would be provided when a building consent application is submitted for Council approval.

Stormwater / Wastewater Drainage

Public stormwater and wastewater drainage infrastructure are available on the site, though re-routing of the stormwater pipe adjacent to the site's Gunner Drive frontage would be required, as per the resource consent previously granted for the site (refer section 4.0 below). Stormwater quality treatment is also proposed, and this would be in the form of either a sand filter or a storm filter. The applicant states that the method to be used would be confirmed once resource consent was granted.

Wastewater reduction measures would be implemented. Again, these would be determined once Council had established whether consent to the development should be granted.

Landscaping

Landscaping would be provided on three sides of the site, comprising a combination of trees and shrubs. This would be augmented by retention of existing vegetation along the site's boundaries. A 2.0m-wide landscaped strip would be retained between the car parking area and the adjacent boundaries. Further planting would be undertaken within the adjoining road reserve. In total, 14% of the site would be landscaped.

Consultation

The applicant consulted with Council in the months prior to the application being lodged, holding a number of meetings to obtain comments in relation to such matters as external articulation and the consistency of the project with Council's strategic goals. The applicant also states that the proposal has been discussed with "a number of local people and businesses in order to gauge the acceptability and market for a development of this kind", and that contact has been made with directly affected parties; however, no written evidence of such consultation with the local community was submitted with the application.

4.0 BACKGROUND

A resource consent (discretionary activity) for the development of a two-storey retail and office building with associated car parking was issued on November 12, 2003. The proposed building was to have three ground-floor retail units and four upper-floor units. The ground-level shop front areas were to open onto a continuous veranda feature and a covered pedestrian access was to be provided to cater for foot traffic around the perimeter of the building.

A total of 29 off-street car parking spaces were to be provided, linked to the car parking already established on the adjacent Lot 1. Landscaping was also to be undertaken over the site, with species and layout similar to that provided on Lot 1.

Signage was to be incorporated within the building's profile and a further, directional sign erected on nearby road reserve.

Earthworks in the order of approximately 126m³ were to be undertaken outside the building platform.

The proposal would have involved the establishment of impermeable surfaces over 1192m², or 71%, of the site's net area.

An objection to a condition of the resource consent was made to Council, pursuant to s 357 of the Resource Management Act. The objection related to the relocation of a water main to a position 3m clear of the proposed building line. On 8 December 2003 Council provided the applicant with an interim decision on their objection, informing them that the condition should remain. There is no record on Council files of any response to that interim decision from the applicant or that a final decision letter was ever drafted.

The applicant has now proposed a different development to that previously approved for the site, though the applicant could still establish the approved development if they so wished.

5.0 REASONS FOR THE APPLICATION

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

Resource consent is required for various infringements of the Harbour View North Special Area rules, which are essentially an amalgam of elements of the Living Environment and Community Environment rules. All categories of activity in the Living Environment are replicated in the Harbour View North Special Area, with the main difference being that retail activities are not Non-Complying Activities, as the Harbour View North Special Area rules provide for permitted, limited discretionary and discretionary activities in the Community Environment to be assessed as discretionary activities in the Harbour View North Special Area (refer Rule 6.4).

Living Environment Rules

1. Resource consent as a discretionary activity required, pursuant to Rule 10.3 (Non-Residential Activities), as the applicant proposes to establish commercial services and retail shops at the building's ground level. Retail activities are not provided for in the Living Environment, but are permitted in the Community Environment.
2. Resource consent as a discretionary activity required, pursuant to Rule 2.3 (Residential Activities / Density), as the applicant proposes to establish 37 apartments on a site with an area of 1,722m². At a density of one dwelling per 450m² net site area, it is likely three dwellings could be established as of right on a 1,722m² site.
3. Resource consent as a discretionary activity required, pursuant to Rule 4.2 (Building Height), as the building would have a height of 19.3m. The proposed building infringes the 8.0m permitted standard within the Living Environment by 11.3m. (Note: There is no maximum building height limit within the Community Environment.)

4. Resource consent as a discretionary activity required, pursuant to Rule 5.3 (Height-in-Relation-to-Boundaries). The building would infringe the daylight recession plane rules as they relate to the site's south-western boundary by a maximum of 16.0m over a horizontal distance of approximately 4.2m, and the site's eastern boundary by a maximum of 6.0m over a horizontal distance of approximately 32.8m.
5. Resource consent as a limited discretionary activity required, pursuant to Rule 6.2 (Front Yards), as the building would infringe the 3.0m minimum set back along the site's northern boundary by a maximum of 3.0m over a 34m length, and by a maximum of 3.0m over a 17m length of the site's south-western boundary.
6. Resource consent as a discretionary activity required, pursuant to Rule 7.2 (Building Coverage), as the proposal involves coverage of 54.8% (943m²), thereby infringing the 35% permitted standard by 19.8% (340m²).
7. Resource consent as a discretionary activity required, pursuant to Rule 8.2 (Building Location - Privacy/Amenity), as the apartments' principal areas of outdoor space would not be screened from adjoining sites. This applies to the apartments along the site's south-western boundary.
8. Resource consent as a limited discretionary activity required, pursuant to Rule 9.2 (Outdoor Space), as the apartments would be provided with decks that would not meet the minimum standards, particularly with respect to size and orientation.
9. Resource consent as a discretionary activity required, pursuant to Rule 11.3 (Traffic Generation), as the proposed development would result in traffic generation exceeding 1% of Gunner Drive's and Te Atatu Road's daily volumes. The applicant estimates that the proposal would result in a total of 1396 vehicle movements per day.
10. Resource consent as a limited discretionary activity required, pursuant to Rule 12.2 (Car Parking and Driveways), as the proposed development would involve a shortfall of 21 on-site car parking spaces for the use of the apartments' residents. The applicant proposes to provide 53 parking spaces for this purpose, where the Plan requires 74 (two per apartment). Furthermore, car parking and driveways associated with non-residential activities of the type proposed require resource consent as a Limited Discretionary Activity.

General Natural Area Rules

11. Resource consent as a discretionary activity required, pursuant to Rule 3.3 (Earthworks), as the proposed development would involve earthworks in the order of approximately 4,300m³ over the site. The majority of the earthworks would be undertaken under the building platform, to allow the basement level to be form. The applicant has provided an earthworks management plan in support of the proposal.
12. Resource consent as a limited discretionary activity required, pursuant to Rule 4.2 (Impermeable Surfaces), as the proposed development would result in impermeable surface coverage over 86% (1480m²) of the site's area. This represents an infringement of 26%, or 447m², above the permitted standard.

City-Wide Rules

13. Resource consent as a limited discretionary activity required, pursuant to Rule 1.1 (Natural Hazards), as the proposal involves development of a site known to be subject to a natural hazard. The site is listed in the Council's Hazard Register. Special Feature Number 2715 reads:

Foundations of any residential building subject to further soils investigation and specific design by a registered engineer experienced in geomechanics.

Community Environment Rules

NOTE: *Resource consent as a discretionary activity is required to undertake within the Harbour View North Special Area any activity provided for in the Community Environment, including permitted activities that could be undertaken as of right.*

14. Resource consent as a discretionary activity required, pursuant to Rule 8.1(a)-(c). The proposal meets all three parts of the rule, which relate to provision of a canopy, use of the area between buildings and the footpath and minimum window display area.
15. Resource consent as a discretionary activity required, pursuant to Rule 9.2. The proposal requires that a minimum of 10% of the site that is not to be built on or used for outdoor servicing purposes is landscaped where more than 20 off-street, ground-level car parking spaces would be provided.
16. Resource consent as a discretionary activity required, pursuant to Rule 11.2. The proposal involves the establishment of more than one dwelling on the site.
17. Resource consent as a discretionary activity required, pursuant to Rule 13.1. The proposal meets the minimum noise standards of the Community Environment.
18. Resource consent as a discretionary activity required, pursuant to Rule 14.2. The proposed development does not provide car parking spaces at the minimum rate of 1 per 16m² of gross floor area. (NB: It is not certain that the building's future commercial tenants would in fact include retailers, but an infringement of this rule has been assumed, to ensure that a conservative assessment is made. Also note that an assessment of a shortfall in on-site car parking space is already required as a result of an infringement of Rule 12.2 of the Living Environment – refer Infringement 10 above.)
19. Resource consent as a discretionary activity required, pursuant to Rule 15.1. The applicant has not applied for resource consent to infringe the permitted activity standards relating to vibration levels within the Community Environment, and it is assumed, therefore, that compliance with these standards is intended.
- 5.2** Overall, the application is considered to be a discretionary activity. The proposal complies with all other development controls under the District Plan.
- 5.3** No other consents are required in respect of this application.

6.0 THE SITE AND NEIGHBOURHOOD DESCRIPTION

The subject site, 84 Gunner Drive, is located on the south-eastern corner of the intersection of Te Atatu Road and Gunner Drive, Te Atatu Peninsula, and measures 1,722m² in area. The site's primary road frontage is to Gunner Drive. The site is located within the Metropolitan Urban Limit, which presently extends to the eastern side of Hobsonville Road (i.e. as far as the Westgate shopping centre) along its western boundary.

The site is presently undeveloped and is generally covered by grass and weeds. There is a number of small (3-4m high) pittosporum and titoki trees growing directly adjacent to the timber fence that defines the site's south-western and south-eastern boundaries. The site abuts a commercial property (547 Te Atatu Road) to the south-west. This property contains a two-storey building currently occupied by the Shahi Dawat Indian restaurant, the Peninsula Palms Licensed Café and an art centre that was formerly a garden centre. There is a BP service station one property further to the south, and beyond that residential use predominates. Along its south-eastern boundary, the site adjoins Kemberley Mews, a medium-density housing development comprising twelve single-level, brick and tile units, generally aligned in a north-south direction. Access to the units is achieved off both Vinograd Drive and Rhone Avenue, the latter running roughly parallel to Te Atatu Road to the west.

The western side of Te Atatu Road in the vicinity of the site is generally residentially developed, though the former residential dwelling directly opposite the subject site has been converted to use as a veterinary clinic ('Animalz'). Commercial premises forming part of the Te Atatu Peninsula town centre extend north from approximately opposite the Gunner Drive centreline. A Challenge service station is located on the opposite side of Gunner Drive, and there is a Woolworths supermarket directly to the north of the service station. The supermarket's principal vehicle ingress and egress points are located approximately 130m north of the subject site. A secondary two-way access point is located on Gunner Drive some 75m to the east of the subject site.

To the north-east the site adjoins a right-of-way that provides legal access to a commercial building occupied by a bakery, a fruit and vegetable retailer and a video hire outlet. An adjacent one-two storey commercial building further to the east of the subject site is occupied by, among others, a real estate agency and a Jenny Craig weight management centre.

Generally, the site can be described as being located towards the southern end of the Te Atatu Peninsula town centre and adjoining the Harbour View residential estate. As stated above, the site is not the southernmost site zoned or used for non-residential activity within the area generally identifiable as the town centre, as there is a BP service station at 543 Te Atatu Road, some 100m to the south of the subject site. Development in the area is, therefore, a mixture of residential and commercial buildings, 1-2 storeys in height.

Ground levels on the site fall very gently from the southern corner towards the two road boundaries. The site is irregular in shape (refer Figure 1), a consequence of its position on the corner of the existing road intersection.

The site is serviced by reticulated stormwater, wastewater and water supply systems. The stormwater and wastewater pipes drain to the north-east away from the site, while water supply is provided by an underground pipe that closely follows the site's Gunner Drive and Te Atatu Road boundaries.

6.0 ISSUES IDENTIFIED THROUGH THE SUBMISSION PROCESS

A90-A212

The application was publicly notified on 30 July 2004. The period for submissions closed on 30 August 2004. 54 submissions were received, of which 12 submissions supported the application, and 42 submissions opposed the application. Please refer to pages attached at A95 to A212 for copies of the submissions that were received. Maps showing the location of the submitters are attached at pages A90 to A94.

6.1 Submissions

6.1.1 Support

54 submissions were received in support of the application.

No	Name	Address	Comments
1	Retrust Limited & N Tjaun	438 Old Te Atatu Road	No comments.
4	Company Health Services	52 Vinograd Drive	Would add value to the area.
6	DID Properties Limited	530 Te Atatu Road	Excellent use of a prominent site at entrance to town centre.
8	Paresh Patel	1-3 Rhone Avenue	Apartments offer cheaper alternative as house prices escalate.
12	N & H Gallagher	70 Provence Esplanade	No comments.
13	Robyn Gallagher	70 Provence Esplanade	No comments.
16	S Abrahams	1T/160 Symonds Street Auckland	Quality development, close to amenities, fabulous views.
17	C Abrahams	1T/160 Symonds Street Auckland	Quality development, close to amenities, fabulous views.
21	Nola Sanson	5B Highlight Parade	Modern development is a wonderful idea.
49	D Walker	34 Gunner Drive	Diverse housing stock needed to address urban sprawl.
50	W Heath	4P/160 Symonds Street Auckland	No comments.
51	Ian Wabcke	29 Lazurite Drive	No comments.

Comment Themes

- Modern development good for local area and urban consolidation.

6.1.2 Oppose

No	Name	Address	Comments
2	BA Hirtzell	1 Hereford Street	Height in relation to existing development; traffic.
3	T Wong	518 Te Atatu Road	Height; traffic; noise, shading of adjacent properties, pressure on wastewater infrastructure.
5	E. W. Smith	1/522 Te Atatu Road	Existing traffic problems exacerbated.
7	R. & C. Nelson	19 Rhone Avenue	Height, bulk excessive; privacy; parking; shading.
9	H. Walker	8/16 Vinograd Drive	Privacy, visual impact, traffic.
10	T Mowday	9/16 Vinograd Drive	Height; traffic; noise; shading; privacy; pedestrian crossing required.
11	Richard Cross	23 Rhone Avenue	Built character; shading; site should be commercially used only.
14	N. Kumar	15 Miriama Street, Taumarunui	Views; shading; built character; traffic.
15	Te Atatu Residents & Ratepayers Association	N/A	Neighbourhood character; physical domination; amenity; privacy; views; Plan policies and objectives; unfair on previous purchasers in area; sunlight access to some apartments.
16	Raymond Sik	6 Rhone Avenue	Noise; density; rubbish; crowded living will result.
19	L & H Simmonds	15 Rhone Avenue	Height, bulk excessive; privacy; daylight; traffic noise; visual amenity; neighbourhood character.
20	P & L Dreaver	9 Rhone Avenue	Height, winter shading; traffic; vibration.
22	B Hopkinson	11/16 Vinograd Drive	Height, shading; pedestrian safety; precedent effect.
23	B Steel	50 Kervil Avenue	Village atmosphere; visual impact; parking; traffic.
24	A & L Rufus-Ellis	39 Graham Avenue	Village atmosphere; visual impact; parking; traffic.
25	Peter Horne	25 Cellarmans Street	Height; traffic; neighbourhood character; privacy.
26	Norma Harris	27 Gill Avenue	Density; visual impact; traffic.
27	D Pearson J Coveney L Broadway L Law	7/16 Vinograd Drive	Height & scale; shading; traffic; noise; streetscape; precedent effect; lack of consultation; impermeable surface coverage; neighbourhood character.
28	Shelley Vaudrey	5 Yeovil Road	Precedent effect; community feel; traffic; height.

No	Name	Address	Comments
29	K Wellington	722 Te Atatu Road	Traffic; visual impact.
30	N Wellington	7 Moor Avenue	As per no. 29.
31	R Wellington	7 Moor Avenue	As per no. 29.
32	Hannah Hodge	12 Graham Avenue	Traffic; visual impact.
33	Donna Neale	3 Graham Avenue	As per no. 32.
34	R Thompson	1/17 Harbour View Road	As per no. 32.
35	Rachel Hunt	9 Toru Street	As per no. 32; ostentatious development.
36	N. Messer & family	44 Hereford Street	As per no. 32.
37	S. Rudolph	19 Tawa Road	As per no. 32.
38	Deane Houia	9 Holman Road	As per no. 32.
39	Mati Wellington	7 Moor Avenue	As per no. 32.
40	R. Wellington family	5B Springbank Lane	Landscape & visual impact; traffic; commercial use preferred to residential.
41	L. Wellington & family	5B Springbank Lane	Neighbourhood character; foreign investment not welcome; visual impact.
42	M. Wellington	7 Moor Avenue	Traffic; visual impact.
43	R. Swannack & H. Stockman	42 Abbotleigh Avenue	Height, shading; neighbourhood character; privacy.
44	Belinda Petersen	21 Rhone Avenue	Height; shading; amenity; scale; vehicle manoeuvring; parking; lack of consultation.
45	P Timmins	3A Cezanne Place	Height; neighbourhood character; physical dominance; privacy.
46	PW & JE Nicholson	42 Danica Esplanade	Height; scale.
47	B Belcher	498 Te Atatu Road	Physical dominance; traffic; shading; privacy; road damage.
48	A Belcher	498 Te Atatu Road	Physical dominance; traffic.
52	Betty Sharne	10/16 Vinograd Drive	Construction noise; shading; impact on structural stability of adjacent buildings.
53	L & C Hutchison	16 Halyard Place	Traffic; driver safety; potential for lack of maintenance.
54	Ruth Jackson & Carol Lynch	52 Rewarewa Road	Neighbourhood character; landscape impact; precedent effect; traffic; development represents greed.

Common Themes

- Physical dominance would detract from existing neighbourhood character.
- Excessive height would be out of place in area dominated by much lower buildings.
- Te Atatu Peninsula landscape character would be adversely affected.
- Shading resulting from building bulk and height would be unacceptable.
- Privacy of local residents would be adversely affected by overlooking apartments.
- Increased traffic volumes would adversely affect driver and pedestrian safety.
- Te Atatu Road / Gunner Drive intersection already congested and dangerous, and would be worsened by additional traffic movements.
- Noise from apartment dwellers, construction works and increased vehicle movements.
- Precedent effect of allowing this development to proceed.
- Site should be used for commercial purposes.

The submissions from PW & JE Nicholson, B Belcher, A Belcher, Betty Sharne, L & C Hutchison and Ruth Jackson & Carol Lynch were received after the closing date for submissions. The interest of the community in seeing that an adequate assessment of effects is undertaken would be better served if these submissions were accepted, and this submission would not result in any delay. For these reasons I recommend, pursuant to section 37 of the Act, that these late submissions be accepted.

7.0 STATUTORY REQUIREMENTS

7.1 Discretionary Activities

The relevant policies and criteria which apply under the District Plan and the Resource Management Act 1991. This should be referred to as the legal framework within which the application should be addressed.

Section 104 of the Resource Management Act 1991 sets out those matters to be considered when assessing an application for resource consent. Among 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 the relevant objectives, policies and rules of the District Plan. All considerations are subject of the provisions of Part II of the Resource Management Act 1991, which sets out the purpose and principles that guide this legislation.

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

8.0 EVALUATION PURSUANT TO SECTION 104 OF THE RESOURCE MANAGEMENT ACT 1991

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

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

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

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

8.1.1 Water Quality and Quantity

The applicant proposes to undertake earthworks with a volume in the order of 4,300m³ on the site, in order to establish the building platform and new outdoor car parking and manoeuvring areas, but mainly to construct a 1,396m² basement car parking area, large enough to accommodate 53 cars. This basement would also house the apartments' storage areas.

The works will not result in more than minor effects, in term of water quality, on the surrounding environment, provided that suitable erosion and sediment control measures are established prior to works commencing on the site, and that the works are undertaken in accordance with the Earthworks Management Plan. The applicant has provided a site management/earthworks management plan to Council and this has been approved by Council monitoring officer Ms Karen Pegrume. As discussed in section 3 of this report, the applicant proposes to implement a range of measures on the site, including silt fencing, clean water diversion bunds, decanted sediment ponds, a wheel wash facility and a stabilised entrance and exit.

In response to comments received from Council's geotechnical engineer, it was determined that further information relating to dewatering of the excavations should be provided by the applicant. As a result, plans were provided showing how the excavation would be drained of groundwater, and how cement and concrete tailings would be contained and managed on-site. The proposed measures have been approved by Ms Pegrume.

Also, through intensified use of the site, the applicant effectively proposes to increase the loading on Council's reticulated stormwater and wastewater systems, and due to the relatively high volumes of traffic using the site and the surrounding roading network, contamination of stormwater run-off by airborne pollutants would require quality treatment. This would be in the form of either a sand filter or a storm filter. The applicant states that the method to be used would be confirmed once resource consent was granted. These matters are also addressed in section 8.1.9.7 of this report.

8.1.2 Vegetation and Fauna Habitat

There is no vegetation on the site protected under the Natural Area rules of the District Plan. The site is generally covered with grass and weeds, with the exception of the south-western and south-eastern boundaries, which are planted with juvenile pittosporum and titoki trees. Some of the trees may need to be removed from beside these boundaries to provide for access to the elevator and the vehicle ramp leading to the underground car park (south-western boundary) and to provide car parking spaces adjacent (south-eastern boundary), but this would be more than adequately mitigated by the significant replanting proposed along these two boundaries, and also within the areas of road reserve adjacent to the site. Limited replanting along the south-western boundary would also occur. All replanting would comprise solely native species. Adverse effects on vegetation and fauna habitat are, therefore, considered to be less than minor, and sufficiently mitigated by proposed replacement planting on and off-site.

8.1.3 Land / Soil

The application involves a total of 4,300m³ of earthworks on a site subject to a natural hazard. Special Feature Number 2715 reads:

Foundations of any residential building subject to further soils investigation and specific design by a registered engineer experienced in geomechanics.

The application and the accompanying geotechnical report prepared by Argo Thomson Consulting Engineers has been reviewed and approved by Council's geotechnical engineer, Mr Garry Law. Mr Law has provided recommended conditions of consent that would ensure that the effects of the proposal were contained within the site and did not adversely affect the stability of the adjoining sites and the buildings thereon. In particular, Mr Law has stressed that suitable conditions are required to ensure that groundwater levels along the boundaries are maintained, as lowering of the water table could potentially result in damage to adjacent buildings, underground services and hard surfaces. Mr Law recommends that a management plan addressing this matter be provided with any subsequent building consent application. It is noted that a preliminary water table management plan has been submitted with the resource consent application, and this has been approved by Council Monitoring Officer Ms Karen Pegrume. This plan will need to be re-submitted for final approval with the building consent application, but for the purposes of the consideration of the resource consent application, the management plan demonstrates to Council's satisfaction that adverse effects can be avoided. Mr Law concludes that "the site, while a difficult one, can be engineered for the [stated] purpose".

There would be less than minor, and only temporary, adverse visual effects arising from the proposed earthworks. The applicant proposes to undertake a large volume of earthworks in order to create a basement level and car parking/manoeuvring areas on the site, but the excavations would be completely covered once the basement and ground-level construction works had been completed. The surrounding area is flat, and there would be no persons adversely affected by the temporary visual effects of the proposed landform modification.

8.1.4 Air

As the site is within the urban area and the proposed activity does not include air emissions of any kind, there would be less than minor adverse effects on air quality. There is potential for the large volume of earthworks proposed to generate dust that could affect the residents of the local area, particularly during dry and windy weather conditions. I consider, however, that these affects could be avoided and mitigated by the applicant adopting 'best-practice' earthworks management techniques. This would include wetting of the excavated material when conditions necessitate this, and limited stockpiling of excavated material on the site. It should be noted that, due to on-site space constraints, it would be in the applicant's interest to remove the excavated material from the site as it is generated, to minimise the duration of works. Appropriate conditions of consent would be recommended to ensure that an acceptable level of mitigation was achieved.

8.1.5 Ecosystem Stability

As the site is within the urban area, and the existing environment is already modified, there would be less than minor adverse effects on the stability of ecosystems arising from the proposed development. The application involves the loss of some grassed areas and a small number of juvenile native trees, but the ecological effects of this would be more than adequately mitigated by the comprehensive landscaping (including planting of native trees and shrubs) proposed on the site and within the adjacent road reserve (refer section 8.1.2 above).

8.1.6 Outstanding Natural Features: Landforms & Geological Sites

The subject site is not identified in the District Plan as containing “outstanding natural features” (refer Maps 3.5D & E). The proposed activity would not, therefore, adversely affect any identified outstanding natural features.

8.1.7 Natural Character of Coast and Margins of Lakes, Rivers and Wetlands

There would be no adverse effects in relation to the natural character of the coast, or the margins of lakes, rivers and wetlands as a result of the proposed activity, as it would be located within the urban area of the City and would not be near the coast, a water body or a wetland. The site is approximately 650m from the Waitemata Harbour to the east, and is separated from the harbour waters by the Harbour View residential development and the adjacent parkland. Although the proposed building would be visible from parts of the Peninsula’s coastline and further a field, it would not affect the natural coastal character, per se, due to the large separation distance. (Effects on neighbourhood character and landscape values are addressed separately in section 8.1.9 below).

8.1.8 Outstanding Landscapes

The subject site is not identified in the District Plan as being within an area of “outstanding landscape” (refer Map 3.6B). The site is within the urban area of the city and the environment is already extensively modified. Therefore the proposed activity would not adversely affect any identified outstanding landscapes.

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

8.1.9.1 Traffic, Parking, Driver Safety, Vehicle Manoeuvring, Roading Network

Parking, Manoeuvring & Traffic Generation

The applicant proposes to provide 76 car parking spaces on the site, 53 of which would be located within the basement and used solely by the residents of the 37 apartments. Thirty of these spaces would be arranged in a stacked manner (i.e. requiring one car to be moved before another can exit), but each pair of stacked spaces would be allocated to one particular apartment, to ensure that the parking system was practical. The District Plan states that parking spaces should be provided at the ratio of two spaces per dwelling, which would require that 74 spaces be provided on-site for the residential activity alone. However, with reference to the Council’s parking ratio guidelines² for medium-density housing, the proposal should provide a minimum of 47 spaces for the use of the apartments’ residents. As the proposal is much closer in character to medium-density housing development than a standard ‘greenfields’ subdivision; it is considered that the applicant would in fact exceed the required number of car parking spaces by 6.

The Waitakere City Council Parking and Driveway Guideline recommends that parking spaces be provided at the ratio of 1 space for each 1-2 bedroom unit (36 spaces required), plus 1 visitor space for every 4 units (a further 9 spaces required), bringing the figure to 45 spaces. In addition, 3 spaces should be provided for every unit with more than two bedrooms (1.5 spaces required), plus 1 visitor space for every 3 units (one-third of a space required). Therefore, the applicant would need to provide no more than 47 spaces for the residential component of the proposal.

²

Refer the Waitakere City Council Parking and Driveway Guideline, p7.

Twenty-three parking spaces would be provided within car parking areas on the southern half of the site and directly adjacent to the north-eastern wall of the building. According to the applicant, this represents a shortfall of 7 spaces for the commercial activities proposed on the building's 598m² ground floor. This figure appears to assume that the ground floor would be occupied by activities with a very high parking requirement, such as takeaway food bars, which require 1 space for every 10m² of gross leaseable floor area. A Council transport engineer, Mr Adam Moller, has reviewed the proposal and considers that the applicant has based the development's anticipated traffic generation rates – and, therefore, also the minimum parking requirements - on a “very conservative worst-case scenario”, with trips being made to the site for the purposes of visiting the new commercial development alone. In reality, it is anticipated that visitors to the new development will also visit other existing businesses while in the town centre, and vice versa. It is considered that a broader mix of commercial activities is likely to establish on the site, with a lower overall parking requirement. For example, only 17 spaces (i.e. 6 fewer than the 23 to be provided) would be required if the ground floor was occupied by offices.³

Access to all parking spaces would be from the existing right-of-way off Gunner Drive, which presently serves the commercial buildings at 1 Rhone Avenue. This right-of-way takes a left turn near the eastern corner of the subject site and continues towards and then links with Rhone Avenue, running parallel with the northern boundary of 16 Rhone Avenue (the Kemberley Mews medium-density housing development). With respect to on-site vehicle manoeuvring, Mr Moller states the following:

The internal ramp access to the basement parking is only single-lane. The single-lane access provides sufficient capacity for the number of car parks in the basement and the likely turnover of vehicles in this area. However, as sight lines are limited by the curve of the ramp, it will require the provision of a warning device to indicate when cars are entering/exiting from the other end of the ramp.

Mr Moller has raised no concerns regarding the practicality of manoeuvring from any of the basement or ground-level car parking spaces.

Road Safety & Traffic Generation

A number of submitters raised concerns regarding reduced safety at the intersection of Gunner Drive and Te Atatu Road if the proposed development was approved. There was concern that the proposed level of traffic generation associated with the development would contribute to a dangerous level of congestion. The applicant predicts that the proposed development would result in 1,396 vehicle movements per day. Mr Moller has assessed this issue, and states the following in response:

“The access to the proposed development is on Gunner Drive, which is designated as a local road. The end of Gunner Drive, where the development is located, connects directly into Te Atatu Road, which is a district arterial road. Te Atatu Road has sufficient capacity to absorb the additional vehicle movements without significant adverse effects. At the intersection of Gunner Drive and Te Atatu Road, the increased traffic volumes from the development will result in some small increases in delays to traffic turning into and out of Gunner Drive. However, neither the existing level of congestion nor the post-development level of congestion warrant alteration of the intersection at this time. The eventual need to upgrade this intersection at some point in the future would be driven by the effects of a number of other developments in combination with the one proposed in this application, and therefore it is appropriate for a contribution to be paid as part of this application towards the future upgrading of the intersection.”

³ WCC P & D Guideline: one space per 35m² required for office use required within the Community Environment.

Part of the future upgrading of the intersection would require Council to purchase a piece of land (Lot 3 DP 206924). This land is currently held in the ownership of the applicant and it is therefore recommended that this piece of land be vested in Council in lieu of a monetary contribution."

As stated above, Mr Moller considers that the applicant's figures with regard to increases in traffic generation are very conservative. In his words:

"The number of vehicle movements associated with the ground floor commercial activities is 1,196 per day. [This] assumes all the space is used for high volume retail activities and that trips to the site are to visit the new development alone. It does not make any reduction for multiple purpose trips where the customer comes to the town centre and visits several businesses in one trip. Consequently the actual traffic generation may end up significantly lower than the applicant's assessment if service type businesses occupy the commercial space."

With respect to the level of traffic generation associated with the proposed residential activities, he states:

"The number of vehicle movements associated with the residential activities is 200 per day. This is based on the rates for medium-density housing and is quite realistic given the close proximity of the development to a major town centre offering a full range of retail shop and services within easy walking distance."

Construction Traffic

With respect to construction traffic, Mr Moller states the following:

The provision of the temporary access particularly for the truck movements associated with the earthworks requires some consideration. Providing temporary access directly from Te Atatu Road minimises the truck movements in the vicinity of the existing commercial development immediately to the east (Stage 1). However, to avoid adverse effects on peak hour traffic on Te Atatu Road, access for heavy vehicles to and from the site during construction should be prohibited between 7:00am and 9:00am and between 3:00pm and 6:00pm. The applicant shall provide a temporary vehicle crossing at the site access and the crossing shall be maintained in a good state of repair throughout the duration of the construction so that pedestrians can safely use the footpath on the eastern side of Te Atatu Road. The temporary crossing shall be removed and the road reserve area fully reinstated at the completion of the construction. A street damage bond shall also be paid to council prior to the commencement of earth works on the site.

Therefore, for the reasons given above, I consider that the proposal provides for a sufficient level of car parking, and that the anticipated increase in traffic movements to and from the site would not result in a dangerous level of congestion at the Gunner Drive / Te Atatu Road intersection or the surrounding area. The effects would be no more than minor, subject to the applicant complying with the recommended conditions of consent.

8.1.9.2 Privacy

The applicant states that “[protecting the amenity of] the adjoining residential area has been a key factor in the design of the apartment complex”. The building would be a minimum of 19m from the residential boundary. As stated by the applicant, most apartments would face either north over the town centre or east towards the Waitemata Harbour. As well as reducing potential adverse effects on neighbouring residents’ privacy, this makes good commercial sense, as maximising sunlight and sunlight access and views of the harbour would increase the total value of the development. Only one apartment at each level (i.e. 5 apartments out of a total of 37) would have views orientated towards the adjoining residential area. More oblique views over the residential area would be available from the east-facing units. It should be noted, however, that there is existing vegetative screening in the form of pittosporum and titoki trees along the residential boundary, and this would be supplemented by further landscape planting. This evergreen vegetation would provide acceptable screening of the immediately adjoining sites’ outdoor space.

The higher levels of the apartment building would be set progressively further back from the boundary, thereby decreasing their proximity to, and the visibility of, the neighbouring sites. In this way, direct lines of sight from the apartments’ balconies into the adjoining sites would be largely avoided. Also, the higher levels (i.e. from the third storey upwards) would have expansive views above the one to two-storey buildings that predominate in the local area, and therefore the neighbours’ outdoor space would be only a small element within the higher apartments’ wide visual catchment. It is unlikely that apartment dwellers would tend to look into the neighbours’ dwellings and outdoor space when the views further a field extend to Te Atatu South, the western portion of Auckland City, the [future] ‘Peoples Park’ at the southern end of the Peninsula, and the lower reaches of the Waitemata Harbour.

It should also be noted that the apartments’ balconies, while reasonably generous in size, would not be used as frequently as outdoor living areas and gardens on more traditional, larger residential properties, due mainly to the inherent limitations of space and practical uses. In general, residents of apartments do not expect to be able to meet all their recreational needs on-site, and often prefer to use local parks and beaches for uses other than passive recreation and small-scale entertaining.

No other person’s privacy would be potentially affected by the development, due to sufficient distance from the subject site, or commercial - as opposed to residential - use of the overlooked site (ie. 547 Te Atatu Road).

The application involves the construction of several car parking spaces adjacent to the site’s south-eastern boundary. For the following reasons, the presence of car parking spaces in this location would not give rise to more than minor adverse effects on the residents of the neighbouring properties. Firstly, there would be a 2m-wide landscaping strip (including new native trees) between the parking spaces and the boundary, and there is a close-boarded timber fence along the boundary that would be retained. In combination, the fence and the vegetation would ensure an adequate level of visual and aural privacy for the residents of the neighbouring properties. Secondly, the outdoor car parking spaces are allocated specifically to the commercial units on the building’s ground floor. As most business is conducted during traditional daytime business hours, there is unlikely to be significant use of the car parking spaces at the rear of the site in the evenings. As the commercial units would have frontage to Gunner Drive, any customers arriving in the evenings - assuming that some future tenants of the units would run businesses that operated in the evening - would be more likely to park as close as possible to the front doors, and the closer spaces are much more likely to be available as the evening progresses.

For these reasons, adverse effects on neighbours' privacy would be no more than minor.

Visual privacy for the apartments' balconies would be provided by screens erected between the balconies. The subject site adjoins commercially developed sites, but the activities on these sites are retail-orientated and not of a visual or aurally intrusive nature. I concur with the applicant's statement that the amenities enjoyed by the residents of the apartments would not be adversely affected by the adjacent commercial activities, and that reverse sensitivity issues are unlikely to arise.

A satisfactory level of aural privacy between units would be achieved through the use of standard sound limiting construction methods.

The assessment of landscape and visual amenity effects prepared by Rachel de Lambert of Boffa Miskell Limited encapsulates and expands upon the above, and is supported by Council. I recommend that this report, and the review of Ms de Lambert's report undertaken by Council Landscape Architect Ms Helen Ballinger, are read in conjunction with this report.

8.1.9.3 Shading

As mentioned in section 5.1 above, the site's zoning provides for the assessment of proposed development against the rules of both the Living Environment and the Community Environment, though it is acknowledged that the Plan intended for the Living Environment rules to be generally predominant. In the Harbour View North Special Area, activities permitted within the Community Environment require resource consent as a discretionary activity, while the Living Environment rules translate directly, i.e. permitted activity = permitted activity, discretionary activity = discretionary activity, etc.

With respect to daylight and sunlight access to adjoining land - limited by the Plan primarily through the use of height-in-relation-to-boundaries controls - the applicant has designed the building to meet the standards of the Community Environment, i.e. specifically providing for the retention of acceptable daylight and sunlight access to abutting Living Environment land. No minimum daylight or sunlight access standard applies within the Community Environment where adjoining land is not within either the Living or Open Spaces Environments. Also, the subject site is a corner site and thus has two road boundaries. No daylight or sunlight access control is applicable within either the Living or Community Environments along boundaries where a site adjoins the Transport Environment (roads). Therefore, much of the building, though located very close to the site boundaries, does not infringe the applicable height-in-relation-to-boundaries controls.

The proposed building has been designed to comply with the applicable daylight recession planes to the adjoining residential boundary to the south-east. Compliance is demonstrated on Sheet RC-303 of the submitted plans. A number of submissions were received from residents of Kemberley Mews - the medium-density housing development on the adjoining site to the south-east - objecting to the shading of their properties that would result if the proposal was approved. In response, it should be noted that the building would not shade these neighbouring properties to any greater extent than a much lower building positioned much closer to the shared boundary. An equal level of shading would occur whether the building was of the proposed height and distance from the boundary, or lower in height but closer to the boundary, assuming the smaller of the two buildings was designed to comply with the minimum shading standard as marginally as the proposed commercial / apartment building. Compliance has been achieved by staggering the setbacks of the various building levels, so that each successive storey is located further from the boundary than the level below it.

The applicant has applied for dispensation for infringements of the Height-in-Relation-to-Boundaries controls as they relate to the site's south-western and north-eastern boundaries. As noted in section 5.1 of this report, the building would infringe the along the south-western boundary by a maximum of 16.0m over a horizontal distance of approximately 4.2m, and the site's eastern boundary by a maximum of 6.0m over a horizontal distance of approximately 32.8m. I consider that the effects of the infringement along the north-eastern boundary would be less than minor, as the infringement is measured from the centreline of the two-lane right-of-way that separates the proposed new building on the subject site and the existing commercial building on the adjoining site. The infringement would result in shading of only the right-of-way and the adjacent car parking spaces used mainly by customers of the video hire business. There would be little or no effect on daylight and sunlight access to the video hire business's interior, as the business's west-facing windows are largely covered with posters and promotional material. These windows are highly visible from the main thoroughfare (Te Atatu Road), and thus offer good advertising opportunities. It is also noted that this neighbouring building's western side is a further 10m to the east of the right-of-way's centreline, in a position beyond the affected shaded area. Compliance with the applicable rule would be easily achieved if this wall, rather than the middle of the right-of way, used only by motorists and pedestrians, was the point from which the daylight recession plane was measured.

The infringement to the south-western boundary would result in no more than minor adverse effects on the adjoining site, as it would affect only a 4.6m length of the boundary, adjoining which is a sealed car parking area associated with the commercial premises further back on the site. Therefore, the shading effects would be restricted to the users of the car parking area. There would be no infringement with respect to the buildings on the site. It is also noted that the larger of the two buildings on this adjoining site is located towards the southern end of the site, some 20m from the nearest point of the proposed new building.

8.1.9.4 Views

The southern end of the Te Atatu Peninsula is generally flat, and is particularly so in the vicinity of the subject site and the nearby town centre. As a result, there are no notable views from nearby properties that would be adversely affected by the bulk or height of the proposed building. At present, a small number of sites on the western side of Te Atatu Road would have horizontal views down Gunner Drive that would be interrupted by the proposed building, but to no greater degree than if a hypothetical building of complying height (8m) was constructed on the site. It is noted that the two-storey commercial development at 1 Gunner Drive already blocks the view from the western side of Te Atatu Road down Gunner Drive to the east. I consider, therefore, that the adverse effects on views would be less than minor and that potential adverse effects on neighbourhood character and visual amenity are of more importance in relation to the bulk and height of the proposed building.

8.1.9.5 Visual Amenity, Neighbourhood Character, Streetscape, Dominance, Landscape Effects

The submissions received from the submitters opposed to the proposal indicated that issues of excessive building bulk and height, and the resulting effects on neighbourhood character and visual amenity were the primary concern. It is acknowledged by the applicant that the building would be the tallest building on the Peninsula, and as such would create a local landmark⁴. The applicant considers that, despite the difference in the height of the proposed new building compared with the existing, surrounding built environment, the development "is not expected to generate adverse landscape or visual amenity effects in relation to its various potential viewing audiences." In fact, the applicant states that the 19m height "is expected to have urban form benefits [by] creating a local landmark on the southern side of the Te Atatu town centre reinforcing the centre and signalling the entry to the commercial area". I concur with the applicant's conclusions for the following reasons.

- The development's retail frontage is to Gunner Drive, reinforcing the commercial activity that has established further east down the street (Boffa Miskell report, p5).
- The building's exterior is highly articulated, utilising a variety of materials and colours and staggered boundary setbacks. In the applicant's words, this has been done to "[break] the scale of the building" and to lend individuality to the apartments and give a "residential scale and articulation to the façade" ((Boffa Miskell report, p5). The applicant notes that the Gunner Drive and rear elevations (the latter facing the Kemberley Mews residential development) are particularly well modulated. I consider that this is correct, and that the amenity of the building, especially as viewed from the crucial south-eastern angle, is of a uniformly high quality.
- The applicant has provided a series of photomontages that illustrate how the proposed building, though significantly higher than the buildings surrounding it, would be compatible - or, perhaps more accurately, not *incompatible* - with the existing neighbourhood character and visual amenity. Firstly, the applicant notes that "the effect of the additional height is relatively quickly mitigated by distance and intervening elements, including other buildings and vegetation". For example, the neighbouring two-level commercial building directly to the east of the subject site provides significant screening of the proposed six-storey building behind it, when viewed from Rhone Avenue. Secondly, the photomontages illustrating the impact of the proposed development on the Peninsula's skyline when viewed from more distant locations indicate that distance and the presence of intervening elements adequately mitigate the potential adverse visual effects.

As the applicant states; "these more distant visual simulations illustrate that at six storeys the proposed development will have very limited landmark height impact and will not break the established built / vegetative skyline". By this the applicant means that the building would be no higher than the tallest vegetation, including Norfolk Pines, on the Peninsula, when viewed from prominent locations such as the SH16 Te Atatu interchange and the motorway itself, to the east of the Peninsula opposite the Rosebank Park Domain (refer Boffa Miskell report).

- While the building would infringe the 3m front yard requirement along the site's two road boundaries, this is sufficiently mitigated by the unusually wide grassed berm (road reserve) along the Te Atatu Road boundary, and by the defining presence that the building would give to this prominent corner location by being located very close to the main road. Due to the predominance of commercial development around the Gunner Drive / Te Atatu intersection and the proposed planting of street trees within the berm to visually soften the proximity of the building to the adjacent roads, this infringement would not result in undue physical dominance. The building would be set back at least 12.5m from the residential boundary, which is considered the most sensitive boundary with respect to minimising dominance effects.

- Though impermeable surface coverage over the site would exceed the 60% permitted standard within the General Natural Area, this infringement would not be readily discernible from outside the site, due to the retention of the existing boundary vegetation and the planting of new shrubs and trees in visually prominent locations around the site. The proposed new plantings include large-grade (pg 95) pohutukawa, smaller titoki, nikau and kohuhu (all native trees), plus various ground-cover shrubs such as flax and coprosma. Planting would be concentrated around the site's two road frontages and also along the residential boundary, which is presently defined by a close-boarded timber fence. This fence presently screens the subject site completely from the single-level dwellings within the abutting Kemberley Mews residential development. Because of this total lack of visibility, the residents of these neighbouring dwellings would not be aware that the permeable area of the subject site had been reduced.

It should be noted that the applicant also intends to plant trees within the adjacent road reserve, which would further assist in mitigating any perceived adverse effects of the impermeable surface coverage in particular, and the bulk and height of the building more generally. The proposed Street Tree & Landscaping Plan has been approved by Council's Parks Consent Planner, Ms Maylene Brown, and Council's Landscape Architect, Ms Helen Ballinger.

When viewed from the right-of-way adjacent to the north-eastern side of the site, the site would have a more commercial appearance, as this area contains the vehicle access and the above-ground car parking spaces, but this appearance would be consistent with the above-average visual amenity of the commercial properties within the immediate vicinity.

- Most importantly, the building would not overly dominate the adjoining residential dwellings to the east, for many of the same reasons given in section 8.1.9.2 (Views) above. Specifically, the building has been designed to comply with the District Plan's permitted standards relating to yards (building setback) and height-in-relation-to-boundary (solar and daylight access). These controls are the principal methods by which acceptable levels of residential amenity are maintained. With respect to these controls, compliance with the permitted standards indicates that the proposed building would not have a significantly greater dominance effect on the residents of the adjoining properties than would a building much lower in height positioned much closer to the common boundary.

It is, however, acknowledged that the level of building coverage on the site would far exceed the 35% maximum permitted standard that applies to the Living Environment. The first floor of the building - possibly the most visible level from the adjoining properties, due to the height of the vegetation along the site's rear boundaries - would be the largest, with an area of 943m², or almost 55% of site area. However, the applicant states correctly, at p2 of the further information letter dated 16 September 2004, that there is no building coverage control within the Community Environment, and that it can, therefore, be "reasonably expected that site coverage in excess of 35% [of site area] will be created within the Harbour View North Special Area". This is correct because the Harbour View North Special Area rules, while generally anticipating residential development of a type and scale commonly associated with the Living Environment, are overlain by the Community Environment Rules. This 'overlay' allows Council to assess any activity that would otherwise be a Permitted Activity within the Community Environment as a Discretionary Activity. (This principle holds true equally with respect to the infringements of controls such as building height, impermeable surface coverage and yards as it does to building coverage).

In other words, Council's District Plan can be seen if not to encourage, then at least to *provide for* the development of buildings that are more characteristic, generally speaking, of the Community Environment, in the limited circumstances where it can be demonstrated that this would be appropriate, because the resulting adverse effects could be adequately avoided, remedied or mitigated. Thus, it is evident that the District Plan envisages mixed use development on such sites provided that certain minimum standards are met. The level of building coverage proposed here, though relatively high, is adequately mitigated by a more than adequate setback of the building from the residential boundary. In this case the building would be set back by a minimum of 12.5m, double the 6m minimum standard where commercial buildings are to be erected adjacent to a Living Environment (Community Environment Rule 3.1). I consider that there would be less than minor adverse effects arising from the proposed level of building coverage, and minor effects at most on the occupiers of the adjoining residential properties.

Further Observations

The majority of new development in the Te Atatu Peninsula town centre has occurred around its fringes rather than within its core. This development represents a revitalisation of land closer to the town centre than has occurred recently and adds a high level of visual interest to the Peninsula's main arterial route and hence the 'gateway' to the northern half of the Peninsula.

Rather than creating of an 'eyesore' or a 'blot on the landscape', the proposal would provide for the creation of local landmark that would define the entry to the town centre without unduly dominating the adjacent residential properties or generating adverse visual effects on the streetscapes of Te Atatu Road or Gunner Drive. The applicant states, in pg 7 of the Boffa Miskell report, that "it is arguable that the urban form and quality of urban design of Te Atatu will be significantly enhanced by this development, giving legibility and some vertical scale to the centre and providing a mixed use commercial /residential building typology amongst the more purely commercial development within the centre".

The assessment of landscape and visual amenity effects prepared by Rachel de Lambert of Boffa Miskell Limited encapsulates and expands upon the above, and is supported by Council. I recommend that this report, and the review of Ms de Lambert's report undertaken by Council Landscape Architect Ms Helen Ballinger, be read in conjunction with this report. Both Ms Ballinger and Ms de Lambert are recognised professionals in the field of visual and landscape assessment, and I consider that Ms de Lambert's report and Ms Ballinger's review demonstrate that the proposal meets the tests required by the Resource Management, ie. that the effects of the proposal would be no more than minor. Ms Ballinger's review concludes:

"Overall, I concur with the Boffa Miskell report, that the proposal would not generate adverse landscape or visual amenity effects. I support the proposal and consider that the proposal has been well designed for its site".

Some submitters expressed concern that the apartments' balconies could be used for the purpose of clothes-drying. This could detract from the visual amenity and character of the area. The applicant has responded by stating that a consent condition expressly forbidding the use of the balconies for the drying of clothes would be acceptable. If necessary, they would accept a condition that this be enforced through the building's Body Corporate rules. I consider that such a condition would be appropriate in light of the adverse effects that would arise if the balconies were used this way.

In summary, I consider that in this instance the most potentially damaging adverse effects, particularly those relating to loss of privacy and views, shading and dominance, have been avoided and minimised satisfactorily. There would be only minor adverse effects on the residents of the adjacent medium-density housing development, and it is clear that the applicant has paid close attention in designing the building to the need to minimise impacts on the neighbouring sites while creating a relatively large and significant building that would define the entrance to the Te Atatu Peninsula town centre. The high quality of the building's exterior articulation, particularly the use of different textures and materials and the staggered setback of the apartments from the residential boundary, would greatly reduce the visual effects of the proposal from the perspective of those most potentially affected by the building's bulk and height. Once complete, the building would, in my opinion, become synonymous with the ongoing rejuvenation and redevelopment of the Te Atatu Peninsula, due to its excellent design and prominent location at the gateway to the town centre.

8.1.9.6 Environmental Health (Noise, Dust, Glare, Odour, Vibration)

The applicant would be limited to hours of work generally considered acceptable in a residential neighbourhood. Essentially, the permitted work hours allow work to occur on the site six days per week, with no work permitted on Sundays and limited hours on Saturdays. I consider that there are no pressing reasons to limit the hours of work to a greater extent than where, say, large scale earthworks associated with subdivision on the urban fringe are to be undertaken. It is noted, however, that these permitted work hours will, to some extent, be further restricted by a condition recommended by Council's Transport Assets engineer that would prohibit heavy vehicle access to and from the site during peak commuter hours (7.00 am to 9.00 am and 3.00 pm to 6.00 pm Monday - Friday).

It is acknowledged that the works would cause some disruption for the local residents, but the effects of this temporary inconvenience and loss of amenity would be no more than minor. The applicant has stated that noise generated on the site during the five-week⁵ earthworks period and the subsequent construction phase, which is likely to last several months, would not exceed the relevant New Zealand Standard (NZS 6803P: 1999 'The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work').

As discussed in section 8.1.9.2 above, the location of several car parking spaces parallel to the site's residential boundary would not have more than a minor adverse effect on the residents of these neighbouring sites. Car headlight glare and engine noise would be adequately mitigated by the 2m-setback of the parking spaces from the boundary, the existing close-boarded fencing and the existing and proposed boundary vegetation.

The applicant has indicated that refuse from the apartments would be stored in the building's basement, which is served by both an elevator and a stairway. This would ensure that odour from domestic refuse would be contained within the building. It has not been finalised where commercial refuse would be stored, or from where it would be removed, but the applicant has stated verbally that it is likely that the building's commercial tenants would also use the basement refuse storage facility. This issue should be clarified by the applicants at the hearing. It is also noted that the storage area is not adjacent to the site's more sensitive residential boundary. Rubbish removal vehicles would reverse into the ground-level refuse bay when removal was required. (Refuse would be transferred up to ground-level from the basement on the day of removal).

5

This might be extended by prohibiting heavy vehicle access to and from the site during peak commuter hours, as recommended by Council's transport engineer.

As the removal vehicle would need to use the manoeuvring/parking area adjacent to the site's residential boundary, I recommend that refuse collections occur no earlier than 7.30 am and no later than 9.00 pm. Subject to confirmation of the proposed commercial refuse storage and collections arrangements, and the imposition of conditions designed to protect the amenity (with respect to both noise and odour) of the residents on the adjoining site, it is considered that the effects of the proposal would be less than minor.

Dust generated during the earthworks phase would be controlled by watering / spraying of the vehicle access areas and the works areas, as necessary.

There is no indication that the building would generate glare in excess of the permitted standards for the Living Environment, and there appear to be no external building features that would require special or specific lighting. The applicant may, however, wish to confirm this at a hearing. Should the Council consider it necessary and appropriate, a condition could be imposed to limit glare to the level permitted within the Living Environment.

Vibration resulting from the use of heavy machinery in the excavation of the basement level and the installation of the building's foundations has the potential to destabilise the adjoining properties. I consider that these effects can be adequately minimised through the imposition of appropriate conditions of consent.

8.1.9.7 Infrastructure

The application has been assessed by Council drainage engineer Ms Shelley Renkema, who has provided the following comments.

Stormwater connection is available on site, however the existing public drain may need to be altered to avoid conflict with the development and provide the required clearances. Proposed impermeable surfaces total 86% site coverage, therefore detention of flows is required to ensure that the public stormwater system is not overloaded, as it has only been sized to accommodate 60% impermeable surface coverage, as allowed by the District Plan. Specific details have not been provided, however these requirements can be accommodated on site with detailed plans to be assessed when a building consent application is made.

Busy roads such as Te Atatu Rd cause high levels of airborne contaminants to be deposited onto adjacent surfaces. The potential contamination of the paved areas is further increased by numerous vehicle movements expected from such a high-density residential development. Quality treatment of stormwater runoff from roof and paved areas is therefore required prior to discharge into the public stormwater system. Specific details have not been provided, however a stormwater quality treatment device can be accommodated on site with detailed plans to be assessed when a building consent application is made.

Wastewater connection is available on site, however the existing public drain may need to be altered to avoid conflict with the development and provide the required clearances. Specific details have not been provided, however these requirements can be accommodated on site with detailed plans to be assessed when a building consent application is made. Due to the high density of development proposed, wastewater mitigation is required in the form of either installation of low-flow water saving devices plus a contribution, or payment of the full contribution towards upgrading and increasing capacity in the trunk sewers to accommodate development beyond the densities permitted by the District Plan.

A water supply easement is registered on the title in favour of Council, and is located along the road boundaries. There is a public 225mm-diameter trunk water main crossing the front of the site, which will need to be rerouted outside the proposed building, paving and canopy areas to EcoWater's satisfaction. The location of the water main will need to be carefully considered because of future upgrading and widening of the Gunner Dr / Te Atatu Road intersection. Water supply to the site will most likely consist of a dedicated fire sprinkler system, with a bulk meter for the reticulated supply and individual meters for each unit, to be administered by a body corporate. Specific details have not been provided, however these requirements can be accommodated on site with detailed plans to be assessed when a building consent application is made.

In conclusion, the subject site has been created for the purposes of development, with all required stormwater, wastewater and water supply services already available on site. The scale of development is more intense than the services have been designed for, and therefore mitigation of the effects on downstream systems is required in the form of stormwater attenuation and quality treatment, wastewater flow mitigation, and financial contributions.

EcoWater considers that adverse effects on stormwater, wastewater and water supply systems resulting from development beyond the intensity allowed by the District Plan can be adequately mitigated with the proposed methods, and through conditions recommended below, and therefore EcoWater supports this proposal.

8.1.9.8 Precedent effects

A small number of submitters raised the issue of precedent effects, i.e. that approval of this application would create a precedent that would make it difficult for Council to decline applications for similar development. I consider that such fears are unfounded, for the following reasons:

Firstly, the site is one of very few large, undeveloped sites within the Harbour View North Special Area, the rules for which provide for a combination of commercial, retail and residential activity as a Discretionary Activity. The site is particularly attractive as a location for apartment block development because of its very close proximity to the town centre -especially the local supermarket - and convenience to a major local public transport route or the Te Atatu Rd north-western motorway junction. These factors increase the feasibility of a development with a high living density, high-quality exterior articulation and architectural style, and offering excellent on-site amenity for its residents.

The site has certain characteristics and advantages that increase the viability of apartment development. There are few, if any, other sites within the Harbour View North Special Area that would be as suitable for such development. In any case, consistency with the policies and objectives of the District Plan would need to be demonstrated where any application involving potentially significant adverse effects was proposed. Mixed use development of the type proposed would already be possible on the many Community Environment sites in the local area, where a combination of commercial and multi-unit residential activity may be undertaken if consent is obtained for a Limited Discretionary Activity, but all such development proposals would be subject to the specific rules of the Community Environment, rather than the Harbour View North Special Area.

In summary, I do not consider that the granting of consent for this proposal would result in a precedent effect that would reduce Council's ability to decline similar future developments in the surrounding area. Differing circumstances between sites and proposed developments would necessitate full and separate assessments.

8.1.10 Heritage

There would be no adverse effects in respect of heritage items, as the proposed activity would not be located near, or impact on, any identified heritage item.

8.1.11 Summary

Loss of visual amenity and neighbourhood character, loss of privacy, increased traffic generation and lower traffic safety were identified as the adverse effects of most concern in the submissions received in opposition to the proposal.

The above assessment of effects discusses the actual and potential effects of the proposal in detail and concludes that these would be no more than minor, and could be adequately mitigated through appropriate conditions of consent. In particular, the building has been designed to complement the existing town centre and to minimise adverse effects on the adjoining medium-density residential development. I consider that applicant's assessment of effects adequately addresses the likely effects of the proposal on the owners and occupiers of the adjoining properties and the wider environment. In particular, I consider that the effects on existing visual amenity and the privacy of the neighbouring dwellings would not exceed an acceptable level, and I am satisfied that the visual assessment provided by the applicant is a fair and comprehensive representation of the likely visual effects arising from this proposal, a view shared by the Council Landscape Architect who reviewed the report.

The height of the proposed building, though exceeding the Living Environment's 8m permitted standard and the 11m (i.e. three-storey) recommendation for medium-density developments), is appropriate and would not detract from the existing visual amenity of the local area. It is noted that there is no height limit within the Community Environment, and that the effects of the 19m height on the most sensitive adjoining land (the Kemberley Mews residential development) are adequately mitigated by a combination of building setback (yard) and building storeys that generally decrease in area as building height increases, which allow compliance with the applicable height-in-relation-to-boundaries standard to be achieved.

Likewise, the proposed levels of building coverage and impermeable surface coverage would not adversely affect neighbourhood character and amenity values to more than a minor extent. While the proposed building would clearly be larger and taller than the existing development on the surrounding sites, it would complement the town centre and have limited adverse effects on the adjacent residential area, due to thorough, considered design.

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

8.2.1 Strategic Direction: District Plan Policies and Objectives

Council's Principal Advisor - City Projects, Ms Janet Hannan, has provided comments regarding the consistency of the proposal with Waitakere City's strategic direction. Ms Hannan states:

"Waitakere City Council's Urban Strategy advocates residential intensification as part of managing regional and local growth. Intensification needs to be carefully co-ordinated with positioning adjacent to and supporting public transport, reflecting good urban design, demonstrate sustainable use of natural resources and provide other infrastructure benefits such as civic amenity and safe 24-hour neighbourhoods."

Harbour View Estate residential area has demonstrated all these aspects in the development, and it is essential that a continuation of examples that improve the quality and quantity of intensified development continue to take place closer and within the actual town centre.

Building height intensification would be expected in this vicinity to provide an appropriate height scale to the adjacent town centre and provide customer support for the business area. Intensified residential growth creates a natural revitalisation of the commercial area and leverages investor confidence.

Waitakere City Council has recently developed a major Village Green that integrates the public spaces with adjacent private investment in the town centre and through to the harbour front leisure areas. The Council's City Development Committee, Henderson Community Board and key stakeholders have endorsed this project as providing physical and visual accessibility (permeability / connectivity), quality and safety to the pedestrian, leisure and business environment. Council's intention is to encourage several high-rise, high-density quality developments such as this one at 84 Gunner Dr to be positioned throughout the town centre in the near future."

A range of specific District Plan objectives and policies are grouped under twelve key 'Issues', of which four were considered to be relevant to this proposal. The relevant objectives and policies are discussed below:

Issue 1. Effects on Water: Quality and Quantity

The relevant objectives and policies under this heading are as follows:

Objective 1

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

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

Policy 1.1 (Hazards, Residential Activity)

Settlement should be of a type and density that avoids, remedies or mitigates adverse impacts on water quality. In particular:

- *urban development should not occur in locations where such development will lead to significant adverse impacts on water quality and quantity. Urban development shall be avoided in the following general locations:*
 - *The Waitakere Ranges and West Coast;*
 - *The Foothills of the Waitakere Ranges;*
 - *The Countryside Area through Redhills, Hobsonville and Whenuapai;**provided that the consolidation of population within the urban area is within the capacity of any stormwater and waste management infrastructure.*

(NB: Abridged to exclude information unrelated to development within the urban residential areas of the City)

Discussion

The subject site is not located in close proximity to the Waitemata Harbour or any other water body. In addition, the site is not within any of the specified 'higher-risk' areas; is within an area serviced by existing infrastructure; and suitable erosion and sediment control measures would be established to ensure that stormwater contaminated by silt or cement/concrete tailings does not enter the public stormwater system during the earthworks and construction phases.

Policy 1.2 (Density)

Activities should be located within the urban area in a way that supports the reduction of vehicle trip length and numbers, and the promotion of passenger transport, therefore minimising discharges into the stormwater system and waterways of contaminants deposited onto impermeable surfaces from motor vehicles. Particular regard should be had for the location of medium-density housing within and adjacent to central locations.

Discussion

Although the site is not located within an identified medium-density housing zone, the subject site is ideally suited for higher residential density than is anticipated within the Living Environment, being located on a major arterial road and within short walking distance of the Te Atatu town centre. It should be noted that the Community Environment rules provide for the establishment of more than one dwelling on a site as a limited discretionary activity (therefore a discretionary activity within the Harbour View North Special Area), so the residential density proposed is contemplated by the Plan, subject to certain minimum standards of amenity being attained and adverse effects being adequately avoided, remedied or mitigated.

In particular, it should be noted that the District Plan states that one method for achieving the desired outcomes of this policy is the provision of medium-density housing within the Harbour View area.

Policy 1.7 (Impermeable Surfaces, Stormwater)

Activities should be managed in a way that encourages the absorption of rainfall and surface water runoff on-site, avoids the creation or exacerbation of stormwater flooding problems off-site and minimises the runoff of surface water into stream catchments and waterways.

Discussion

The proposal involves a relatively high level of impermeable surface coverage (86% of site area), but this would not create unacceptable adverse effects, provided that appropriate stormwater attenuation and quality treatment is implemented, as is recommended by Council's drainage engineer (refer section 8.1.9.7 above).

Policy 1.10 (Impermeable Surfaces, Stormwater)

Impermeable surfaces and stormwater infrastructure should be designed and managed in a way that avoids adverse impacts on water quality, including the life-supporting quality of water, arising from the discharge of stormwater into the City's watercourses.

Discussion

Comprehensive erosion and sediment control measures would be established to ensure that stormwater contaminated by silt or cement/concrete tailings does not enter the public stormwater system during the earthworks and construction phases. Stormwater attenuation and quality treatment, as recommended by Council's drainage engineer, would ensure that post-construction run-off from the site is suitably reduced in volume and treated to remove contaminants before entering the public stormwater system.

Issue 2. Effects on Native Vegetation and Fauna Habitat

No discussion of objectives and policies is considered necessary. There is no generally protected vegetation on the site, and the proposal will result in a much greater number of native trees and shrubs on the site than presently exist. (Also refer section 8.1.2 above.)

Issue 3. Effects on Land (Including Soils)

The relevant objectives and policies under this heading are as follows:

Objective 3

To maintain the life-supporting capacity of the City's land resource.

Policy 3.1 (Density)

Medium-density housing should be encouraged around main town centres, railway stations and major roads to help provide for the efficient use of land within the urban area.

Discussion

It is important that this policy be read in conjunction with its accompanying explanation, which reads:

The City's housing stock is primarily two-three bedroom housing, each located on its own site, which traditionally provided for young families. As people age and families grow up, there is a cyclical lowering of housing densities which, coupled with natural population growth, increases pressure for new housing. Few alternatives, apart from minor household units and some housing designed specifically for older people exist on any scale in the City. This policy signals the importance of ensuring a choice of housing, if pressure for the outward spread of the urban area is to be restrained and pressures on land resource eased.

The proposal involves a housing density greater than that usually associated with medium-density housing, but the principle that higher densities are appropriate around town centres and major public transport routes applies here. The density proposed in this application would provide for much more efficient use of land around the town centre than the typical housing density within the Living Environment of one dwelling per 450m² of net site area, or indeed the medium density often approved in specified locations through the resource consent process.

In particular, it should be noted that the District Plan states that "provision for a range of housing types at Harbour View" is one method by which this policy could be implemented appropriately.

Policy 3.2 (Earthworks)

Activities involving the disturbance of soil or rock and exposure of soils should be carried out in a way that avoids, or where unavoidable, remedies or mitigates any adverse effects on the surrounding topsoil and soil structure.

Discussion

The site does not have any special soil characteristics that warrant protection. In addition, the proposed development cannot proceed unless the majority of the site is excavated, due to the need to provide relatively spacious basement and outdoor car parking areas. I am satisfied that, despite the excavations required to form the basement level, the stability of the neighbouring sites would not be adversely affected, provided that the applicant complies fully with the recommended conditions provided by Council's geotechnical engineer.

Policy 3.4 (Earthworks, Hazards)

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

Discussion

The site is identified on Council's Hazard Register as being subject to a natural hazard. Special Feature Number 2715 reads:

Foundations of any residential building subject to further soils investigation and specific design by a registered engineer experienced in geomechanics.

The proposed development has been assessed by Council's geotechnical engineer, who supports the proposal, subject to the applicant complying fully with recommended conditions of consent. These conditions include a requirement to undertake monitoring of groundwater levels for a period of not less than two months prior to the commencement of the excavation.

Issue 4. Effects on Air Quality / Atmospheric Quality

Objective 4

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

Policy 4.2 (Reduction of Motor Vehicle Emissions)

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

Discussion

One of Council's main policy thrusts is the reduction of the City's reliance on private vehicle use through the development of viable, less polluting public passenger transport system. Current housing densities, even with the ongoing construction of infill housing, are not sufficient to achieve this. The applicant correctly points out that this proposed development is consistent with the Plan's stated intentions to address this situation via the provision of greater residential density around major town centres and along major transport routes. This proposal encourages reduced private vehicle use - and therefore reduced vehicle emissions - and provides opportunities for enhanced vitality and liveliness within the town centre. In particular, it should be noted that the District Plan states that the provision of medium-density housing within the Harbour View area is one method by which the desired outcomes of this policy could be achieved.

Although there is potential for the large volume of earthworks proposed to generate dust that could affect the residents of the local area, particularly during dry and windy weather conditions, these affects could be avoided and mitigated by the applicant adopting 'best-practice' earthworks management techniques. (Also refer section 8.1.4 above.)

Issue 5. Effects on Ecosystem Stability

No discussion of objectives and policies is considered necessary here (refer section 8.1.2 above.)

Issue 6. Effects on Outstanding Natural Features

No discussion of objectives and policies is considered necessary here. (Refer section 8.1.6 above).

Issue 7. Effects on Natural Character of the Margins of Water Bodies

No discussion of objectives and policies is considered necessary. The site is located within the urban area of the City and is not near the coast, a water body or a wetland (refer section 8.1.7 above).

Issue 8. Effects on Mauri

No discussion of objectives and policies is considered necessary here. The proposal does not involve the modification of any watercourse or discharges to water bodies. It is, however, worth noting that erosion and sediment control measures would be established to ensure that the earthworks do not result in silt-laden run-off or run-off contaminated by concrete and cement tailings to enter the reticulated stormwater system (refer section 8.1.1 above).

Issue 9. Outstanding Landscapes

No discussion of objectives and policies is considered necessary here (refer section 8.1.8 above).

Issue 10. Effects on Amenity Values: Health and Safety

The relevant objectives and policies under this heading are as follows:

Objective 10

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

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

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

Policy 10.4 (Outdoor Space)

Wherever possible, buildings should be located on residential sites in a way that provides for an adequate area of outdoor space for recreation and leisure, including providing:

- *sufficient outdoor space for the anticipated number of occupants of the dwelling;*
- *outdoor space which is of a usable shape for recreation;*
- *sunlight access to the outdoor space area.*

Where such outdoor space cannot be provided on-site, the offsetting of consequent adverse effects on public open space that arise from increased usage may be required. Such an offsetting of effects would be in addition to any other requirement to contribute to the provision of public open space made under Policy 10.10.

Discussion

The apartments would be provided with generous balconies with a minimum width of approximately 3m. This is sufficient to provide for outdoor leisure (i.e. the width is adequate to accommodate a large table and chairs). Only a small proportion of the apartments would have south-facing balconies, given that it is not feasible to design a building of this type where the south-facing side does not contain living units or areas. It should also be noted that apartments in this anticipated price range are unlikely to be occupied by young families requiring relatively high levels of private outdoor space. Those residents wanting more traditional recreational opportunities can use the large coastal reserve on the eastern side of the Peninsula, and the 'People's Park', to be established on the pasture land in the south-eastern corner of the Peninsula, would provide a large green space where casual sports and active recreation would be possible.

Policy 10.5 (Daylight & Sunlight Access)

Structures should be placed to ensure that adequate levels of daylight reach any habitable rooms on-site, and allow adequate levels of sunlight and daylight to reach adjacent properties throughout the year.

Discussion

The building has been designed to provide a high level of sunlight and daylight access to the apartments. There are no internal units, and all but five units would have direct, year-round access to either morning or afternoon sun. Only one apartment on each of the five residential levels could be said to have a low level of sunlight access, but even then some sun would reach these apartments' balconies on summer afternoons. Light would also reach the interior of the building via the large glass panels on the roof and through the breezeway running directly through the building. These features would allow more light to reach internal bedrooms (i.e. apartments 1 and 4 on each residential level).

The building has been designed to comply with the permitted standards of the District Plan with respect to daylight and sunlight access as they relate to the amenity of residents on adjoining sites. The site adjoins commercial properties along the site boundaries where an infringement is proposed, and I consider the effects of these infringements to be no more than minor, for the reasons given in section 8.1.9.3 above.

Policy 10.6 (Screening from Residential Properties)

Buildings, storage and parking areas should be designed and placed on-site, or screened in a way that maintains the privacy and on-site amenity of adjacent residential properties, including the privacy of outdoor space. Particular regard should be had for the protection of privacy within the more intensively settled Living and Rural Villages Environments.

Discussion

As discussed in detail in section 8.1.9.2 above, the effects of the proposal on the privacy of the residents of the neighbouring residential properties would be adequately avoided or mitigated. In particular, the existing and proposed boundary vegetation would adequately screen vehicle noise and would also visually screen the properties from the balconies on the building's lower levels. The balconies on the upper levels cannot be visually screened, but the wide views available from these levels would ensure that the neighbouring properties would comprise only a small part of a much larger visual catchment.

I recommend that a condition be imposed limiting the removal of refuse from the site to the hours between 7.30am and 9.00pm, to protect the residential amenity along the subject site's south-eastern boundary (refer section 8.1.9.6 above).

Policy 10.11 (Vehicle Access & Parking)

Activities should provide for:

- *the on-site parking and loading of motor vehicles;*
- *the location and design of access to car parking and loading areas, including areas for reverse manoeuvring to ensure that the safe and efficient functioning of adjacent roads, according to the positioning of that road in the Roading Hierarchy, is not adversely affected.*

Discussion

Refer full discussion of these matters in section 8.1.9.1 above.

Policy 10.13 (Hazards)

Activities should be carried out in a way that avoids or mitigates adverse effects of natural hazards on natural and physical resources and on the health and safety of people and communities.

Refer section 8.1.3 and discussion of Policy 3.4 above.

Policy 10.14 (Roading Function, Traffic Generation)

Activities should be of a scale and located and managed in a way that:

- *any traffic generated by the activity, including heavy traffic, does not detract from the capacity of the road to cater safely for motor vehicles, pedestrians and cyclists, and the wellbeing of residents occupying surrounding sites;*
- *the safe and efficient functioning of the road network is not adversely affected.*

Discussion

Refer sections 8.1.9 1 and 8.1.9.6 and discussion of Policy 10.6 above.

Policy 10.16 (Safety of Vehicle Access & Circulation)

Driveways, carriageways and car parking areas should:

- *be laid out in a way that provides for the safe circulation of vehicles and pedestrians;*
- *be of sufficient design quality to ensure the safe passage of motor vehicles, cyclists and pedestrians and discharge of stormwater;*
- *be designed to avoid edge fretting;*
- *allow safe, ready access to adjoining sites.*

Discussion

Refer section 8.1.9 1 and discussion of Policy 10.6 above.

Policy 10.17 (Water, Drainage & Solid Waste Infrastructure)

Settlement in all parts of the City should be at a density that is within the capacity of water supply, stormwater, wastewater and solid waste infrastructure to safely absorb the effects of that settlement, and to provide for the health of all residents, visitors and workers.

Discussion

The application has been assessed by a Council drainage engineer, who considers that the effects of the proposed residential density can be adequately mitigated through the imposition of conditions of consent (refer section 8.1.9.7 above).

There is nothing to suggest that the proposal will create or exacerbate any problems relating to the disposal of solid waste generated on the site.

Issue 11. Effects on Amenity Values: Landscapes, Local Areas and Neighbourhood Character

The relevant objectives and policies under this heading are as follows:

Objective 11

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

- *the quality and character of different patterns of settlement within the City's intensively settled residential areas;*
- *the pedestrian-oriented amenity values of the town centres and the character of those areas as retail centres;*
- *the utilitarian nature and character of the industrial areas;*
- *the natural and physical features that give each rural and coastal village its particular and unique character;*
- *the pastoral/rural character of the northern parts of the City;*
- *the complex, mixed landscape of the foothills.*

Policy 11.1 (Density)

Settlement should be of a type and a density that protects amenity values, including neighbourhood character of different parts of the City, by:

- *allowing for development within the Kelston, Te Atatu South and Te Atatu Peninsula local character areas, provided that it maintains the existing low-density character, high levels of planting, and openness of the area;*
- *providing for more intensive settlement in other parts of the Living Environment in a way that protects the wellbeing of residents and enhances the amenity of these areas.*

(NB: Abridged to exclude unrelated information)

Discussion

Viewed in isolation and without further reference to the varied zonings within Te Atatu Peninsula, the proposal appears to contradict this policy, as the proposal does not involve the establishment of traditional suburban housing. However, the site is within the Harbour View North Special Area, the rules for which reflect an expectation that mixed use development will occur on appropriate sites and in appropriate circumstances. Essentially, the rules are an amalgam of the rules relating to development within the Living Environment (primarily residential in character) and the Community Environment (primarily commercial in character). In this instance, I consider that higher-density development on this site would be appropriate and would result in no more than minor adverse effects, as discussed in detail in section 8.1.9 of this report.

Policy 11.2 (Vegetation)

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

- *the visual dominance of trees on private property within the neighbourhoods of the Living Environment;*
- *the remnant native vegetation within the urban Human Environments;*

(NB: Abridged to exclude information related specifically to other zones and, therefore, not relevant to this proposal)

Discussion

The proposal does not involve the removal of any existing significant vegetation. All boundary vegetation, including titoki and pittosporum trees, would be retained, and further planting of native vegetation would be undertaken to complement the existing vegetation.

Policy 11.3 (Buildings - Neighbourhood Character & Amenity Values)

Buildings and structures should be located so that they maintain the neighbourhood character, visual amenity of the surrounding area and the characteristic streetscape of the area, including providing for:

- *the overlooking of streets by buildings;*
- *maintaining characteristic links between private and public space arising from the orientation of houses and the way they face the street;*
- *the setback of buildings from the road boundary;*
- *planting of section frontages;*

in a way that gives particular regard to variations in amenity values, and neighbourhood character.

Discussion

A detailed discussion of the proposal's effects on neighbourhood character and visual amenity is provided in section 8.1.9 of this report.

Streetscape

The building would not be inconsistent with the local streetscape, as buildings fronting the main road are common in the local area, especially in the nearby town centre. There is wide variation in boundary setbacks in the local area, and the position of the building close to the site's two road boundaries would not be detrimental to the visual amenity of Te Atatu Road or Gunner Drive. Also, potential effects on streetscape when viewed from Te Atatu Road approaching the town centre from the south would be mitigated by the proposed planting within the very wide grassed berm that adjoins the site's south-western boundary.

Overlooking of Streets

The building elevations and photomontages provided by the applicant demonstrate that there will be a high degree of overlooking of the adjacent roads. Balconies on the building's five residential levels would overlook both Gunner Drive and Te Atatu Road. This is considered a desirable design feature in apartment buildings, as it provides a link between the public and private domains, and a greater degree of pedestrian security through passive surveillance by apartment residents.

Policy 11.7 (Infrastructure)

Infrastructure should be designed and managed in a way that:

- *will maintain, and not adversely affect the amenity values and neighbourhood character of the surrounding area, including streetscape character;*
- *placement on sensitive ridgelines in a way that visual intrusion above that ridgeline when viewed from a public place is avoided, or where unavoidable, remedied or mitigated;*
- *does not detract from the significance to tangata whenua of any ridgeline;*
- *minimises disturbance of natural and physical features;*
- *does not physically dominate adjoining sites.*

Discussion

All infrastructure to serve the new development is to be provided beneath the ground, thereby ensuring that it does not dominate the surrounding environment or adversely affect streetscape (e.g. above-ground power lines, telephone wires).

Policy 11.8 (Structures - Neighbourhood Character & Amenity Values)

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.

Discussion

A detailed discussion of the proposal's effects on neighbourhood character and visual amenity is provided in section 8.1.9 of this report, and also in the assessment of the proposal against Policy 11.3 above.

Also, the development would not adversely affect any notable views, as the surrounding area is flat, and views from nearby properties and dwellings are already very limited (refer section 8.1.9.4).

Policy 11.10 (Non-Residential Activities)

Policy 11.10 Non-residential activities should be designed and managed in a way that:

- *maintains the visual amenity values of the Environment they are in;*
- *maintains the amenity of the site and surrounding area when viewed from the street;*
- *adequately screens any associated car parking, vehicle access and storage areas from view, from residential sites.*

Discussion

There would be non-residential activities established on the ground floor of the building, and there are existing commercial uses on the adjoining sites to the south-west and north-east of the subject site. In addition, the local area includes the Te Atatu town centre. The proposed non-residential activity on the site is expected to attract similar commercial activities to those already being undertaken in the surrounding area, including cafes, retail outlets or offices. Such uses would be compatible with the existing amenity of the local area. Furthermore, the building has a high level of external articulation, and I consider that the streetscape would improve as a result of the proposal.

As discussed elsewhere in this report, the ground-level of the development would be screened from the adjoining residential properties by vegetation and fencing.

Policy 11.12 (Traffic Generation)

Activities should be of a scale, and located and managed in a way, that does not increase the number of vehicle trips, including heavy vehicle trips, to a level that adversely affects the amenity values of the surrounding environment or neighbourhood, taking into account the location of the site in relation to the roading hierarchy and the characteristic levels of quiet found in these areas.

Discussion

A detailed discussion of the proposal's effects on traffic generation is provided in section 8.1.9.1 of this report.

Policy 11.27 (Variation of Housing Type)

Where possible, the amenity of the urban area should be enhanced through the provision of a range of opportunities for different housing types, provided that such provision occurs in a way that is consistent with the protection of other amenity values within an area.

Discussion

The proposal provides for the establishment of high-quality, high-density housing. At present, the general area contains traditional, low-density suburban development and a number of medium-density housing developments, including Kemberley Mews, which adjoins the site's south-eastern boundary. The proposal would expand the range of housing types in the area without compromising the existing amenity values.

Policy 11.28 (Design of Medium-Density Housing)

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

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

Discussion

A full discussion of these matters is provided in the assessment of the proposal against the applicable criteria (refer section 8.2.2 below).

Issue 12 Effects on Heritage

No discussion of objectives and policies is considered necessary here (refer section 8.1.10 above).

Summary

Overall, it is considered that the proposed development would be consistent with the objectives and policies of the District Plan. In particular, the proposal provides for the construction of a high-quality apartment building that sufficiently avoids and minimises adverse dominance, shading and privacy effects on adjoining properties, especially with respect to the more sensitive Living Environment sites to the south-east.

8.2.2 Rules and Assessment Criteria

The District Plan Assessment Criteria have been developed to address the issues covered in the objectives and policies and are a useful guide in assessing the effects of an activity.

Harbour View North Special Area Rules

Non-Residential Activities

- 10(a) *The extent to which the character, scale and intensity of Non-Residential Activities are compatible with amenity values and neighbourhood character.*
- 10(b) *The extent to which the effects of Non-Residential Activities on infrastructure can be accommodated without the need for public upgrading.*
- 10(c) *The extent to which Non-Residential Activities create adverse effects on the residential coherence and the safety of residents of the neighbourhood.*

- The local area is characterised by a mix of commercial and residential activities, and the Harbour View North Special Area rules specifically provide for a mix of such activities, where circumstances make this appropriate.
- There is nothing to suggest that the establishment of one storey of commercial activity would necessitate any upgrading of existing infrastructure.
- There is nothing to suggest that the partly commercial use of the site would in any way affect the safety of the residents of the neighbourhood.

Density / Residential Activities

- 2(a) *The extent to which the development complements amenity values and neighbourhood character.*
- 2(b) *The extent to which the development is compatible with the size of the site.*
- 2(c) *The extent to which the development complements existing development on the site, having regard to:*
 - *separation distances between dwellings;*
 - *the visual impact of access to rear dwellings;*
 - *the visual appearance of the development from the road;*
 - *privacy between buildings and of outdoor space.*

- 2(d) *The extent to which the development has regard to and where possible incorporates natural features on or around the site.*
- 2(e) *The extent to which more than minor adverse effects can be adequately avoided, remedied, mitigated or offset through the provision of works and services on or off the site and/or through payment or provision of a financial contribution.*
- A detailed discussion of the proposal's effects on neighbourhood character and visual amenity is provided in section 8.1.9 of this report, and also in the assessment of the proposal against Policy 11.3 above.
 - The proposal clearly exceeds the majority of submitters' expectations of what level of development is compatible with the size of the site. However, the District Plan provides discretion with respect to levels of building coverage, height, setback, etc, all being attributes that contribute to the perception of scale. On that basis, relatively large buildings, as is proposed here, can be compatible with the size of their sites if they incorporate design features that act to sufficiently minimise and mitigate adverse visual effects. I consider that the design of this development achieves this goal.
 - There is no existing development on the site.
 - There are no natural features on or around the site that could be affected by the proposal.
 - The applicant would be required to pay a financial contribution to mitigate the additional pressure on the public wastewater system arising from the residential density proposed.

Building Height

- 4(a) *The extent to which the height of buildings will create adverse effects on neighbourhood character.*
- 4(b) *The extent to which the height of buildings will physically dominate adjoining sites.*
- 4(c) *The extent to which the height of buildings will intrude into the privacy of adjoining sites.*
- 4(d) *The extent to which the height of buildings will interrupt views from sites in the vicinity.*

All of the above criteria are addressed in detail in the assessment of effects in section 8.1.9 of this report.

Height-in-Relation-to-Boundaries

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

All of the above criteria are addressed in detail in the assessment of effects in section 8.1.9 of this report. It should be reiterated that the applicant has designed the development specifically to ensure that there is no encroachment of the daylight and sunlight recession planes to the site's residential boundary. This also contributes to the minimisation of adverse effects on privacy. Also, the apartments have been positioned around the exterior of the building so as to maximise their exposure to daylight. From a commercial perspective, access to sunlight and daylight are significant factors in the marketing of apartments in the higher price brackets.

Front Yards

- 6(a) *The extent to which the setback of a building from the road boundary will create any adverse effects on amenity values and neighbourhood character.*
- 6(b) *The extent to which the setback of a building from the road boundary will maintain opportunities for lawn and tree planting in the front yard.*
- 6(c) *The extent to which the setback of a building from the road boundary will allow for safe traffic movement on and off the road and parking and manoeuvring off the road.*
- 6(d) *The extent to which a building closer to the road boundary would offer greater safety through surveillance to pedestrians and other users of the road.*

- Effects on neighbourhood character and amenity values are addressed in detail in section 8.1.9 of this report.
- There would be little room left in the site's front yards for further planting, but Council's Parks Department has approved a landscaping plan that provides for replanting within the adjacent strips of road reserve.
- The proposal has been assessed by Council's traffic engineer, who considers that safe traffic movement would not be adversely affected by the location of the building. Safe and practical on-site parking and manoeuvring would also be available (also refer section 8.1.9.1 above).
- The building's location provides for direct overlooking of the Gunner Drive and Te Atatu Road footpaths and carriageways from apartment's balconies.

Building Coverage

- 7(a) *The extent to which building coverage will create adverse effects on amenity values and neighbourhood character.*
- 7(b) *The extent to which building coverage will maintain opportunities to provide for the planting of lawns and trees around buildings.*
- 7(c) *The extent to which building coverage will maintain opportunities to provide for adequate outdoor space associated with residential activities on the site.*
- 7(d) *The extent to which building coverage will physically dominate adjoining sites.*
- 7(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.*

- Effects on neighbourhood character and amenity values are addressed in detail in section 8.1.9 of this report.
- The applicant has submitted a landscaping plan that provides for planting along targeted sections of the site's boundaries and within the adjacent road reserve. This plan has been assessed and approved by Council's landscape architect. Also refer discussion above of assessment criteria for 'Front Yards' infringement.
- Apartment buildings are not generally designed to provide large areas of outdoor space; rather, they aim to provide a suitable level of outdoor space for the buyers they wish to attract. This building provides for generously sized private balconies, adequate for passive relaxation. There are also adequate parks in the local area, soon to be augmented by the 'People's Park' at the southern end of the Peninsula (also refer discussion of Policy 10.4 above).

Building Location - Privacy/Amenity

- 8(a) *The extent to which privacy is maintained between the main indoor and outdoor living areas of adjoining sites.*
- 8(b) *The extent to which Non-Residential Activity creates adverse visual effects on adjoining sites and the road.*

- Privacy effects are addressed in detail in section 8.1.9.2 of this report.
- The proposed non-residential activities proposed on the site would be compatible with existing activities on the adjoining site to the north-east and in the nearby town centre core. I consider that the streetscape would be improved as a result of the building's high level of external articulation and distinctive design.

Outdoor Space

- 9(a) *The extent to which the amount of outdoor space provided on-site is related to the likely number of occupants of the dwelling.*
- 9(b) *The extent to which outdoor space is of a useable size and slope.*
- 9(c) *The extent to which outdoor space is designed and located to meet the likely needs of the occupants of the dwelling.*
- 9(d) *The extent to which the positioning of outdoor space allows for reasonable daylight and sunlight access to that outdoor space.*

- All apartments would be provided with a private balcony with a minimum width of at least 3m, large enough to accommodate a table and a set of chairs.
- Opportunities for more active recreation are available on the neighbourhood parks and reserves.
- As mentioned above, it is not likely that young families, who tend to have a greater requirement for open space, would be attracted to the apartments.
- All of the apartments' balconies would have access to sunlight to some extent, though the levels vary widely. A small number of balconies on the rear side of the building may receive sunlight only in the late afternoon, but this situation is difficult to avoid when attempting to maximise the efficient use of space within such a building.

Also refer discussions of assessment criteria relating to 'Building Coverage' and Policy 10.4, both above.

Traffic Generation

- 11(a) *The effects of traffic generation on:*
- *the capacity of roads giving access to the site, having regard to the road's function in the Roding Hierarchy*
 - *the amenity of residential front sites from traffic generated by the non-residential use of rear sites*
 - *the safety and efficiency of road intersections*
 - *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.*
- 11(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.*

- The effects of the proposal with respect to traffic generation and road safety are addressed in detail in section 8.1.9.1 of this report.
- The proposal would result in more traffic movements to and from the site, but encourages the use of public transport, cycling and walking by increasing residential density within the Te Atatu town centre and adjacent to a major transport route.
- A contribution in the form of land would be taken to mitigate the effects of increased vehicle use of the Gunner Drive/Te Atatu Road intersection.

Car Parking & Driveways

- 12(a) *The extent to which driveways provide safe, maintenance-free, adequately drained, efficient, effective and visually attractive vehicular access from the road to buildings.*
- 12(b) *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 the road's function in the roading hierarchy.*
- 12(c) *The extent to which driveways and car parking create adverse visual or aural effects on adjoining sites.*
- A condition would be imposed requiring the applicant to construct, finish, mark out and drain the driveway and parking areas to Council standards.
 - The effects of the proposal with respect to the adequacy of the applicant's provision of parking space have been discussed in detail in section 8.1.9.1 of this report.
 - Effects on aural amenity are addressed in section 8.1.9.6 and in the discussion of Policy 10.6 above.
 - Effects on visual amenity are addressed in section 8.1.9.5 and in the discussion of Policy 11.3 above.

General Natural Area Rules

Earthworks

- 3(a) *The extent to which the scale of earthworks is consistent with the scale of development being undertaken.*
- 3(b) *The extent to which earthworks adversely affect the potential for restoration or enhancement around the area of earthworks.*
- 3(c) *The extent to which earthworks reduce the amount, range and linkages between representative vegetation, fauna habitat and natural features.*
- 3(d) *The extent to which earthworks adversely affect the significance or landscape value or natural character of natural landscape elements or other natural features.*
- 3(e) *The extent to which earthworks exacerbate or contribute to flooding, erosion or instability of land or the potential for flooding, erosion or instability of land.*
- 3(f) *The extent to which earthworks adversely affect or contribute to degradation of natural watercourses in a way that destroys or reduces their ability to support in-stream vegetation and fauna, their ability to be used as a healthy food source, their clarity, quality and flow and their suitability for swimmers.*
- 3(g) *The extent to which earthworks adversely affect the mauri (life force) of water.*
- 3(h) *The extent to which earthworks adversely affect the visual amenity of the site or adjoining sites.*
- 3(i) *The extent to which cut and fill activities involving earthworks are confined to the site rather than being transported off the site.*
- 3(j) *The extent to which earthworks may harm the health and safety of residents.*

- 3(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.*
- 3(l) *The extent to which earthworks are necessary to accommodate development otherwise permitted by the Plan.*
- 3(n) *The extent to which a driveway requiring earthworks is designed to minimise earthworks, particularly by limiting the distance of the driveway on the site.*
- 3(o) *The extent to which earthworks are avoided.*
- 3(p) *The extent to which unavoidable earthworks are minimised.*
- 3(q) *The extent to which the duration of earthworks is minimised.*

The earthworks, though large in volume given the size of the site, are required to enable a development of this type to be established. The vast majority of the earthworks are required to create the basement level, which will contain 53 car parking spaces and residents' storage areas.

- Sediment and erosion control measures will be implemented to ensure that the earthworks do not result in contaminated stormwater entering the public stormwater system and creating adverse effects on the receiving natural water body.
- There is no significant vegetation that would be affected by the earthworks; nor would the earthworks adversely affect any identified landscape values. The site is within an urbanised area with few remaining ecological values.
- Once construction has been completed, the excavated areas will be concealed by development, thereby ensuring that the earthworks do not have more than temporary adverse effects on amenity values. The earthworks would be completed over approximately a five-week period.
- There is no opportunity for excavated material to be reused on the site as fill, due to the almost level contour of the site and the type of development proposed.
- The applicant would be required to repair any roads or footpaths damaged as a result of heavy vehicle use. Council's Transport engineer has recommended that a \$5,000.00 bond be obtained from the applicant to ensure that any damage can be repaired.
- Earthworks would only be able to be undertaken on the site within standard work hours, to protect the residential amenity of the local area.

Also refer section 8.1.3 and discussions of Policies 1.1, 3.2 and 3.4 above.

Impermeable Surfaces

- 4(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.*
- 4(b) *The extent to which impermeable surfaces reduce the extent, range and linkages between vegetation, fauna habitat and natural features.*
- 4(c) *The extent to which impermeable surfaces adversely affect the significance and the landscape value of natural features.*
- 4(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.*
- 4(e) *The extent to which impermeable surfaces adversely affect the quality of receiving natural water, including the life-supporting quality of natural water.*

- 4(f) *The extent to which impermeable surfaces destroy or harm surrounding native vegetation.*
- 4(g) *The extent to which impermeable surfaces result in adverse effects arising from soil loss from the site.*
- 4(h) *The extent to which impermeable surfaces result in adverse effects on water quality, including their use as a food source.*
- 4(i) *The extent to which high fertility soils are covered by impermeable surfaces.*
- 4(j) *The extent to which impermeable surfaces result in adverse effects on the mauri (life force) of water.*

The applicant proposes to mitigate the quality of stormwater discharged from the site by installing either a sand filter or a storm filter. The proposed level of impermeable surface coverage will lead to stormwater volumes in excess of the permitted standard being generated on the site, but this can be mitigated to EcoWater's satisfaction through the installation of detention measures. As discussed elsewhere in this report, there is no significant vegetation on the site that could be adversely affected, and the surrounding area is already urbanised and has no notable landscape value.

Also refer sections 8.1.1 and 8.1.9.7, the discussions of assessment criteria relating to 'Earthworks', and Policies 1.7 and 1.10 above.

City-Wide Rules

Natural Hazards

- 1(a) *The extent to which subdivisions are designed to avoid natural hazards or at least provide for reasonable development, (taking into account the Human Environment applying to the land), on areas of the proposed site not subject to natural hazards.*
- 1(b) *The extent to which buildings can be located on areas of a site not subject to natural hazards.*
- 1(c) *The extent to which any subdivision or building:*
 - *will or may result in damage to property or harm to people;*
 - *will or may result in more than minor adverse effects on existing landforms or coastlines;*
 - *will or may result in more than minor adverse effects on water quality.*
- 1(d) *The extent to which, in relation to areas subject to inundation, any subdivision or building:*
 - *will or may result in damage to property or harm to people;*
 - *will or may result in more than minor adverse effects on existing landforms;*
 - *will have more than minor adverse effects on the natural qualities of the water system;*
 - *will have more than minor adverse effects on the ability of the catchment to dispose of water in an efficient manner;*
 - *will result in the floor level of any habitable building room being less than 0.5 metres above the 1 in 100 year (1% AEP) (flood level).*
- 1(e) *The extent to which the proposal has given regard to any comprehensive stormwater discharge consent issued by the Auckland Regional Council.*
- 1(f) *The extent to which more than minor adverse effects can be adequately avoided, remedied, mitigated or offset through the provision of works and services on or off the site and/or through payment or provision of a financial contribution.*
- 1(g) *The extent to which, in relation to areas subject to the potential for damage by wildfire, provision is made for appropriate disposal of dead vegetative material.*

Refer sections 8.1.3 and Policies 1.1, 3.2 and 3.4 above.

Medium-Density Housing Criteria

The applicant has also provided an assessment of the proposal against the medium-density housing (MDH) assessment criteria, as they provide an appropriate set of criteria against which to assess higher-density residential and mixed-used development. It is noted, however, that the proposal does not fall for consideration as a medium-density housing development, as it fails to meet the necessary criteria, being:

- minimum site area 2,000m² (*site is only 1,722m²*) and either:
 - fronting a Regional or Strategic Arterial Road (*Te Atatu Road is only a District Arterial Road*)
 - within an identified MDH radius (*the Te Atatu Peninsula is not within one*)
 - within the Living Environment and within 500m of a train station (*site is neither*)
 - is within the Living Environment (Harbour View) (*site is within this zone*)

Therefore, the proposal cannot be assessed officially against the MDH criteria because the subject site has an area of less than 2,000m².

However, I concur with the applicant's assessment of the proposal with respect to the MDH criteria. A summary of my assessment is as follows:

The District Plan groups the assessment criteria for medium-density housing into eight main 'design elements', as outlined below. In general, the applicant's assessment, in combination with the assessment contained within this report, is deemed to sufficiently address these issues; however, further comment is provided where this provides useful additional information.

A. Design & Location of Structure

No further discussion required. In summary, the proposed building and site development have been designed to a high architectural standard. The location of the building would maximise daylight and sunlight access to the apartments while minimising adverse effects on the adjoining residential properties. (Also refer section 8.1.9.5 above.)

B. Site Layout

No further discussion required.

C. Building Location

No further discussion required.

D. Visual and Acoustic Privacy

Visual and acoustic privacy between the apartments' balconies would be provided by solid screens. The adequacy of acoustic privacy between the walls of adjoining apartments would be provided for through the conditions of any building consent issued for this proposal.

E. Car Parking and Vehicle Access

No further discussion required.

F. Outdoor Space

No further discussion required.

G. Open Space

This criterion is not considered relevant to this proposal, as the building would not a typical medium-density housing development, comprising generally semi-detached one to two-storey houses, but rather a denser multi-level apartment building, with much less common open space at ground level.

H. Site Facilities

The proposal provides for lockable storage areas within the building's basement. Clothes-drying would not be permitted in areas that are not screened from the street. Commercial and domestic refuse disposal would be collected from the rear of the site, with temporary storage of refuse provided for in the basement.

I. Landscape Treatment

No further discussion required.

Community Environment Rules

Because the Harbour View North Special Area rules state that even activities permitted within the Community Environment require assessment as discretionary activities, some assessment of the complying parts of the proposal (with respect to the Community Environment rules only) is necessary.

Rule 8 - Non-Residential Activities

The applicant proposes to comply fully with the requirements of this rule (refer section 5, Infringement 14 of this report).

Rule 9 - Landscape Treatment (Car Parking)

A detailed assessment of the landscaping of the site is provided in section 8.1.9.5 of this report.

Rule 11.2 - Residential Activities

A detailed assessment of the proposed residential density is provided in section 8.1 of this report, particularly those sections relating to effects on traffic generation, privacy, infrastructure, and neighbourhood character and amenity values.

Rule 13.1 - Residential Activities

The applicant proposes to comply with the requirements of this rule (refer section 5, Infringement 17 of this report). I note that the applicant would also meet the more restrictive noise standards of the Living Environment.

Rule 14.2 - Parking, Loading & Driveway Access

A detailed assessment of these matters site is provided in section 8.1.9.1 of this report.

Rule 15.1 -

The applicant proposes to comply with the requirements of this rule (refer section 5, Infringement 19 of this report).

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

The Auckland Regional Policy Statement sets out the broad resource management issues, objectives and policies for the Auckland Region to achieve the integrated management of its natural and physical resources. The Auckland Regional Policy Statement functions as an umbrella policy document for environmental planning and policy development within the Region, under which the Waitakere City Proposed District Plan has been prepared.

The Auckland Regional Policy Statement identifies that the Auckland region will need to accommodate substantial population growth in the future, and the need to address the adverse effects of continued urban spread, particularly the suburbanisation of rural areas and development of areas with high landscape character (such as the foothills of the Waitakere Ranges) was further reinforced by the Regional Growth Strategy: 2050, which predicted a doubling of the Auckland region's population to two million people by 2050.

Studies have shown that Waitakere City has a comparatively low level of remaining infill housing capacity, yet has a higher rate of projected population growth than any other City in the region except Manukau City. Therefore, innovative housing development within Waitakere City's existing urban area and the consolidation and enhancement of the City's existing town centres is of particular importance to the future wellbeing of the region as a whole.

I concur with the applicant's assessment of the proposal in relation to the desired outcomes of the Auckland Regional Policy Statement, and recommend that this report be read in conjunction with sections 6.1.1 and 6.1.2 of the application. In particular, I agree that the proposal is consistent with the aim of providing for higher population density around existing town centres and along major transport routes while retaining existing levels of residential amenity. As discussed in section 8.1.9 of this report, the proposal provides for excellent visual amenity and has been designed to avoid and minimise adverse effects on the adjacent residential properties.

Overall, I consider that the proposal is not contrary to the strategic objectives and policies of the Auckland Regional Policy Statement. The application is considered to be consistent with the principles of sustainable management, and any off-site effects could be controlled through various conditions of consent, particularly those relating to noise, earthworks and stormwater quality management.

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

8.4.1 Other Issues Raised by Submitters not Covered Elsewhere in Report

There were few matters not covered in the Resource Management Act raised by the submitters.

Foreign investment / 'Greedy' Development

A small number of submitters were uncomfortable with the proposed development on the basis of the source of the project's financial investment and the "greedy" nature of the application. These are not considered to be relevant matters in an assessment under the terms of the Resource Management Act.

It is my view that the proposal meets the District Plan's objectives and policies regarding urban consolidation, and has been designed to meet demand for housing of this type while minimising adverse effects on existing, adjacent development.

8.4.2 Bonds/Reserve Contributions/Development Levy/Financial Contributions

Reserves Contribution

The proposal involves the establishment of 37 apartments on the site. This is defined as a development and therefore a financial contribution for the provision of reserves is deemed to be payable for 35 of the apartments.

Street Damage Bond

Council's transport engineer has assessed the development and has recommended that a street damage bond in the amount of \$5,000.00 be paid to Council prior to the commencement of the proposed works on the site. This bond would be refundable upon the completion of site works, minus any sum(s) required by Council to rectify damage to the Transport Environment (kerbs, roads, footpaths, etc).

Contribution to Intersection Upgrading

Council's transport engineer states that the applicant would be required to either meet 30% of the cost of the future upgrading works to provide a left-turn slip lane from Gunner Drive into Te Atatu Road, or vest in Council (as road reserve) the land identified as Lot 3 DP 206924 in lieu of a monetary contribution.

Wastewater Volumes

Council's drainage engineer has assessed the development and recommends that, due to the high housing density proposed and additional wastewater volumes that would be generated as a result, the applicant should be required to pay a financial contribution to the Council. This contribution would provide for the upgrading of the trunk sewer's capacity so that development beyond the densities permitted by the District Plan can be accommodated.

Street Tree Planting & Maintenance Bonds

Council's Parks Consent Planner has assessed the development and recommends that two separate bonds be paid by the applicant: one to ensure the planting of street trees in accordance with the submitted Street Tree & Landscaping Plan in the amount of \$3,500.00; and another to ensure that the street tree plantings are maintained for a period of two years, and that dead or dying vegetation is replaced, in the amount of \$3,450.00.

8.4.3 Monitoring

The performance of the activities under this consent will be subject to Council's standard monitoring procedures. These procedures include scheduled inspections to ascertain compliance with conditions of consent, together with periodic inspections as and when required to establish whether conditions are being complied with on an ongoing basis. In particular, attention is likely to be directed toward the implementation of conditions relating to the monitoring of groundwater levels, the establishment and maintenance of appropriate erosion and sediment control measures, and obtaining certification from a registered surveyor that the building will not exceed the stated height of 19.3m. This latter condition would ensure that the building complies with the applicable Height-in-Relation-to-Boundaries controls with respect to the site's more sensitive residential boundary.

It is anticipated that, due to the scale and relative complexity of the development, several monitoring visits would be required, and a monitoring fee in the amount of \$1,000.00 is recommended.

8.4.4 Any Other Relevant Non-Statutory Documents

The relevance of the proposal to the wider regional objectives and policies, as expressed through the Regional Growth Strategy: 2050, is discussed in section 8.3 above.

8.5 Lapsing of Consent

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

Due to the significant financial investment involved with the proposal, the complexity of the construction project, and the possibility that construction may not be able to commence until a certain number of apartments have been pre-sold or commercial leases signed (the applicant may wish to comment on the likelihood of this), I consider it appropriate that the standard five-year implementation period provided for by the Resource Management Act be applied.

9.0 PART II OF THE RESOURCE MANAGEMENT ACT 1991

It is considered that the proposal would be consistent with sections 5, 6, 7 and 8 of the Resource Management Act 1991.

The purpose and principles of the Resource Management Act 1991 have primacy over all other considerations that are set out in section 104 of the legislation. In summary, sections 5, 6 and 7 require that resources must be sustainably managed in such a way that any adverse effects on the environment can be avoided, remedied or mitigated. Furthermore, the Resource Management Act 1991 requires that amenity values and the quality of the environment are to be maintained and enhanced.

I consider that the granting of this application would not be contrary to the purpose of the Act. The proposal will enable people and communities to provide for their economic, social and cultural well-being and their health and safety without significantly compromising the needs of future generations or the life-supporting capacity of natural resources such as air, water and soils. Through the imposition of appropriate conditions of consent, it is considered that the proposed activity can sufficiently avoid, remedy or mitigate any adverse effects on the environment. In particular, amenity values would be maintained and enhanced through the establishment of a well designed, visually attractive building in a prominent position at the entrance to the Te Atatu town centre that does not unduly dominate or shade the adjacent residential development.

10.0 CONCLUSION

The applicant seeks consent to establish a seven-level mixed-use (residential/commercial) development on the subject site, which is located at 84 Gunner Drive, Te Atatu Peninsula. The building would consist of a basement level and six levels of development above the ground. The site is within the Harbour View North Special Area, which provides for a combination of residential and non-residential activities, though non-residential activities are generally subject to a greater level of control than residential activities.

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** be adequately mitigated through the imposition of appropriate conditions of consent. It is considered that the establishment and operation of the proposed activity **will not** lead to a decline in the amenity values of the area in which it seeks to locate.

The proposal is considered to be consistent with the objectives and policies of the District Plan, which seek to provide for intensification of population around existing town centres and along major roads, and to provide opportunities for the establishment of varied housing types to meet the diverse needs of modern urban residents, while protecting existing amenity values and neighbourhood character from the adverse effects of inappropriate development.

It is also 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 section 104 of the Resource Management Act 1991.

RECOMMENDATIONS

That pursuant to sections 104,104B, 104D, 108 and 113 of the Resource Management Act 1991, and subject to additional or contrary information being presented at the hearing, **consent be granted** to the application by Lomond Developments Limited to construct a seven-level building, containing a basement car parking and storage area, three ground-floor commercial units, and 37 apartments on Levels 1-5, at 84 Gunner Drive, Te Atatu Peninsula, being Lots 2 & 3 DP 206924, for the following reasons:

- (i) The establishment of appropriate sediment and erosion control measures would ensure that the effects of the proposal during the earthworks phase would be no more than minor, and the longer-term quality of run-off from the site's impervious areas would be controlled via the installation of a sand filter or a storm filter.
- (ii) The groundwater levels in the immediate vicinity of the site would be monitored to ensure that dewatering of the excavations does not destabilise or dry out the ground.
- (iii) The building, though occupying a relatively large proportion of the site and being markedly higher than existing development in the surrounding area, would not be visually detrimental to neighbourhood character or amenity values.
- (iv) Sufficient on-site car parking space would be provided to meet anticipated demand, and the increased volume of traffic along Te Atatu Road would remain within the designed carrying capacity of a District Arterial Road. A contribution, either in the form of a monetary contribution or the vesting in Council of an area of land (Lot 3 DP 206924) abutting Gunner Drive, would be made to assist in the future upgrading of the intersection, when such upgrading is deemed necessary in response to further increases in traffic volumes.
- (v) Any adverse effects associated with excess impermeable surface coverage could be adequately mitigated through conditions of consent relating to the establishment of stormwater detention measures.
- (vi) Proposed landscaping of the site's boundaries and the adjacent area of road reserve is comprehensive, and would serve to visually 'soften' the development, particularly when viewed from Te Atatu Road and the adjacent Kemberley Mews medium-density housing development.
- (vii) There would be adequate outdoor space on the site for the applicant's intended market. The balconies are relatively spacious, and there are parks and reserves nearby that can cater for more active recreational activities.
- (viii) The District Plan contemplates mixed-use development on the site, by virtue of the provision for residential use in accordance with the rules of the Living Environment, and for non-residential activities

CONSENT SHALL BE SUBJECT TO THE FOLLOWING CONDITIONS:

General

These conditions are to be signed off by Consent Services, with fees being charged on an hourly basis:

1. The development shall proceed in accordance with the following:
 - Site plan (Sheet RC-101), floor plans (Sheets RC-201-207, roof plan (Sheet RC-208), elevation plans (RC-301 & 302), recession plane diagrams (RC-303 & 304), all titled "Retail / Residential Unit Development Lot 2 DP 206924 - Corner Te Atatu Road and Gunner Drive", prepared by Ashton Mitchell Architects, dated 8 March, 3 May and 1 September 2004;
 - Landscape & planting plan, titled "Landscape & Planting Plan 84 Gunner Drive RMA 20041619", prepared by Ashton Mitchell Architects Peninsula";
 - The information, including further information, submitted with the application;and all referenced by Council as RMA 20041619.
2. Pursuant to section 125 of the Resource Management Act 1991, the period for establishing and giving effect to the activity provided for by this consent shall lapse five (5) years from the consent's date of commencement.

Earthworks & Construction

3. Prior to commencing any earthworks on the site, the applicant shall establish erosion and sediment control measures in accordance with the Earthworks Management Plan titled 'Earthworks Design - Erosion and Sediment Control Plan', prepared by Cato Bolam Consultants (Revision R1, Sheet E1), and dated 9 September 2004. The required measures shall be maintained on the site, as appropriate, for the duration of the proposed site works. The proposed measures include a stabilised entranceway and a wheel wash facility, to prevent the deposition of earth on the surrounding streets from trucks entering or leaving the site.

Should any material be deposited on the street, it shall be removed immediately at the expense of the consent holder. The proposed wheel wash facility shall be manned at all times that trucks are entering and exiting the site by a labourer who is instructed on his responsibilities.

All erosion and sediment control measures shall be established and maintained to the satisfaction of the Manager - Resource Consents, and shall be in full accordance with ARC TP 90 for the duration of the project.

Contact the Council's Environmental Monitoring Officer (ph 839 0400) when the controls are in place, at least 48 hours prior to the requested inspection, and await the approval of the monitoring officer before commencing work.

4. The applicant shall undertake water PH testing concurrently with the concrete laying process. If the PH is outside the range of 5.5 - 8 the water must not be discharged into the storm-water system and must be disposed of off-site at a trade waste facility. This condition is required to ensure that the contamination of the public stormwater system does not occur during the course of concreting work on the site.

5. Footpaths, berms and kerbs shall be protected from damage by crossing or parking vehicles to the satisfaction of the Manager - Resource Consents. Any damage attributed to the earthworks operation shall be rectified at the cost of the consent holder.
6. All necessary action shall be taken to prevent a dust nuisance to neighbouring properties to the satisfaction of Council's Environmental Monitoring Officer.
7. The development works associated with the development are to be carried out in accordance with NZS 6803P:1984, 'The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work', with the exception of the hours of work, which are to be limited as follows:

Monday to Friday: 7.30 am to 7.00 pm

Saturday 8.00 am to 5.30 pm

Sunday and Public Holidays: No work

Also note the further restriction on heavy vehicle movements to and from the site imposed under Condition 8 below.

8. That during the construction of the development, **no heavy vehicle movements to or from the site take place between the hours of 7.00 am and 9.00 am, nor between 3.00 pm and 6.00 pm Monday to Friday.** This condition is required to minimise effects on the efficient operation of the surrounding roading network during standard peak traffic hours.
9. In the event of archaeological evidence being uncovered (eg. shell, middens, hangi or ovens, pit depressions, defensive ditches, artifactual material or human bones) work shall cease in the vicinity of the discovery, the area secured, and the Council (Planning Helpdesk - 836 8000 ext. 6408) contacted. Activity on the site will remain halted until the Manager - Resource Consents gives approval for operations to recommence.

Noise

10. To ensure that noise levels generated on the site are consistent with the maintenance of the amenity of the neighbouring residential properties, the applicant shall ensure that the use of the site, with the exception of construction noise as restricted by Condition 7 above, complies with the following standards at all times:

7.00 am - 7.00 pm Monday - Saturday L₁₀ 50dBA L_{Max} N/A

7.00 pm - 10.00 pm Monday - Saturday L₁₀ 45dBA L_{Max} N/A

7.00 am - 10.00 pm Sunday & Public Holidays

10.00 pm - 7.00 am L₁₀ 40dBA L_{Max} 70Dba

11. Service and delivery vehicles, including refuse removal vehicles, shall not be permitted on site between the hours of 9.00pm and 7.30am (7 days).

Landscaping & Planting

- A255-A260
12. Street tree planting and landscaping is to be established to the satisfaction of the Parks Consent Planner. Street tree planting shall be undertaken in accordance with the plan titled "Landscaping & Planting Plan 84 Gunner Dr RMA 20041619", prepared by Ashton Mitchell Architects, in conjunction with the Street Tree Planting Requirements, as attached at pages A255 to A260. Street trees are to be planted in the first planting season *after* the building works have been completed. Alternatively, the applicant may plant the trees in a staged manner as site and building works are completed.
 13. When planting is first undertaken within all garden areas *within the site*, the areas shall be weed and debris-free, and have good-quality topsoil or garden mix (compost and topsoil combined) to a minimum depth of 250mm, and a woodchip mulch to 60mm depth.
 14. The developer shall be responsible for the maintenance of all street tree plantings for a period of two years (from the date of its certified establishment by Council) including the replacement of any dead or dying vegetation, to the satisfaction of the Parks Consent Planner. Within one (3) months of the completion of planting, the consent applicant shall advise the Parks Consent Planner of a maintenance schedule and the name of the qualified person/company responsible for the planting maintenance.
 15. Within one month of the street tree planting programme, provide Council with As Built drawings of the project showing all services, levels, inverts, features and facilities as per the following requirements:
 - A scaled tracing of the construction plan is to be updated showing all finished asset locations and types.
 - Any planted areas to be shown to scale on the copy of the construction plan with sq. metres of planting, numbers of plants and type, and assets schedule attached on Asset Sheet.
 - All products, fixtures, items and fittings with type, colour, model, manufacturer name and contact telephone number are to be scheduled on an Asset Sheet.
 - All paint colours used or graffiti coatings with name of products that can be used for graffiti removal are to be schedule on an Asset Sheet.
 - Any special maintenance requirements to be scheduled and supplied.
- Ensure that the street area is left in a condition suitable for maintenance following completion of the maintenance period in accordance with section 7.2 of the WCC Code of Practice and to the satisfaction of the Parks Consent Planner.

Traffic, Parking, Driveways & Vehicle Crossings

16. The applicant shall, prior to the commencement of any site works, submit to Council a Traffic Management Plan indicating the position of all signage to be erected, routes and truck standing areas. This shall be provided to the satisfaction of the Service Manager: Transport Assets. Note: The Traffic Management Plan must be consistent with the approved Earthworks Management Plan (refer Condition 3 above).
17. The consent holder shall submit with any subsequent building consent application engineering details for the car parks, driveways, and landscaping of the road reserve area on the frontage of the development, to the satisfaction of the Service Manager: Transport Assets. These details shall include provision of an appropriate warning device for the basement access ramp. A copy of this information shall be provided to Council's Environmental Monitoring Officer for sign-off of this condition.

18. The consent holder shall form and maintain a temporary vehicle crossing on the Te Atatu Road frontage of the site for the duration of the construction. The crossing shall be removed and the road reserve reinstated upon the completion of the works, to the satisfaction of the Service Manager: Transport Assets.
19. Prior to the occupation of the new building, all access, manoeuvring and parking areas shall be formed, finished in an all-weather surface, marked out and drained to Council standards, to the satisfaction of the Manager: Resource Consents.

Bonds & Financial Contributions

20. Reserves Contribution

Pursuant to section 409 of the Resource Management Act 1991, pay to Council a financial contribution equal to the value of 20m² of land (Quotable New Zealand's market value) for Units 3-37 (inclusive, Units 1 & 2 excluded) as of the date of issue of this land use consent (or as at the date of any subsequent re-approval of the land use consent) for reserves purposes. The contribution shall be paid in cash or by bank cheque only.

N.B. In the event of a future subdivision, a further reserve contribution will be required. If done within 5 years of consent being issued for this development, the amount of the contribution required above will be credited to the account.

21. Street Damage

Pay to Council a street damage bond of \$5,000.00 prior to the commencement of work, and shall be either in the form of cash or bank guarantee, to the satisfaction of the Council Solicitor. The consent holder shall meet any cost incurred by Council in preparing, checking, assessing and releasing the bond. This bond shall be refunded in full after inspection by Council's Construction Supervisor confirms no damage to Council's roading assets has occurred. The inspection is to take place once all work is completed. Note: Bonds can only be released to the person who originally lodged the bond with Council.

22. Intersection Upgrading

Prior to the issue of a building consent for the proposed development, the consent holder shall pay to Council a sum equal to 30% of the cost of the future upgrading works to provide a left-turn slip lane from Gunner Drive into Te Atatu Road, or shall vest in Council (as road reserve) the land identified as Lot 3 DP 206924 in lieu of a monetary contribution.

23. Street Tree Planting & Maintenance Bonds

Pay to the Council a street tree planting bond of \$3,500.00 to ensure the fulfilment of Condition 12. The bond shall be either in the form of cash or bank guarantee, to the satisfaction of the Council Solicitor, and will be released following the planting of the street trees to the satisfaction of the Parks Consent Planner. The consent holder shall meet any cost incurred by Council in preparing, checking, assessing and releasing the bond. The bond shall be paid upon the issue of this resource consent.

Also pay to Council at the time of issue of this resource consent a maintenance bond of \$3,450.00 to ensure the fulfilment of Condition 13. This bond will be released at the end of the maintenance period. All other conditions relating to this bond are as per the above.

Drainage & Infrastructure

24. Before the commencement of any work, obtain the approval of Council to engineering plans and specifications prepared in accordance with Council's "Code of Practice for City Infrastructure and Land Development" detailing the nature and extent of any proposed work. A copy of this information shall be provided to Council's Environmental Monitoring Officer for sign-off of this condition. *Note:* To avoid delays in the processing of a building consent, provide engineering plans to EcoWater for approval at least 10 working days prior to submitting plans for building consent. *Note:* Engineering plans must be consistent with those approved via this resource consent.
25. Design, provide and install a complete private (to public standards) wastewater reticulation system to serve the site in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer Section 5.0). Specific requirements:
- (i) Re-route the existing public drainage lines to outside the building platform, and to ensure buildings are at least 1m away from the side of manholes. Either grout-fill or remove the abandoned drainage under Council's supervision.
 - (ii) If required, pay to the Council the cost of providing a new connection to the public system.
 - (iii) Locate all drainage lines in the shared driveway where possible to provide ease of access for future maintenance requirements.

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

26. Due to the density of the proposed development and resultant increase in wastewater flows mitigation is required. Therefore advise Council which of the following you will be carrying out and fulfil the requirement.

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

- (i) *All taps over hand basins/sinks and showerheads are to be of a type that limit the flow rate to 9 litres/minute or less*
- (ii) *All units shall have showers (baths are optional)*
- (iii) *All toilets shall be of 6/3 litre dual flush type*
- (iv) *No in-sink waste disposal units shall be installed*

A consent notice is required to be issued and registered on the titles affected requiring the use of low water use devices to limit wastewater flows to Council's satisfaction. Council's Hazards and Special Features Register will be advised of the above requirement.

Advice Note: *In addition, under a building or subdivision consent, pay to the Council pursuant to section 407 of the Act the sum of \$122,402.69 (incl. GST at 12.5%) to further mitigate wastewater flows (main system improvements) necessary to serve the subdivision. Notes: (i) Further reductions may be possible through recycling of grey water or other innovations. (ii) If in-sink waste disposal units are proposed, the sum required will rise to \$130,416.45.*

Or pay to Council the sum of \$174,118.14 (incl. of GST) towards the cost of mitigating the flow of wastewater from the site over and above that allowed for as a permitted activity without carrying out any mitigation measures. No consent notice is required. Note: The above sums are based on 3 x commercial units, 36 x two bedroom, and 1 x three bedroom units. If this is to change, the contribution is to be amended. The calculations of the above sums are available from EcoWater.

27. Design, provide and install a complete private (to public standards) stormwater drainage system to serve the site in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer section 4.0). Specific requirements:
- (i) Mitigate the flow of stormwater from the site to the amount that would result from 60% site coverage. This can be achieved by providing detention of the 1 in 5 year event and releasing at the above rate to ensure that the capacity of the stormwater system is not compromised.
 - (ii) Re-route the existing public drainage lines to outside the building platform, and to ensure buildings are at least 1m away from the side of manholes. Either grout-fill or remove the abandoned drainage under Council's supervision.
 - (iii) If required, pay to the Council the cost of providing a new connection to the public system.
 - (iv) Locate all drainage lines in the shared driveway where possible to provide ease of access for future maintenance requirements.
 - (v) Provide a cut-off drain at the top of the ramp to the basement car park and ensure that the paving is formed such that stormwater will flow away from the ramp and not into the basement.

Advice Note: 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 applicant's contractor with engineering plan approval and under EcoWater's Quality Assurance supervision or by EcoWater Solutions' maintenance contractor.

28. Provide stormwater quality treatment to the site in accordance with the Auckland Regional Council's TP10 '*Stormwater Management Devices Design Guideline Manual*', and WCC Code of Practice for City Infrastructure and Land Development (refer Section 4).
- (i) Provide engineering plans and calculations to EcoWater for approval prior to commencing works. A copy of this information shall also be provided to Council's Environmental Monitoring Officer for sign-off of this condition.
 - (ii) Provide a surveyed as-built plan of the device showing location, plus all lid and invert levels.
 - (iii) Provide a maintenance manual for the treatment device to EcoWater for approval.
29. Design, provide and install a complete public water supply reticulation system and fire fighting services, and internal private water supply system to serve all Units in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer section 6). Specific requirements:
- (i) Reroute the 225mm dia water main and fire hydrant to outside the boundary of the property, and outside any paved areas. Liaise with EcoWater's Water Assets Engineer, and with the Principal Transport Engineer regarding the location of the water main with respect to future upgrading of the intersection.

- (ii) Pay to the Council the cost of supervising the shut down of Council's water supply mains. This service includes Council providing written advice to all affected property owners/tenants.
 - (iii) Provide a detail showing the proposed connection to the existing Council water main/s. The detail is to include all flanges, joints and applicable details. In addition, any water reticulation plan is to show all necessary design details to inform construction (e.g. thrust blocks, etc).
 - (iv) Provide and install a fire hydrant within 90 metres of the farthest point of fire risk. Note: The hydrant is to be on a direct traffic route to the property. The distance specified above may not be measured as a radius.
 - (v) Where the required public system is on private property, easements over the course of such system in favour of Council will be necessary. Once the public water main is constructed in the berm, and has been tested, accepted and an as-built plan approved, the existing easement over the property can be surrendered.
 - (vi) The provisions of section 6.3.3.7 for servicing multi-storey apartment buildings are to apply. The maximum water pressure available at the site is 400 kPa or 40m, and the minimum is 300kPa or 30m, which is only enough to serve 2-3 storeys, therefore booster pumps will be required for the upper floor levels.
 - (vii) Provide a bulk Council meter and then separate meters for each Unit, to be administered by the Body Corporate. Provide a copy of the Body Corporate rules regarding charging for water supply. Refer to S.D. 6.06.4 in the Code of Practice for bulk metered supply and fire sprinkler system supply layouts.
 - (viii) Ducting of private service lines is recommended.
30. Contact EcoWater's Quality Assurance Inspector (ph 021 745583) to arrange a pre-start meeting. Plans are required to be submitted and Engineering Approval obtained before requesting a pre-start meeting. Advice Note: Public drainage –.

Advice Note: Prior to applying for a drainage test, an as-built drainage plan prepared by a registered surveyor and cctv inspection of the new public drainage must be submitted to EcoWater, in accordance with the WCC COP.

Geotechnical

- 31. No stockpiling of spoil shall take place on the site other than if specifically designed by an experienced geotechnical engineer familiar with the report prepared by Argo Thompson (ref. 4204, dated 28 September 2004).
- 32. Where the excavation batter slope recommended in the report prepared by Argo Thompson (ref. 4204, dated 28 September 2004) cannot be achieved, temporary support of the basement excavation shall be installed.
- 33. The final development shall be designed to not lower the natural groundwater level.
- 34. Foundations and the retaining walls shall be subject to specific investigation and design.

35. A management plan for the maintenance of the groundwater level along the boundary shall be prepared and supplied to Council for approval with any subsequent building consent application. The plan shall ensure there is no draw-down of the water table with the capability to cause damage to adjacent buildings or services and pavements in adjacent streets. The plan shall include:
- the drilling of not less than three groundwater observation bores adjacent to the boundaries, to be sealed against the ingress of surface and rainwater, providing for their prompt repair or placement if damaged or destroyed.
 - their observation for not less than two months prior to the commencement of the excavation;
 - a monitoring plan for the groundwater levels in them until the end of construction;
 - a methodology for sustaining the groundwater level; and
 - limit levels for the observed groundwater and the actions to follow on reaching those.

The monitoring party shall be a consulting engineer experienced in geotechnical engineering, other than an employee of the developer or construction contractors. The plan shall provide for periodic reports to be provided promptly to the Council, and for any instance of limit levels being reached to be communicated to the Council within 24 hours.

Miscellaneous

36. Clothes-Drying

The applicant shall provide to Council evidence in the form of a copy of the Body Corporate's contract with the purchasers of the apartments that outdoor drying of clothes on balconies will not be permitted. This condition is required to ensure that the visual amenity of the area is not adversely affected by the erection of clotheslines or the use of portable drying frames on the apartments' balconies or in any visually prominent location.

37. Surveyor's Certification

Provide certification from a Registered Land Surveyor, to the satisfaction of the Manager - Resource Consents, at site set-out/footing inspection stage and at the framing stage, confirming that the proposed building will not infringe the applicable 'Height-in-Relation-to Boundaries' rules to any greater extent than is approved via this resource consent (refer section 5.1, Infringement 4 above). *Note:* In the event that this condition is not met, either make good or obtain further resource consent.

At the same time, also provide certification that the building will not infringe the applicable 'Height-in-Relation-to Boundaries' rules at Points A-D (Sheet RC 101). *Note:* In the event that an infringement results, either make good or obtain further resource consent.

Monitoring

38. A consent compliance monitoring fee of \$1,000.00 (inclusive of GST) shall be paid to the Council. This fee is to recover the actual and reasonable costs incurred ensuring compliance with the conditions of this consent. If, on inspection, all conditions have not been satisfactorily met, a re-inspection shall be required at the relevant hourly rate applicable at the time the re-inspection is carried out.

The \$1,000.00 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

Monitoring

1. Where indicated in the conditions it is the consent holder's responsibility to inform the Environmental Monitoring Officer when inspection is required. Inspections can be requested through the Call Centre on 839 0400.
2. It is the applicant's responsibility to obtain, if applicable, from the Auckland Regional Council a discharge permit, and all other consents, on terms acceptable to the Council, pay all costs attributable to such application and comply with any conditions imposed by the Council. Provide copies of subdivision consent conditions and hydraulic or geotechnical reports to the Regional Council.
3. The applicant has not sought resource consent to infringe the permitted standards relating to vibration (Community Environment Rule 15.1). The applicant is advised that further resource consent would be required if during the course of the works the permitted standards were infringed.
4. In addition to the reserve contribution for the proposed residential units, the applicant may be required to pay, pursuant to section 409 of the Act, a sum equal to 0.5% of the assessed value of the commercial component of the development (including GST at 12.5%) prior to the issue of a building consent if the value of the commercial component exceeds \$100,000.00.

Report prepared by: Greg Sawyer, Senior Resource Planner.

