

**AGENDA FOR AN ORDINARY MEETING OF THE HEARINGS COMMITTEE TO BE HELD
IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,
ON THURSDAY, 29 APRIL 2004, COMMENCING AT 9.30 AM.**

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1 APOLOGIES



2 URGENT BUSINESS

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

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

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

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



3 CONFIRMATION OF MINUTES

Ordinary - Thursday, 15 April 2004

RECOMMENDATION

That the minutes of the Ordinary Meeting of the Hearings Committee held on Thursday, 15 April 2004, as circulated, be taken as read and now be confirmed.



4 **NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991 BY FOOTWARE BY EDDIE LIMITED TO BUILD THREE ATTACHED TOWN HOUSES AT 35 AND 23 LUCIENNE DRIVE, RANUI**

MASSEY 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.

RMA 20031860 & RMA 20031848

APPLICATION DETAILS

Planner:	Jeannette Ibrahim
Site Address:	35 Lucienne Drive Ranui
Applicant:	Footware by Eddie Limited
Date Received:	19/09/03; Amended Plans 27/2/2004
Resource Consent No:	RMA 20031860 (Amended)
Building Consent No:	ABA 20033440
Legal Description:	Lot 44 DP 184189
Address for Service:	C/- Patrik Rokos BRNO Developments 89B Island Bay Road Birkenhead North Shore
Site Area:	1070m ²
Unit Site Area(s):	Unit 1: 229m ² , Unit 2: 199m ² , Unit 3: 200m ²
District Plan:	
Human Environment:	Living
Natural Area:	General
Landscape Elements:	Nil
Hazards:	Nil
Roading Hierarchy:	Local
Further Information Required:	Yes - Original Application
Date Requested:	(01/10/03 31/10/03)
Date Received:	(14/10/03 11/11/03)

1.0 INTRODUCTION AND RECOMMENDATION

1.1 Nature of the Application

The applicant seeks consent to build three medium density style dwellings on each of two sites. The development would take place at 35 and 23 Lucienne Drive which are vacant lots each accessed via a Jointly Owned Access Lot (JOAL), where 23 Lucienne Drive is at the end of one JOAL and 35 Lucienne Drive is off the eastern side of a JOAL connecting Lucienne Drive and Charlenne Close. The sites are not within a Medium Density Housing Radius but lie just beyond the periphery of the 'Ranui Radius'. Construction of three dwellings on each site would result in various District Plan infringements, associated with density, earthworks, height in relation to boundary, building coverage and shared driveways.

1.2 Resource Management Issues Raised

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

The environmental effects of this proposal are primarily related to amenity values, and the cumulative effects of allowing the proposed density on the site. Such consideration included the associated vehicle movements to and from the site, noise, privacy - including the proximity of the proposed outdoor living spaces and houses to each other and the neighbouring properties, and on-site amenity.

Other important aspects of the proposal for consideration related to the scale, character and intensity of the proposed development in relation to the surrounding environment, and the District Plan policies and objectives.

1.3 Planner's Recommendation

The planner who has prepared this report recommends that **consent be granted** to the application to build three town houses at each of two sites at 35 and 23 Lucienne Drive, Ranui.

It is considered that the adverse environmental effects that would be generated by the activity would be more no more than minor on adjoining sites, of which all affected parties have not given written approval, but the adverse effects can be adequately avoided, remedied or mitigated by conditions. The proposed activity is not considered to be contrary to the relevant objectives and policies of the District Plan.

3.0 PROPOSAL

3.1 Background

Applications were received by Council on 19/9/2003 (RMA 20031848 and RMA 20031860) for a medium density housing development comprising four units on each of two vacant sites on Lucienne Drive, namely 23 and 35 Lucienne Drive. Consent had been granted previously in 1997 for a three-unit development at 23 Lucienne Drive, being RMA 970245. Some of the earthworks and retaining for this development have been completed but the consent has now lapsed.

The assessment of the application for **four** units on each of these sites determined that adverse effects generated would be more than minor and that there was need to consider effects on adjoining property owners who had not provided written approval for the development. These applications were notified together on a limited basis on 5 November 2003. The applicant provided seven Affected Persons Approval Forms with the application, and a site plan with 10 signatures on it. It was not clear which signatures on the site plan related to the seven Affected Persons Approval form, or whether the signature of both owner and occupier (in the case of tenancies) were provided. These signatures were obtained prior to lodging the application.

A1-A35

The total number of dwellings for which the occupier/owner's were considered to be an effected party, totalled 35. A map of the affected parties is attached at pages A1 to A35. As the applicant had made separate applications for four units in close proximity to each other (the sites being 23 Lucienne Drive, application RMA 20031848 and 35 Lucienne Drive, application RMA 20031860) the applicant was advised to obtain the written approval of all occupiers/owners for both developments.

Upon further assessment and analysis the reporting planner for these applications signalled that the applications in the form as proposed (ie. four attached units on each site) could not be supported. The applicant has subsequently amended the proposal.

3.2 Current Proposal

The applicant has amended the original four-unit proposal for each site and now seeks consent to build three medium density style houses on each of two currently freehold vacant sites. The dwelling units would be two storied and each comprise a single garage, bathroom, combined living/dining room and kitchen at ground floor level, and three bedrooms and another bathroom at first floor level. There would be one freestanding unit and two attached units on each site.

Each freestanding unit is identical and the two attached units have similar floor plans that are mirror images of each other. Two of the units on each site are shown with gross floor areas of 75.21m² with the third unit having a gross floor area of 73.35m². In each case the total building footprint/s would be 223.77m².

35 Lucienne Drive

The units would be located off an access lot that currently serves 17 other units. This access lot has an entry and exit at both Charlenne Close and Lucienne Drive. The proposed units would be built as described above, with one freestanding and one attached pair of units with a sealed common area for pedestrians and vehicles to the south. Individual outdoor space areas, separated by timber fences of 1.8m in height would be located to the north. The outdoor space proposed for each of the three units is 146m², 126m² and 125m² respectively.

Provision has been made for letterboxes at the point of entry/exit to the site. Also proposed at the entry/exit to the site, but outside it, is a paved area intended for the placement of rubbish bags for collection.

Earthworks are proposed that would result in approximately 20m³ excavation, over an area of approximately 385m² (outside the building platform). This would spread to approximately 500mm off the eastern and southern boundaries. It is proposed to construct a timber retaining wall to a maximum height of 0.5m along the southern boundary. This would retain the fill on site to create a level common sealed area for vehicles/pedestrians. The proposal also involves the installation of services such as stormwater, wastewater, water mains, phone and power.

23 Lucienne Drive

The units would be located off an access lot that currently serves 10 other units. This access lot is a dead end access lot and has no provision for turn around at the end. The proposed units would be built as proposed with one freestanding and two attached units, with a sealed common area for pedestrians and vehicles to the south, and individual outdoor space areas, separated by timber fences of 1.8m in height, to the north. The outdoor space proposed for each of the three units is 176m², 158m² and 203m² respectively.

No provision has been made for letterboxes at the point of entry/exit to the site. Rubbish bags are anticipated to go out to the road for collection.

Earthworks are proposed that would result in approximately 290m³ of fill, and of 260m³ excavation, over an area of approximately 600m² (outside the building platform). This would spread out to within 1 m of the eastern boundary to provide for a visitor car park in this area. The common drive within the southern half of the site would require excavation and would be retained to varying heights. It is proposed to plant the area between the retaining wall and the southern boundary. It is also proposed to fill the area to the north of the proposed dwellings and construct a timber retaining wall to a maximum height of up to 1.5m across each of the outdoor areas. This would effectively terrace the outdoor areas for each unit. The proposal also involves the installation of services such as stormwater, wastewater, water mains, phone and power.

4.0 REASONS FOR THE APPLICATION

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

Rule 2 - Density (Living Environment)

Discretionary Activity application for net site areas less than 450m² not within a Medium Density Housing Radius and on a site less than 2000m² in area.

- 23 Lucienne Drive - Unit 1: 252m², Unit 2: 231m², Unit 3: 279m²; Common Area: 535m².
- 35 Lucienne Drive - Unit 1: 229m²; Unit 2: 199 m²; Unit 3: 200m²; Common Area: 452m².

Rule 5 - Height in Relation to Boundaries (Living Environment)

Discretionary Activity application to project beyond the recession plane requirements.

- 23 Lucienne Drive - Unit 1 would project into the eastern (internal) '2.5m + 45° ' recession plane by approximately 1m over a roof length of approximately 9m.
- 35 Lucienne Drive - Unit 1 would project into the eastern (internal) '2.5m + 45° ' recession plane by approximately 1.5m over a roof length of approximately 5m.

Rule 7 - Building Coverage (Living Environment)

Discretionary Activity application to exceed a building coverage of over 35% of net site area.

- 35 Lucienne Drive - Unit 2 would have building cover of 36.85%; Unit 3 would have 37.6%.

Rule 12 - Car Parking & Driveways (Living Environment)

Limited Discretionary Activity application for shared driveway exceeding 10 dwellings.

- 35 Lucienne Drive - Shared driveway access lot would serve 20 dwellings.
- 23 Lucienne Drive - Shared driveway access lot would serve 13 dwellings.

Rule 3 - Earthworks (General Natural Area)

Limited Discretionary Activity application for earthworks in excess of 50m³ and 100m² outside the building platform and within 1m of the boundary of an adjoining site and Discretionary Activity application to undertake more than 300m³ earthworks that is not clean fill.

- 35 Lucienne Drive - Cut of 20m³ is proposed over an area of approximately 380m² and within 1m of the southern and eastern boundary to create a level common pedestrian and vehicle manoeuvring area that would allow paving 500mm off the eastern boundary.
- 23 Lucienne Drive - Cut of 260m³ and fill of 290m³ over an area of approximately 400m² and within 1m of the eastern boundary to provide levelled building platforms and level car parking, turning and outdoor areas.

Rule 1 - Natural Hazards (City Wide Rules)

Limited Discretionary Activity application for sites known for instability issues.

- 23 Lucienne Drive - The site is known to Council to be subject to site stability conditions.

4.3 Overall, the application is considered to be a Discretionary Activity. The proposal complies with all other development controls under the District Plan.

4.4 No other consents are required.

5.0 THE SITE AND NEIGHBOURHOOD DESCRIPTION

The neighbourhood character is primarily residential in nature. There is a mix of housing styles and site sizes, varying from attached medium density style housing, to individual residential dwellings of one and two storeys in height. The site sizes in the neighbourhood vary with the style of development. The subject site is not within a Medium Density Housing Radius. However, there is a Medium Density Housing Radius nearby (approximately 100m away) in association with the Ranui Signature Railway Station.

23 Lucienne Drive

This is the last completely vacant large freehold site that is connected to the road by a common access lot. The other sites on the access lot have been fully or in the case of 11-17 Lucienne Drive, partially developed. Two sites along the access lot have already been established with medium density style housing. Two sites are established with single residential dwellings on complying lots, and 11-17 Lucienne Drive has been developed with one residential dwelling, with potential to further develop another single residential dwelling on a complying net site area of 450m², which would also use the existing access lot. Rubbish collection for the sites appears to be at the roadside.

The use of the access lot imposes limitations with a 3.5m width for most of the length and only two passing bays of 5.0m width, one at the entry/exit, one half way along the access route. There is no turn around area on the access lot, and the majority of users have to utilise the drive to achieve reverse manoeuvring. There is potential for conflict in terms of cars trying to enter sites while others are coming out or where cars are parked partially over the access way, or in the passing bays. However traffic appears to have been adequately managed to date.

The topography of the site slopes moderately towards the stormwater pond located to the north of the site. There are some maturing trees located adjacent to the subject site on the edge of the stormwater pond. These trees are approximately 6m in height.

The property directly south of the subject site has been developed into a single residential dwelling of complying density. The same is observed in the site next door to the west of this. The next two sites further to the south and west are below density, but have been developed with single, freestanding houses. The site directly west has just been developed into three modern looking townhouses. The site next west of this has been established with four medium density style houses.

35 Lucienne Drive

The subject site at 35 Lucienne Drive is the last of four large freehold sites that are connected to the road by the common access lot. The other three sites along the access lot have already been established with medium density style housing. These three sites have been developed into a total of 17 units that use the common access lot. Entry and exit to the access lot is achievable at both ends. The access lot connects with the road at Lucienne Drive and Charlenne Close. Most of the shared access way is 3.5m in width with passing bays extending the width to 5m at the entry/exit points. Rubbish collection for the sites appears to be at the roadside.

The topography of the subject site slopes moderately towards the stormwater pond. There is no significant vegetation on site. However, there are small trees establishing along the boundary to the south. These trees provide amenity to the stormwater pond, and appear to have been planted as part of the overall landscaping around the edges of the pond. The trees are no more than 3m in height.

The property directly north of the subject site has been developed into five attached units of two storeys. These units have a combination of single and double car garaging, and no visitor car parking. The property directly to the west of the subject site (across the access lot) has been developed into six attached two storied units. These units are all single garage units with provision for one additional car park stacked alongside the garage and entrance. Further west (along the access lot) is another six-unit development. These six units also have a single car garage, with the potential for further cars to be stacked in front of each garage, and at each end of the building.

The use of the access lot has some limitations with passing bays only at either end of the access lot, and the majority of users having to reverse into the drive from car parks/garages. Conflict may occur in terms of cars trying to enter sites while others are coming out or where cars are parked partially over the access way but appears to have been managed to date.

Directly south of the subject site is a stormwater retention pond. Directly east is a 22-unit Housing New Zealand development. Across the stormwater pond is the other vacant lot owned by the applicant (23 Lucienne Drive), surrounded by a mix of medium density style housing and freestanding residential dwellings of complying density. The wider neighbourhood contains a mixture of single freestanding houses on small sections (250m² - 300m²), freestanding dwellings on moderate sections (450m² - 600m²), and large undeveloped sections (1000m² - 1500m²).

6.0 ISSUES IDENTIFIED THROUGH THE SUBMISSION PROCESS

A39 The application when originally received required limited notification (the effects were considered minor, and not all affected parties consent was obtained). Notice of this application was served on all identified affected persons on 5 November 2003. The period for submissions closed on 4 December 2004. Six submissions were received, all in opposition to either one or both of the proposed developments. These have been summarised is attached at page A39.

A40-A43
A36-A38 The **amended proposal** was notified on a limited basis to the same individuals who had been notified previously, on 4 March 2004. The period of submissions for the amended proposal over both sites closed on 2 April 2004. Attached at pages A40 to A43 for copies of all the submissions that were received. A map showing the location of the notified parties and location of submitters is attached at pages A36 to A38.

1.2 Submissions (4/3/2004 - 2/4/2004)

Summary of Submissions:

1. *Ruth & Brian Monty (6/17 Charlenne Close) **oppose** the proposal. Concerned about relatively small size of proposed units and use of materials. Also problems associated with noise and traffic. Development should be reduced to 2 single houses.*
2. *Peter and Lis Edwards (35 Charlenne Close) **oppose** the development. Mr Edwards had concerns about lack of privacy, sunlight, and daylight access to his site due to the proximity to his property and the two-storied nature of the proposal. Mr Edwards wants to see the construction of two storied units declined to preserve enjoyment of his outdoor area.*

7.0 STATUTORY REQUIREMENTS

7.1 Discretionary Activities

A44-A50 The relevant policies and objectives which apply under the District Plan and the Resource Management Act 1991 are set out in more detail as attached at pages A44 to A50. This should be referred to as the legal framework within which the application should be addressed.

Section 104 of the Resource Management Act 1991 sets out those matters to be considered when assessing an application for resource consent. Amongst other things, these matters require consideration of any actual and potential effects on the environment arising from the proposal, together with an assessment as to whether the application is consistent with relevant objectives, policies and rules of the District Plan. All considerations are subject of the provisions of Part II of the Resource Management Act 1991, which sets out the purpose and principles that guide this legislation.

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

7.2 LIMITED NOTIFICATION - SECTION 94(1)

A57-A68

Section 94(1) provides for “limited notification” if the adverse effects of a proposal would be no more than minor but not all adversely affected persons have given their written approval, whereby all affected persons will be notified (but not the public at large) and have the opportunity to make a submission and be heard. This application was the subject of limited notification under Section 94(1). A Section 93, 94 and 94A - 94D Determination Assessment was completed, and this report is attached at pages A57 to A68 and identified that 35 dwellings would be adversely affected by the proposal. However, not all persons identified as being affected gave their written approval. As required by Section 94(1) notice of the application was therefore served on all persons who were identified as being adversely affected.

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

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

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

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

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

The following assessment of effects is undertaken on the basis that the level of effects arising is avoided, remedied or mitigated (as appropriate) by the proposed consent conditions contained in this report. In making this assessment it is noted that the permitted baseline would allow a density of 1 household unit per 450m² net site area with associated performance standards that would allow site coverage of 35% per site, a maximum height of 8m and would require provision of two car parking spaces per dwelling. Thus on each of the subject sites it would be possible to develop at least two complying dwellings each with its associated effects on traffic. The impact of actual and potential effects is therefore related to the effects that might be generated by one additional dwelling per site above the two that would be permitted.

8.1.2 Water Quality and Quantity

Although the site is located directly adjacent to the pond, sediment and erosion control measures including the construction of silt fences to control silt and sediment runoff, and the provision to ensure all work on site is carried out in accordance with a Site Management Plan, would mitigate the potential for adverse effects as a result of the proposed earthworks on site.

A54-A56

EcoWater have appraised the proposed development (refer Specialist Report attached at pages A54 to A56). The amended proposal would comply with the permitted level of impermeable surfaces for a site connected to reticulated stormwater (ie. 60% of net site area). Nevertheless it is appropriate that conditions be imposed to ensure that services are constructed to Council standard, which would adequately serve the proposed development, and would include mitigation measures for increased discharges. Subject to such conditions the proposal is considered to have a de minimis impact on water quality/quantity and the city's infrastructure network.

8.1.3 Native Vegetation, Vegetation and Fauna Habitat

There are establishing and maturing trees (3m - 6m in height) along the boundaries adjacent to the stormwater pond. Provided that sediment and erosion control measures are installed the construction works and completed development of the site would have no impact on these trees.

8.1.4 Land / Soil

The site at 35 Lucienne Drive is not known to be stability sensitive, or known to contain hazards, and is situated within an urban area of the city and the land/soil is not required for horticultural or pastoral purposes. Therefore, the proposal is not considered to have any significant effect on land and soil.

However the site at 23 Lucienne Drive is known to be stability sensitive. At time of the subdivision for the parent lot, when the subject site was created, a geotechnical investigation was carried out. A recommendation of that report stated that the foundations of any residential building on the site would need to be set at a minimum depth to ensure potential land/soil movement does not adversely affect the building. This information has been included in Council's Hazard Register, as a "Special Feature" requiring that "Foundations of any residential building shall be set at a minimum depth of 800mm below ground surface". This requirement would be imposed as a condition of consent. Subject to compliance with this condition the potential for adverse effects as a result of soil/land is considered de minimis.

The potential for adverse effects on the landform and disturbance of soil as a result of the proposed earthworks are therefore considered de minimis (subject to conditions as discussed above and in Section 8.1.2). This is because the site is situated within an urban area of the city and the land/soil is not required for horticultural or pastoral purposes. The volume of earthworks proposed is considered appropriate for the type and style of development proposed.

8.1.5 Air

The proposal does not involve any air emissions of any kind, and is therefore not considered to result in any adverse effects to air quality. Conditions of consent would be imposed to restrict hours of operation and thus noise and dust nuisance during the construction period.

8.1.6 Ecosystem Stability

The proposal is in an urban area on a vacant site. There is no significant vegetation on the site, and as the proposal is within a built-up urban environment. It is considered that there would be de minimis adverse effects on the ecosystem of the area.

8.1.7 Outstanding Natural Features; Landforms, Geological Sites

The site is not in an area identified as having outstanding natural features, landform, or geological sites (refer maps 3.5(C) - 3.5(E) & 3.6(B))¹. Accordingly, it is not considered that the proposal would have an adverse effect. However, as earthworks are proposed it is considered appropriate to impose a condition to ensure that if any archaeological evidence is found that all works stop, and Council is contacted.

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

The subject site is adjacent to a stormwater pond. The perimeter of the stormwater pond has been planted or self-set with small trees (less than 3m in height) that act as an interface between the pond and the surrounding residential properties. To protect the margins of the stormwater pond it is considered necessary to ensure the protection of these trees, even though they may encroach slightly within the subject site. The loss of the trees would detract from amenity value and would increase the potential for erosion and sediment runoff into the stormwater pond. Therefore, conditions would be imposed including one to ensure the protection of these trees during construction works.

8.1.9 Outstanding Landscapes

The site is not identified in or directly near an area of outstanding landscapes (refer Map 3.6(B)). Therefore, the proposal is not considered to have an effect on any outstanding landscapes.

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

Density

23 Lucienne Drive

The proposal would result in three net unit areas of 252m², 231m² and 279m² respectively. Each dwelling would be two storeys, have three bedrooms, a single car garage and two additional visitor car parks. An outdoor area would be provided for each unit of 176m², 158m² and 203m² respectively.

35 Lucienne Drive

The proposal would result in three net unit areas of 229m², 199m² and 200m² respectively. Each dwelling would be two storeys, have three bedrooms, a single car garage and two additional visitor car parks. An outdoor area would be provided for each unit of 146m², 126m² and 125m² respectively.

¹ Map 3.5(E) Outstanding Natural Features: High Fertility Soils has been deleted by Plan Change 3

Proposed Development

Positives:

- A good range of housing styles;
- Complying bulk;
- Complying outdoor space areas;
- Good provision for visitor car parking;
- On-site turning provided.

Negatives:

- Additional traffic generation above what is anticipated;
- Cumulative effects such as noise, an increase in density, rubbish for collection;
- HRB and Building coverage infringements from 4 out of the six proposed units.

While the proposal complies with most of the bulk and location rules of the District Plan, such as height and building coverage (averaged over total site area), the proposed density is well below that provided for in the District Plan (450m² as permitted activity and 350m² as a Limited Discretionary Activity).

The effect of three residential units on each site, as opposed to residential dwellings at a density of one per 450m² (as allowed by the District Plan) is considered to be no more than minor. Each unit would be provided with more than the required outdoor space that is oriented to the north, with good setbacks provided between dwellings within the site and also between sites. Thus good outdoor recreational opportunity is maintained while privacy within and between sites is not compromised to any greater degree than would be expected within an urban, densely settled environment. Although a complying 15m x 15m shape factor (such as would be required for subdivision) cannot be achieved the dwellings have been designed to ensure adequate separation from property boundaries and from each other.

Parking

Council has no control over the occupancy of the units. Whether a family of four, a couple, a single person, or three individuals sharing a flat occupy each unit is unforeseen. A worst-case scenario in terms of car park requirements could be 3 permanent cars per unit, plus the demands of visitor parking. The proposal provides for a single car garage and two visitor car parks per unit at the edges of the common manoeuvring area. Use of visitor parking would become a matter of internal management of the site but adequate on-site turning with the proposed site layout can be achieved. However it should be noted that Medium Density Housing requirements of the District Plan usually only require one parking space per household unit and 1 visitor space per 3 units whereas this development provides 2 visitor spaces per unit.

Manoeuvring within the access way is currently tight, and the addition of three units using each access could exacerbate the situation. However a mitigating factor is that reverse manoeuvring can be achieved on site and therefore vehicle movement on to the access can always be made in a forward direction thus alleviating the need to reverse onto the access in order to gain access to the street.

Outdoor Space

The outdoor space provided for each of the units would be of a usable shape and slope and the size of each outdoor space is more than that required for a three-bedroom dwelling. Although the outdoor space at 23 Lucienne Drive would be terraced, all units have been provided with an open deck immediately accessible off the living area and at least 3m width of flat area immediately surrounding each building.

The sites are located close to (<350m) a small community park (with children's playground) and the nearest large recreational type park is over 560m away (as the crow flies). A large stormwater pond is located between the two development sites, and although this does not provide the space and/or opportunities for recreational enjoyment it does contribute to local visual amenity. In conjunction with proposed landscape treatment on each site it is considered that within site and between site outdoor amenity would more than satisfy anticipated needs of future residents.

Height in Relation to Boundary and Building Coverage

The height in relation to boundary infringement generated by Unit 1 on each site occurs to the eastern (internal/nominal) boundary in each case. The developer, as owner, has given consent to the infringement, which is generated more by site topography than proximity of the proposed freestanding dwelling to its neighbour to the east within the site. The buildings would in fact be separated by at least 6.8m and the effect of the infringement on Unit 2 would be no more than a complying situation as the view of the eastern façade would be the same. Shading effects would be de minimis and likely to fall within the net unit area of Unit 1 rather than over Unit 2. Thus there would be no dominating effect over the adjoining unit or to adjoining dwellings beyond the property.

Building coverage has the potential to create an impression of bulk and dominance within a site. In this case Units 2 and 3 at 35 Lucienne Drive would exceed the permitted 35% coverage of net site area by 1.85% and 2.6% respectively. However the proposed net site areas on this site represent only 57.75% of total site area so that total building coverage with respect to the site area of 1070m² is a mere 21%, which is well below the 35% permitted level that might be expected if the site was developed for a single dwelling. Thus there would be no adverse effects from building coverage at 35 Lucienne Drive. Similarly at 23 Lucienne Drive, proposed net unit areas represent 58.75% of a total site area of 1297m², thus proposed building coverage would be only 17.25% of total site area.

Traffic Generation

In earlier discussion with Council's Traffic Engineer, Adam Moller, it was established that "10 vehicle movements per dwelling per day" is considered the likely number of vehicle movements for an average household ie. a car coming on and off site five times a day. This is the number used to consider the impacts the development would have on surrounding residents that already use the common access lots.

35 Lucienne Drive

At present there are 17 units that use the shared access lot, and the proposal would increase this to 20 at 35 Lucienne Drive. Accordingly, it would be anticipated that there would be a shift from 170 vehicle movements per day to a total of 200 along this access strip. This is an increase that is likely to be noticed and would have no more than minor cumulative effects in terms of a) the visibility, and safety of traffic movements along the access lot, b) the amount of noise generated by motor vehicles passing along the access lot, and c) the amount of congestion that would occur along the access strip.

A52-A53

The amended development has been re-appraised in terms of an engineering perspective, and it was concluded that the design and capacity of the access lot and parking would be adequate to serve the development, as attached at pages A52 to A53.

It was acknowledged that there would be a noticeable increase in traffic movement along the access way, but concluded that this is unlikely to impact on the wider road network. The impact the traffic movement would have on immediate residents in terms of amenity and safety is considered to be no more than minor and to have been anticipated in the original subdivision. As mentioned above, residents along the access are likely to experience an increase in vehicle movement, associated noise, and congestion. Nevertheless it is considered that the increase in traffic from this site could be managed because the access has exit/entry points to both Charlenne Close and Lucienne Drive and most particularly on-site manoeuvring can be achieved to ensure that all vehicles leaving the site would do so in a forward direction.

Again it is noted that traffic effects should be considered in terms of effects from just one additional household, since two household units would be permitted.

It is noted that the access has an L shaped bend that may limit visibility and the access lot is narrow and does not provide independent pedestrian access. The Traffic Engineer considers the access to be located in a position that affords good visibility to vehicles approaching from either end, but it is acknowledged that pedestrians and cyclists are required to take particular care as there is no separation within the access for different types of users.

23 Lucienne Drive

At present there are 10 units that use the shared access lot, and the proposal would increase this to 13. Accordingly, it could be anticipated that there would be a shift from 100 vehicle movements per day to a total of 130 along this access strip. This is an increase that is likely to be noticed and would have cumulative effects in terms of a) the visibility, and safety of traffic movements along the access lot, b) the amount of noise generated by motor vehicles passing along the access lot, and c) the amount of congestion that would occur along the access strip.

Here it is noted that the area of this site provides the possibility of a complying subdivision that could create at least one site area of 600m² or more, providing opportunity for a minor household unit in addition to the main dwelling. Thus on this site of 1297m² two dwellings and one minor dwelling could be established as permitted activities, giving rise to similar traffic effects.

The amended proposal was re-appraised in terms of an engineering perspective, and concluded that the design and capacity of the access lot and parking would be adequate to serve the development. The large parking and manoeuvring area would be levelled so the spaces located in the proposed parking area comply with the District Plan requirements for gradient, and would allow safe parking. The lack of a turnaround area at the end of the access has been mitigated by creating a large common turning area within the site, thus ensuring that complete reverse manoeuvring can be achieved entirely within the site and all vehicles leaving the site can do so in a forward direction.

It is acknowledged that there would be an increase in traffic movement along the access way, but concluded that this is unlikely to impact on the wider road network. However, the impact the traffic movement would have on immediate residents in terms of amenity and safety is considered to create potential adverse effects on the users of the access way. As mentioned above, residents along the access are likely to experience an increase in vehicle movement, associated noise, and congestion. Such compromise to the amenity of the area is considered to be manageable because of the on-site manoeuvring provided in this proposal.

It would be anticipated if each of the sites along the access way were developed to a permitted level (450m² net site area per dwelling), one would only ever experience a total of 10 units along this access lot. However, an additional three units is considered to be manageable although access users would always have to exercise caution as there is no separation of use for vehicles, pedestrians or cyclists.

Privacy/Noise

The increase in vehicle numbers using the site and the increase in occupants of the site has the potential to increase the anticipated levels of noise and to decrease the levels of privacy to adjoining sites. However the bulk and location of the units are comparable to that which could be permitted on the site. Therefore the effects in terms of privacy and noise would be no greater than those anticipated by the District Plan for residential densities of one household unit per 350 - 450m².

8.1.11 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.

8.1.7 Summary

The main concern is the density of the proposal and the flow on effects of that. These include:

- Increased traffic movements, noise, and congestion;
- Increased population presence and residential noise;
- The small size and the style of the proposed units.

It is considered that the actual and potential adverse effects of the proposed activity would be no more than minor and could be remedied, avoided or mitigated by means of conditions of consent.

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

8.2.1 District Plan Policies and Objectives

It is considered that the proposed development would be consistent with the objectives and policies of the District Plan. The District Plan provides for medium density housing on sites greater than 2000m² within a certain radius of town centres and transport nodes, or fronting major roads. The purpose of Medium Density Housing is to intensify density around transport nodes such as railway stations, town centres or major roads, while maintaining amenity of the subject site and surrounding area. The Medium Density Housing Radius identified in the District Plan is considered to be the maximum distance people will walk to public transport. In this case the intersection of Charlenne Close and Lucienne Drive lies on the outer perimeter of the 'Ranui Radius'. This proposal would be separated by only the additional length of the common access lots (approximately 100m), thus making pedestrian access to the upgraded (and now closer) railway platform at Ranui Station a feasible prospect particularly given the relatively flat topography of the immediate surroundings.

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

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.

Such density as proposed is greater than that provided for single freehold site development. Nevertheless each site layout has been designed to provide good amenity for each individual residential unit whilst also providing a large open area for common use that would include parking and turning areas and landscaping. This sense of spaciousness would serve to enhance those natural and physical characteristics (amenity values) that contribute to the wellbeing of residents and users. The bulk of each building is considered acceptable and the northern facing aspect of the outdoor area for each unit is appropriate, the number of vehicle movements would be manageable, and the provision of on-site turning would ensure safety for pedestrians and vehicles as movement of exiting vehicles would be in a forward direction. Adequate levels of privacy and amenity for future occupants would be maintained because of the good separation distances between units within the site and between the adjoining sites.

Policy 10.4

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.

The outdoor space is located due north, and would benefit from good sunlight access and the size of the outdoor space for all the units is greater than 100m² and greater than the minimum requirement of 25m² per bedroom and is considered to be more than sufficient. A three-bedroom unit is likely to attract young families or individuals who share house expenses by flatting together. Such an outdoor living area is therefore considered sufficient for the anticipated number of occupants of the dwelling. Furthermore, the area is of a usable shape, and the size of the area is considered sufficient for children's play and the relaxation and leisure of others. Although there is also a small recreation park with a playground in the area (located on the corner of Ferngrove Avenue and Munroe Road) the park is approximately 350m away and it is considered that on-site outdoor amenity would adequately cater for most occupants needs.

Policy 10.8

Land use development and subdivision must recognise the need for a transportation strategy which provides for the safe and efficient movement of people through private and public transport in a way that avoids, remedies or mitigates potential adverse effects on the environment and which does not compromise the needs of future generations, through ensuring the:

- **safe movement of pedestrians, cyclists and vehicles around the City;**
- **recognising and providing for the interdependence between transportation and other activities;**
- **supporting the creation of an efficient public transport network which provides an integrated system with appropriate levels of convenience and services;**
- **protection of the transport corridor for public transport purposes, conveyance of goods and communications;**
- **ensuring that the impact of activities on the capacity and safety of the road system is adequately catered for;**
- **maintaining amenity values that contribute to the well-being of residents and workers;**
- **integrating roads with safe and efficient pedestrian cycle routes;**
- **minimising impacts of noise and traffic movement on the amenity of surrounding sites;**
- **contributing where required to an upgrading of the transport system, proportionate to the pressures on that system created by the development proposed.**

The medium density housing on the sites does not lend itself well to the use of public transport, as the access strips are not pedestrian friendly, and the sites are located outside the Medium Density Housing Radius. Nevertheless Council's Traffic Engineer has concluded that the design and capacity of the access lots and parking would be adequate to serve the development. Use of the access lots (cars, cycles, pedestrians) can be managed with due care as different uses are likely to occur at different times of the day. The changed location of Ranui Signature Station platform and its upgrading and modernization is also anticipated to have an influence on use of alternative transport.

The District Plan explanation to this policy acknowledges that the safe and efficient movement of vehicles is considered important, but that the health of residents, and the need to provide for adequate public transport, pedestrian and cycle access are also important. It is considered that this development does demonstrate consideration of these factors.

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 ...”**

Policy 11.1

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

- **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 ...”**

The construction of three units on sites of 1070m² and 1297m² respectively in an area where relatively dense settlement has already occurred is not considered to detract from existing character of the area. As discussed previously in Section 8.1.10, such high density is considered to result in no more than minor negative flow-on effects in terms of increased traffic movements, noise, and congestion, increased population presence and residential noise but that the amended design of the proposal would provide adequate on-site amenity to mitigate these effects.

The applicant discussed the revised development with Council Officers prior to re-submitting the proposal and various aspects of the design were considered at that time. The design of the individual units and their site layout is considered to satisfy and remedy the earlier concerns expressed by Council’s Urban Designer regarding the four-unit development.

Examples of development that is visually more attractive with slight separation distance between dwellings, and a different use of colour and texture for each, breaking up the buildings and providing individuality has been provided in the following photographs (refer Figure 1 & 2, on following page).

This is contrasted with the site at 31 Lucienne Drive, which combines 6 units under one roof, with horizontal facades only broken by a small entranceway protruding out from the building, and the recession of the unit at either end of the building. These units have no lawn or landscaping to break the facade of the buildings or common driveway pouring out onto the common access lot. This gives the building an almost commercial look and feel, rather than a residential one (refer Figure 3 & 4).



Figure 1: Front Unit - 6 Lucienne Drive



Figure 2: Subsequent Unit: 12 Lucienne Drive



Figure 3: Units at 31 Lucienne Drive



Figure 4: Units at 31 Lucienne Drive

The proposed development is considered to provide a design that generates visual interest with one freestanding dwelling and two attached dwellings on each site whilst also providing spacious outdoor amenity and landscaping planting that would enhance local amenity and improve green linkages with the stormwater pond located between the two sites.

Policy 11.27

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.

The area currently provides for a mix of housing styles, with the proposal adding a further mix of housing styles and opportunities.

Policy 11.28

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.

It has already been established that all the units are considered to have more than adequate areas of outdoor space. Although such density is not always appropriate outside the Medium Density Housing Radius, it has also been concluded that the increased use of the access lots would be manageable and would not adversely impact on current road operation. Additionally the proximity of the relocated, modernised and upgraded train platform at Ranui may influence use of public transport.

Sufficient spaces and design of parking (in accordance with the District Plan requirements) has been provided, sufficient to serve the proposed development, and ensure that on-site reverse manoeuvring can be achieved so that all vehicles exiting the sites would do so in a forward direction. This would have the effect of improving safe use of the access lots.

Note: The proposal is also considered to be consistent with:

Objective 1 and **Policies 1.2, 1.6 and 1.10** that seek to manage effects of land use on water quality and quantity by reducing road usage and thus minimising contaminant discharges off roadways, by ensuring design of structures does not impede potential for planting of native vegetation and by minimising stormwater discharges into the City's watercourses. The proposal would satisfy District Plan requirements for impermeable surfaces, would be close to public transport and would be required to comply with recommendations of Council's Water and Drainage Engineer.

Objective 3 and **Policies 3.1, 3.2 and 3.4** that seek to maintain the life-supporting capacity of the City's land resource by encouraging Medium Density Housing around transport hubs; avoiding, remedying or mitigating adverse effects from soil disturbance; and ensuring that effects from natural hazards are not exacerbated. The proposal is close to public transport and earthworks activity would be confined to the sites, be of short duration and controlled by means of consent conditions.

8.2.2 Rules and Assessment Criteria

The District Plan Assessment Criteria have been developed to address the issues covered in the objectives and policies and are a useful guide in assessing the effect of an activity. The proposed activity is assessed in relation to each of the relevant criteria as follows:

Density

2(a) The extent to which the development complements amenity values and neighbourhood character.

As discussed previously, the density of the proposed development is considered to be compatible with existing amenity values and neighbourhood character. It is acknowledged that medium density style housing makes up a large portion of the immediate neighbourhood character. The proposed three-unit development for each site is considered to be the maximum desirable level to ensure that any cumulative effects from the proposal, particularly in terms of traffic, remain no more than minor and manageable for all users.

2(b) The extent to which the development is compatible with the size of the site.

While the proposal complies with most of the bulk and location controls of the District Plan, except height in relation to boundary (Unit 1 on each site), and building coverage (Unit 2 & Unit 3, 35 Lucienne Drive), the proposed density is higher than that provided for on the sites (one dwelling per 450m² as permitted by the District Plan, and one dwelling per 350m² as may be approved as a Limited Discretionary Activity).

The development would result in three units on sites of 1070m² and 1297m², with individual net site areas of 229m², 199m² and 200m²; and 252m², 231m² and 279m² for each proposed residential unit and associated outdoor space. This scale of development is considered to be compatible with the size of the site, particularly when considered in relation to the proportion of each site that would be held in common. The proportion of each common area would be in the order of 40% or more of total site area, thus when averaging the unit areas over the total site area, residential densities would be achieved that are close to those anticipated by the District Plan.

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.***

The proposed development would not be seen from the road. Therefore, apart from an increase in traffic movement and perhaps number of rubbish bags or recycling put out on rubbish collection day, the development would not alter the visual appearance of the existing development from the road. However, the development adjoins a stormwater pond that abuts a minimum of seven other residential houses facing each other.

A54-A56

The pond is quite small in width (a maximum width of approximately 20m) and the proposed development would be clearly visible to these and potentially other residential properties. The rear facade and sealed common driveway area for the three units proposed at 35 Lucienne Drive would be clearly visible to the residents across the stormwater pond. Similarly the rear facade and outdoor living areas of the three units at 23 Lucienne Drive would be visible across the pond. Earthworks, retaining and landscaping are proposed to soften the appearance of the buildings, sealed common area and outdoor areas. Council's landscape specialist has appraised the proposed landscaping and has observed that the applicant has provided a thorough landscape/planting schedule, and makes good use of native species. The proposed planting has been amended and approved. Refer Specialist Report as attached at pages A54 to A56. This would reduce the visual impact of the proposal from the rear of the dwellings.

Two units on each site are attached, and therefore, do not provide a separation distance between dwellings. However party wall construction would ensure good acoustic insulation between the units and large outdoor areas, screened from each other by 1.8m high timber fencing would ensure there are no privacy issues between sites, and their associated outdoor spaces.

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.

On both sites the height in relation to boundary infringement generated by Unit 1 occurs to the eastern (internal/nominal) boundary in each case. The infringement is generated more by site topography than proximity of the proposed freestanding dwelling to its neighbour to the east within the site. The buildings would in fact be separated by up to 6.8m and the effect of the infringement on Unit 2 would be no more than a complying situation as the view of the eastern façade from unit 2 would be the same. Shading effects would be de minimis and likely to fall within the net unit area of Unit 1 rather than over Unit 2. Thus there would be no dominating effect over the adjoining unit or to adjoining dwellings beyond the property. Access to daylight and sunlight within the buildings and between buildings would not be compromised and privacy is safeguarded by the presence of proposed fencing, planting and car parking.

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.

Units 2 and 3 at 35 Lucienne Drive would exceed the permitted 35% coverage of net site area by 1.85% and 2.6% respectively. However the proposed net site areas on this site represent only 57.75% of total site area so that total building coverage with respect to the site area of 1070m² is a mere 21%, which is well below the 35% permitted level that might be expected if the site was developed for a single dwelling. Thus there would be no adverse effects from building coverage at 35 Lucienne Drive. Similarly at 23 Lucienne Drive, proposed net unit areas represent 58.75% of total site area, thus proposed building coverage would be only 17.25% of total site area.

A minimum separation of 3m has been provided around any one unit providing good opportunity for easy access around the dwellings and good landscape opportunities as demonstrated by the approved Landscape Plan.

Car Parking & Driveways

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.

Council's Traffic Engineer has advised that the proposed development is unlikely to impact on the wider road network, and as mentioned previously, the proposal is considered to meet the District Plan requirements for car parking on site (two car parks per one residential dwelling) plus an additional visitor space per unit. The site layout ensures that reverse manoeuvring can be achieved entirely within the site and all vehicles leaving the site should be able to do so in a forward direction, to the enhanced safety of users of the access lots.

12(c) The extent to which driveways and car parking create adverse visual or aural effects on adjoining sites.

As previously discussed in Section 8.1.10 the proposal is considered to have no more than minor effects in terms of increase traffic movement, and associated noise and congestion. The cumulative effects of 13/ 20 units all using the same access lot/s is considered to have no more than minor visual and aural effects on adjoining sites. Although this represents an approximate 15%/ 25% increase in usage, by their very nature use of private access of any type requires a degree of caution and this would be anticipated in this case.

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.***

23 Lucienne Drive - The clay soils in this area are known to be moderately expansive. Accordingly, the hazard is not localized to one area of the section. Consideration of the soils structure and whether the site is suitable for residential development was made at time of subdivision. The findings of that report concluded that the property is suitable for residential development subject to conditions. Such conditions could be imposed as a condition of consent to ensure that the proposed development is safe and unlikely to result in any harm to people or the property. With such conditions imposed the potential for adverse effects on landforms, or the adjacent stormwater pond is considered de minimis.

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(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(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(p) The extent to which unavoidable earthworks are minimised.

3(q) The extent to which the duration of earthworks is minimised.

The extent and volume of earthworks on the relatively flat site at 35 Lucienne Drive would be minimal and only that necessary to level the parking area with some topsoil being required for landscape purposes along the boundaries. The topography of 23 Lucienne Drive is somewhat steeper and a cut to fill earthworks operation would be required to create a more or less level parking area and to bench out a level building platform. Importation of fill is also likely to be required.

All the proposed work would be required to be confined to the site and to be completed in accordance with an approved Site Management Plan. Conditions would be imposed to ensure that any effects within the sites or beyond them are avoided, remedied or mitigated. Duration of earthworks would be short and hours of work controlled by conditions of consent.

Within this highly modified environment it is anticipated that effects from the earthworks would be short term, confined to the site and there remains opportunity for remedial planting to offset adverse visual effects whilst allowing development that would otherwise be permitted to proceed.

8.3 Auckland Regional Policy Statement, Plan or Proposed Regional Plan (104(1)(b)(iii) and (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 Policy Statement functions as an umbrella policy document for environmental planning and policy development within the region under which the Proposed Waitakere District Plan has been prepared.

Policies within the Regional Policy Statement reflect the need to avoid where practical, or remedy or mitigate adverse effects from development on the natural character of areas [contributing to run-off into coastal waters] and to avoid, remedy or mitigate adverse effects from sediment discharge to waterways.

It is considered that Section 8 (Water Quality) is of relevance. In particular Policy 8.4.7.3 which states:

“All land disturbance activities which may result in elevated levels of sediment discharge shall be carried out so that the adverse effects of such discharges are avoided, remedied, or mitigated”.

To be consistent with the Auckland Regional Policy Statement it would be necessary to ensure that elevated levels of sediment do not enter the watercourse as a result of any works. It is noted that measures to control sediment entering the stormwater detention pond during construction are contained in the Erosion and Sediment Control Measures Appendix in the Waitakere City District Plan. With conditions in place requiring the implementation of the recommendations of this Sediment and Erosion Control Measures Appendix, it is considered that the proposal would mitigate adverse effects from development on the natural character and would avoid adverse effects from the sediment discharge to waterways.

Auckland Regional Policy Statement is also concerned that expansion of activities beyond the Metropolitan Urban Limits does not threaten environmental qualities and thresholds (Urban Growth Management) and is not exploiting cheaper land costs. In this case the application is clearly an intensification of land use for residential purposes close to a transport hub that would be consistent with objectives of promoting use of public transport by encouraging residential development within the Metropolitan Urban Limits. close to public transport.

Therefore the proposal is considered to be consistent with the policies of the Auckland Regional Policy Statement.

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

8.4.1 Other Issues Raised by Submitters Not Covered Elsewhere in Report

Both submitters expressed concern in different ways about the style of the proposed buildings. For the submitter to the east of 23 Lucienne Drive (at 35 Charlenne Close) there would be no scope for relief unless the building adjoining the common boundary generated a so-called ‘bulk and location’ infringement and it does not. The proposed building close to the common boundary would comply with all the performance standards relating to height, height in relation to boundary, building cover, outdoor space and visual barriers.

The submitter/s from 6/17 Charlenne Close have aesthetic concerns regarding the size of the proposed dwellings and materials to be used. These are subjective aspects and do not fall within the scope of any possible recommended conditions. Traffic concerns have been addressed exhaustively elsewhere in this report in sections 8.1.10, 8.2.1 and 8.2.2.

8.4.2 Bonds/Reserve Contributions/Development Levy/Financial Contributions

A Preliminary Reserve Contribution levy has been calculated pursuant to Section 293(2a)ii of the Local Government Act 1974/ Section 409 of the resource Management Act 1991. This allows the council to specify an amount of money that would, in the council's opinion be sufficient to purchase, at the time of the lodgement of the development plan an area determined by the council, within the land on the plan, being not more than 20 square metres of land for every such household unit after the second new such unit or first additional such unit. In the event of a freehold or cross-lease subdivision being carried out in the future, a further Reserve Contribution levy will be calculated at 6% of the value of the new sites created and the above amount will be credited to the account.

The calculated preliminary reserve contribution of \$4,129.86 (inclusive of GST) shall be paid to the Council, prior to the issue of building consent for the development. The contribution has been calculated on the value of 20m² of the site for the third and subsequent new unit. The contribution shall be paid in cash or bank cheque only and shall be included as a recommended condition of consent.

8.4.3 Monitoring

The performance of the activities under this consent will be subject to Council's standard monitoring procedures. These procedures include scheduled inspections to ascertain compliance with conditions of consent, together with periodic inspections as and when required to establish whether conditions are being complied with on an ongoing basis. In particular, attention is likely to be directed toward the implementation of conditions relating to silt and erosion controls (Site Management Plan), implementation of the Landscape Plan and compliance with the site layout plan and provision of car parking spaces.

8.4.5 Any Other Relevant Non-Statutory Documents

There are no relevant designations or heritage orders that apply to the site or the immediate surrounds and it has been noted elsewhere in this report that the eastern limits of the Medium Density Housing Radius associated with Ranui Signature Station lie on the intersection of Charlenne Close and Lucienne Drive.

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, 3 years after the date of commencement of the consent.

A standard five year period in which to give effect to this consent is not considered appropriate because it is anticipated that all earthworks will be completed and the site stabilised within one earth working season, and there would be an expectation within the community that if consent is granted, the development period would not be prolonged in order to avoid adverse effects from construction within this intensively settled residential environment.

9.0 PART II OF THE RESOURCE MANAGEMENT ACT 1991

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

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

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

10.0 CONCLUSION

The applicant seeks consent to erect three Medium Density Housing style units on each of two vacant sites located at 23 and 35 Lucienne Drive, Ranui respectively. Each site is within the Living Environment and the General Natural Area and lies within 100m of the Medium Density Housing Radius associated with Ranui Signature Station. Infringements generated by the proposal include density, height in relation to boundary, building coverage, car parking and shared driveways, earthworks and development on a site known by Council to be subject to natural hazard.

It is considered that the proposal **meets** the criteria for granting consent as the potential adverse environmental effects are **no more than minor** and **can** adequately be mitigated through the imposition of appropriate conditions of consent. It is considered that the establishment and operation of three household units per site as a discretionary 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 promote increased intensity of residential development around transport hubs whilst protecting, maintaining and enhancing existing local area and neighbourhood character, amenity values and the health and wellbeing of residents.

It is considered that the issues raised by the submitters **can** be adequately addressed through the imposition of appropriate conditions or by compliance with the performance standards of the District Plan.

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 Footware by Eddie Limited to build three medium density style dwellings on each of two sites where construction of three dwellings on each site would result in various District Plan infringements, associated with density, earthworks, height in relation to boundary, building coverage and shared driveways at 35 and 23 Lucienne Drive, Ranui being Lot 44 DP 184189 and Lot 18 DP 178849 for the following reasons:

- (i) The proposal would result in no more than minor adverse environmental effects in relation to amenity values that would be avoided, mitigated or remedied through conditions of consent.
- (ii) The proposed density would result in cumulative effects in terms of traffic movement, congestion, and associated noise, as well as increased residential presence and residential noise but these effects would be no more than minor and there would be enhanced on site amenity through large outdoor living spaces that would no have more than minor impact on the amenity of the subject sites as well as neighbouring properties.
- (iii) The proposal is considered to be consistent with the Objectives and Policies of the Waitakere City Council District Plan.
- (iv) The proposal is not contrary to Part II of the resource Management Act 1991.

Consent shall be subject to the following conditions:

GENERAL

1. The development shall proceed in accordance with the plans titled:
 - Proposed development of 3 Units at 23 Lucienne Drive Henderson - Sheets 1 to 11 referenced by Council as RMA 20031848;
 - Proposed Development of 3 Units at 35 Lucienne Drive Henderson - Sheets 1 to 11 referenced by Council as RMA 20031860;prepared by [BRNO Developments](#) and the information, including further information, submitted with the application.
2. All infrastructure relating to stormwater treatment and disposal, wastewater disposal, and water supply shall be designed and completed to the satisfaction of Council's Drainage Assets Engineer. (Compliance with the Waitakere City Council Code of Practice for City Infrastructure and Land Development is deemed to be in accordance with the above condition).
3. Pursuant to section 125 of the Resource Management Act 1991, this consent shall lapse after a period of three (3) years from date of issue of the consent.
4. All personnel working on the site shall be made aware of and have access to the contents of this consent document and the associated Site Management Plan.

GEOTECHNICAL

5. The foundations of any residential building shall be set at a minimum depth of 800mm below ground surface in accordance with Special Feature Number 4013 in Council's Hazard Register.

EARTHWORKS

6. **Before commencement of any works and until completion of exposed earth site works**, adequate sediment and erosion control measures shall be constructed and maintained by the consent holder. The control measures must be maintained until the site has been adequately stabilised against erosion. The construction and maintenance shall be in accordance with Appendix 3, Erosion and Sediment Control Measures Appendix to the Natural Area Rules of the Waitakere City Council District Plan.

Please **advise Council's Environmental Monitoring Officer when the controls are in place giving at least 48 hours notice and await the approval of the monitoring officer** before commencing work.

7. Within 20 working days from date of issue of this consent the applicant shall submit to Council a comprehensive Site Management Plan detailing protection measures, truck movements and traffic management to the satisfaction of the Environmental Monitoring Officer. No work shall start until such Plan has been approved.
8. A stabilised entranceway to the site shall be provided prior to the commencement of works and maintained for the duration of works. Additional measures such as wheel wash facilities shall be implemented as necessary to prevent the deposition of earth or other debris on the surrounding street network by vehicles accessing the site. Any material deposited on the street shall be immediately removed at the expense of the consent holder.
9. Footpaths, berms and kerbs shall be protected from damage by crossing or parking vehicles to the satisfaction of the Manager Resource Consents. Any damage which is attributed to the earthworks operation shall be rectified at the cost of the consent holder.
10. 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 (Ph 839-0400) contacted. Activity on the site will remain halted until the Manager Resource Consents gives approval for operations to recommence
11. All development works associated with the subdivision are to be carried out in accordance with NZS 6803P:1984 'The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work'.
12. All development works on the site including earthworks and the use of associated heavy machinery shall be undertaken between the following hours only:
- | | |
|-----------------------------|--------------------|
| Monday to Friday | 7.30 am to 7.00 pm |
| Saturday | 8.00 am to 5.30 pm |
| Sunday and Public Holidays: | No Work |
13. All earthmoving equipment, vehicles and machinery utilised on the site shall be well maintained and in good repair (particularly exhaust systems where applicable).
14. All necessary action shall be taken to prevent a dust nuisance to neighbouring properties to the satisfaction of the Manager Resource Consents.
15. The site shall be stabilised against erosion as soon as practicable and in a progressive manner as earthworks are finished over various areas of the site.

16. Stockpiles of earth shall be located as far as practicable from the stormwater pond and existing residences, to the satisfaction of the Manager Resource Consents.
17. Truck deliveries to the site during the period of earthworks operations shall be restricted to the following hours:

Monday to Saturday:	9.00 am - 4.00 pm
Sunday and Public Holidays:	No Work

ECOWATER

18. 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 requirements:

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

- (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/dwellings shall have showers.
- (iii) All toilets shall be of 6/3 litre dual flush type.
- (iv) No in sink waste disposal units shall be installed.

Provide an EcoWater "Water Saving Devices Inventory Form" completed by a registered plumber to demonstrate that the above requirements are satisfied for existing dwelling(s). Council's Hazards and Special Features Register will be advised of the above requirement.

Or pay to Council the sum of \$ 3264 (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 three bedroom dwellings/units. If this is to change the contribution is to be amended. The calculations of the above sums are available from EcoWater.

LANDSCAPE TREATMENT

19. All planting shall be implemented and maintained in accordance with the approved landscaping plan within the first planting season ie. 1 May to 7 September, following completion of any ground development works including earthworks, completion of foundations of the development or placement of services on the site. All planting is to be irrigated and maintained for a minimum of one further planting season. Any plant losses within this time are to be replaced and to be maintained for a further planting season from the date of replacement.
20. Garden areas shall be weed and debris free, with friable good quality top soil with soil conditioner (0.05m³/m² mushroom compost) to 250mm minimum depth and with a wood chip mulch to 60mm depth.
21. In all other respects, the landscaping and maintenance shall be undertaken in strict accordance with the Council modified and approved landscape plans and the 'Planting and maintenance Specification' submitted with the original applications.

22. All trees and plants shall be of good quality nursery stock and maintained weed-free to the satisfaction of the Manager, Resource Consents for a period of no less than 2 years from the date of planting. Any of the plants, which die within this period shall be replaced and maintained as per the stated conditions.
23. No building, excavation or depositing of materials is permitted within the drip line of any tree protected by the District Plan.
24. All earthworks and fill from earthworks shall be kept outside the drip lines of trees that are to be retained. A protective fence around the bush and/or the drip lines of the trees shall be erected prior to the commencement of any work on the site and shall remain in place until the completion of all works on the site.

SURVEYOR'S CERTIFICATE

25. A Registered Surveyor shall certify to Council in writing prior to work progressing beyond the foundations that Unit 1 on both 23 Lucienne Drive and 35 Lucienne Drive will comply with the eastern Height in Relation to Boundary infringement as applied for. No work shall proceed beyond this stage until receipt of such certification, to the satisfaction of the Manager Resource Consents.

FEES AND CHARGES

26. A preliminary reserve contribution of \$4,129.86 (inclusive of GST) shall be paid to the Council, prior to the issue of building consent for the development. The contribution has been calculated on the value of 20m² of the site for the third and subsequent new unit. The contribution shall be paid in cash or bank cheque only.
27. A consent compliance monitoring fee of \$246 per 3 units (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 reinspection shall be required at the relevant hourly rate applicable at the time the reinspection is carried out.

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

Advice Notes:

1. Under a building consent, Pay to the Council pursuant to Section 409 of the Act the sum of **\$993.60** (incl. GST at 12.5%) towards the cost of upgrading the sanitary sewer reticulation (main system improvements) necessary to serve the subdivision. (**\$496.80** per additional dwelling for the 3rd & subsequent dwelling.)
2. Under a building consent, pay to the Council pursuant to Section 407/409 of the Act the sum of **\$1793.24** (incl. GST at 12.5%) towards the cost of upgrading the stormwater drainage system (Paremuka Stream Catchment main system improvements) necessary to serve the subdivision. (**\$896.62** per additional dwelling for the 3rd & subsequent dwelling.)
3. Under a building consent, pay to the Council pursuant to Section 407/409 of the Act the sum of **\$765** (incl. GST at 12.5%) towards the cost of upgrading the public water supply mains system necessary to serve the subdivision. (**\$382.50** per additional dwelling for the 3rd & subsequent dwelling)
4. The drawings 10 of 11 as amended for 2.3 and 35 Lucienne Drive are the approved service layout.

5. Any retaining wall shall retain not more than 1.5m depth of ground nor support any surcharge or any load additional to the load of that ground (such as adjoining building or driveway) unless with Building Consent.
6. Under a building consent it may be required to provide a geotechnical report from a suitably qualified engineer experienced in soil mechanics.
7. It is recommended that a 100mm min. dia. perforated drainpipe in free draining scoria is placed at base of the wall with fall to a silt trap with provision for cleaning. The pipe should be protected against silt infiltration with geotextile filter cloth. Obtain Building Consent to any concentration of overland or groundwater run-off to lower properties or connection to 'Network Utility Operator sealed stormwater system.

Report prepared by: Jeannette Ibrahim, Senior Resource Planner.

