

**AGENDA FOR A MEETING OF THE HEARINGS COMMITTEE TO BE HELD AT
WAITAKERE CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON,
WAITAKERE, ON THURSDAY, 19 JULY 2007,
COMMENCING AT 9.30 AM.**

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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 Chairman 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 CONFIRMATION OF MINUTES

Meeting Minutes - Wednesday, 13 June 2007
Reconvened Minutes - Thursday, 14 June 2007
- Friday, 22 June 2007

RECOMMENDATION

That the minutes of the Meetings of the Hearings Committee held on Wednesday, 13 June 2007 and reconvened on Thursday, 14 June 2007 and Friday, 22 June 2007, as circulated, be taken as read and now be confirmed.



4 CONFLICTS OF INTEREST

The Council has acknowledged in its Code of Conduct that Elected Members need to be vigilant to stand aside from decision making when a conflict arises between their role as a member of the Council and any private or other external interest they might have. This note is provided as a reminder to members to check that no such conflicts arise in relation to any items on this agenda.



5 **NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991 BY KEYSTONE APARTMENTS LIMITED TO CONSTRUCT A 60-UNIT, MULTI-STOREY 12.5M HIGH RESIDENTIAL APARTMENT DEVELOPMENT AS A MEDIUM DENSITY HOUSING DEVELOPMENT THAT WOULD INFRINGE DISTRICT PLAN REQUIREMENTS FOR DENSITY, HEIGHT, HEIGHT IN RELATION TO BOUNDARY, VEGETATION ALTERATION, EARTHWORKS AND IMPERMEABLE SURFACES AT 14 – 20 SWANSON ROAD, HENDERSON.**

HENDERSON WARD

RMA: 20060387

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:	Jade Hunt
Site Address:	14 – 20 Swanson Road, Henderson
Applicant:	Keystone Apartments Limited
Date Received:	09 March 2006
Resource Consent No:	RMA-2006-0387
Building Consent No:	Not lodged at time of writing
Legal Description:	Lot 1 DP 43185 (CT: NA77D/847) Lot 2 DP 43185 & Pt Lot DP 14108 (CT: NA26D/835)
Address for Service:	James Hook MCP Planning PO Box 8960 Auckland
Site Area:	Lot 1 – 1047m ² Lot 2 & Pt Lot 6 – 3068m ² Total Area – 4778m ²
District Plan:	
Human Environment:	Living 1 – Medium Density Circle
Natural Area:	General
Landscape Elements:	None
Hazards:	None Known
Roading Hierarchy:	District Arterial
Further Information Required:	Yes
Date Requested:	Various
Date Received:	Various

1 INTRODUCTION AND RECOMMENDATION

1.1 Nature of the Application

The applicant seeks consent to construct a 60-unit, multi-storey 12.5m high residential apartment development as a Medium Density Housing Development that would infringe District Plan requirements for Density, Height, Height in Relation to Boundary, Vegetation Alteration, Earthworks and Impermeable Surfaces. The status of the Activity is Non-Complying.

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 environmental effects of the proposed development are primarily related to amenity values, neighbourhood character and the scale of the development, being a medium density housing development within a residential zone (medium density circle) that falls outside the current provisions of the District Plan. Consideration must therefore be given to associated visual amenity and neighbourhood character, bulk and location, on site amenity including site layout and outdoor space, site facilities, landscape treatment, cumulative effects and traffic generation.

Consideration must also be given to the scale, intensity and character of the proposed development in regard to the surrounding environment and the Objectives and Policies of the District Plan, proposed plan changes and the Regional Growth Strategy.

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 development of a 60-unit, multi-storey 12.5m high residential apartment development as a Medium Density Housing Development that would infringe District Plan requirements for Density, Height, Height in Relation to Boundary, Vegetation Alteration, Earthworks and Impermeable Surfaces. 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 LOCATION PLAN



Figure 1: Site as shown on colour ortho-photograph March 2000

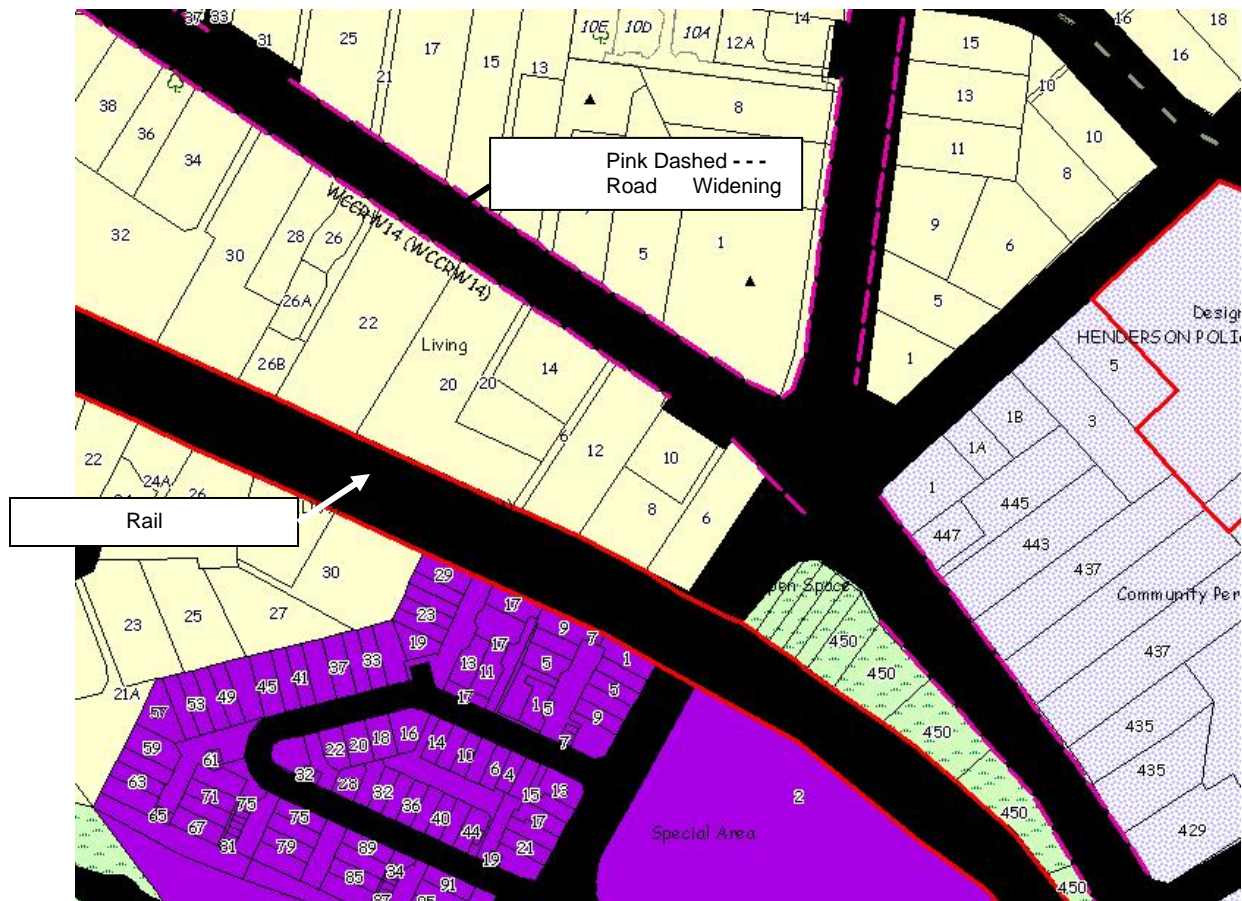


Figure 2: Site as shown on Human Environment Map (road widening and rail corridor).

Legal Description:	Lot 1 DP 43185 CT: NA77D/847 Lot 2 DP 43185 & Pt Lot DP 14108 CT: NA26D/835
Human Environment:	Living 1 – Medium Density Circle
Natural Area:	General
Roading Hierarchy:	District Arterial

3 PROPOSAL

The applicant seeks consent to remove two existing dwellings on site and construct in their place a 6 level (with levels 1 and 2 including basement parking), 60-unit medium density housing development. The apartment development would have a maximum height of 12.5m and a footprint of 2522m².

The existing dwelling in the south western corner of the site will be retained. This dwelling will have shared access with the apartment development to Swanson Road. New site boundaries are to be created around this dwelling. In the future it is intended to subdivide this site into three lots; the existing dwelling would be contained on one lot with a vacant rear lot created to its rear, abutting the railway line. The proposed apartment development would occupy the balance of the land, some 3928m². The apartment development would eventually be created into Unit titles maintained by a Body Corporate with an on-site manager. The subdivision of this land does not form part of this application.

The apartment building is split into three sections referred to as the north section, the central section and the eastern section.

- Northern Section: 30 Apartments
- Central Section: 25 Apartments
- Eastern Section 5 Apartments

The layout and floor area of each apartment is as follows:

Number of Rooms per Unit	Number of Units in total development	Floor Area per Unit	Balcony Area per Unit
3 bedrooms	28	83m ²	12m ²
2 bedrooms + study	3	83m ²	12m ²
2 bedrooms	25	69m ²	12.5m ²
1 bedroom	4	46m ²	8.5m ²

All units are sited above ground level. Each unit has a private outdoor space (patio) that is directly accessible from living areas. Solid screening to a height of 1.6m is provided where patios are adjoining. The two apartment units on the north western and north eastern corners of Level 6 are provided with a roof deck. Two common courtyard areas are provided within the development, in the east and west.

The apartments would be accessed via a shared 6m wide two-way access to and a 4m wide entry only access from Swanson Road. As mentioned the retained dwelling in the southwest rear corner of the site will share access to the road with the proposed development. Separate pedestrian access is provided.

Basement parking would be provided on two levels to maintain the existing wastewater line. Level 1 would provide 26 parks and Level 2 would provide 66 parks. Of the total **92 spaces**, 75 will be for the use of residents and 17 will be visitor spaces. Storage is provided on Level 1 and 2. Rubbish storage and a recycling room are located on Level 2.

Total site coverage would be 2790m² or 58.4%. Overall the site has impermeable surfaces totalling 3543m² or 74%. The exterior of the development would be finished with solid plaster with timber louvers to screen doors and staircasing. All joinery would be of powder coated aluminium finish.

Site works

Earthworks of **4205m³, comprising of 3765m³ cut and 440m³ fill** are required for the excavation of the basement car parking area, construction of level building platforms, excavation of front courtyards, construction of retaining walls and the driveway area. Earthworks outside the building platform equate to 650m³. It is noted that 3325m³ of soil is to be removed from site and the AEE submitted with the proposal estimates that this will require 416 truckloads. Retaining walls to a 1.5m maximum height are proposed associated with the east boundary, basement carparking, the access drive and retaining for the west-facing courtyard in the vicinity of the oak tree and totara to remain.

Infrastructure

New stormwater, wastewater and water connections are proposed to the existing public services. Stormwater treatment devices are proposed within the vehicle accessways.

Landscaping

The development will require the removal of and works within the dripline of protected vegetation. A landscaping and fencing plan prepared by Davis Hawksworth Architects (Sheet RC 12a) provides the intended planting scheme. The proposed landscaping would occur within the common courtyards, along the Swanson Road frontage, in the area of the east boundary frontage, along the southern boundary, and in the west around the existing dwelling that will remain. All boundaries would be fenced to a height of at least 1.6m. Following consultation with the applicant a 1.8m solid barrier will be erected along the western boundary adjoining the rail corridor.

Consultation with Council

The applicants consulted with Council prior to the lodgement of this application. Two pre-application meetings were held with Council officers on 26th October 2005 and 14 December 2005. Matters of site context, outdoor space, amenity and vegetation were discussed. The applicants have not consulted with any of the adjoining property owners.

Further consultation with the applicant during the processing of this consent resulted in minor changes to site layout and additional detail. The most notable change was the development of the driveway in conjunction with the site directly to the west in order to make more efficient use of the land on both sites and to minimise the vehicle entrance points on Swanson Road.

A1-A14

Revised drawings RC01, RC02a, RC03b, RC04c, RC05a, RC06a, RC07a, RC08a, RC09b, RC10b, RC11a, RC12b received by Council 28/05/07 shall be considered for this proposal and are attached at pages A1 to A14.

4 REASONS FOR THE APPLICATION

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

OPERATIVE DISTRICT PLAN

LIVING ENVIRONMENT

Rule 2 – Density

Limited Discretionary Activity consent is required for undertaking a medium density development on a site with a minimum site area of 2,000m² that falls wholly within a 1km radius of the central point of Henderson.

- The site has a total area of 4778m² and is sited within 1km from the central point of Henderson. The site also has frontage to a District Arterial Road. The development contains 60 apartment units and 1 dwelling. Average density = 78.3m².

Rule 5 – Height in Relation to Boundary

Discretionary Activity consent is required for the erection of buildings that project beyond the 35-degree recession plane on the southernmost site boundary, 45-degree recession plane on the westernmost and easternmost site boundary and 55-degrees on the northernmost site boundary.

- The proposal infringes the eastern and western site boundary recession planes as follows:

North Elevation

Eastern Boundary

North Corner (RL 30.15) = 1.1150 metres

South Corner (RL 29.70) = 1.750 metres

Western Boundary

North Corner (RL 30.20) = 0.4 metres

South Corner (RL 30.25) = 0.95 metres

South Elevation

Eastern Boundary

North Corner (RL 27.90) = 0.55 metres

South Corner (RL 26.20) = 2.250 metres

Where RL refers to the “Reduced Level” following excavation of the site.

GENERAL NATURAL AREA

Rule 2 - Vegetation Alteration

Limited Discretionary Activity consent is required for vegetation alteration of native and exotic vegetation exceeding 6m in height.

Controlled Activity consent is required for work within the dripline of protected vegetation.

The development involves the removal of and works within the dripline of vegetation exceeding 6m in height. A total of 9 Trees are to be removed.

Rule 3 - Earthworks

Non-Complying Activity consent is required for earthworks exceeding 300m³ outside the building platform where the application is not accompanied by an Earthworks Management Plan.

The proposal would involve earthworks of 650m³ outside the building platform for which no Earthworks Management Plan is provided.

Rule 4 - Impermeable Surfaces

Limited Discretionary Activity consent is required for the establishment of impermeable surfaces exceeding 65% of the site for medium density development where connection is available to a reticulated stormwater system.

The site is connected to a reticulated stormwater system. Overall the development has impermeable surfaces totalling 3543m² or 74% of the 4778m² site.

PROPOSED PLAN CHANGE 18 - CITY WIDE DESIGN RULES

Proposed Plan Change 18 was notified on 31 March 2005 and seeks to introduce a set of City-wide rules and policies for urban intensification and to create specific rules relating to apartment design and related considerations.

Most notably Plan Change 18 changes the definition of Medium Density Housing Development to exclude apartments and introduces a specific, separate definition of Apartments.

The definitions read as follows:

“APARTMENT (S)...Means multi-storey development providing for residential activities-and any associated common internal access, recreation facilities or parking and access, that meet the General Apartment Design Rule and the performance criteria in the Apartment Design Criteria Appendix, and which may include retail or other commercial activities (Mixed Use) in the same development or building, but does not include medium density housing”

“MEDIUM DENSITY HOUSING....Means development on a site with a minimum net site area of 2000m² containing dwellings and their associated private open space at a density of more than one dwelling for every 350m² of net site area exclusive of road, reserves, communally owned driveways, open space and other facilities, but does not include apartments. Medium Density Housing includes housing types such as terrace housing and townhouses”

This change introduces a series of General Apartment Design Performance Standards and specific Apartment Design Criteria to Waitakere City.

Rule 2.1(a) requires that all applications for medium density housing must be accompanied by the following:

- “(i) a detailed site and neighbourhood analysis of the area within a 400m radius of the site which documents the existing built form and identified future desirable character of the site and surrounding neighbourhood.*
- “(ii) a design response which explains how the design of the proposed development has responded to the existing and proposed neighbourhood character and satisfies the site analysis and policies and objectives of the District Plan.*

The applicants have considered the provisions of Plan Change 18 in the making of this application. Although the specific information required by the above Rule, laid out as a Performance Standards has not been adequately met sufficient information has however been provided to enable the potential and actual adverse effects to be assessed with regard to the interaction between existing features and characteristics and how the design of the site should respond to the identified existing and future character of the neighbourhood.

It is noted that Plan Change 18 is not yet operative but must be given consideration when assessing this proposal. The operative Rules, Objectives and Policies of the District Plan will carry more weighting.

PROPOSED PLAN CHANGE 18

Rule 1 – General Performance Standards

(i) Apartment Sizes

Consent Required for apartment sizes that fail to meet the following gross floor areas:

Apartment Size	Required by Plan Change 18	Proposed Floor Areas	Complies
Studio	40m ²	n/a	n/a
One Bedroom	50m ²	46m ²	No – requires consent
Two Bedroom	70m ²	69m ²	No – requires consent
Three Bedroom	95m ²	2 Bedroom + Study = 83m ²	No – requires consent
		3 Bedroom = 83m ²	No – requires consent

(ii) Street Frontage and Height in Relation to Boundary of Developments

Consent Required for developments that exceed the height in relation to boundary rules of the specific human environment which the site is located.

The proposal is located in the Living Environment. The development exceeds the 8m permitted height and height to boundary restrictions on the Western and Eastern boundary as set out in the Operative District Plan rules above.

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

No other consents have been applied for in respect of this application.

Finally it is noted that the site is subject to a road widening designation and Council would take this opportunity to acquire the land for this purpose.

5 THE SITE AND NEIGHBOURHOOD DESCRIPTION

The application site encompasses three Lots at 14 – 20 Swanson Road and is within 1km of the central point of Henderson. The site has a 67m frontage to Swanson Road and a gross area of 4778m². There are currently three dwellings, two garages and two sheds on site. The site is bound by Swanson Road to the north and the Auckland Western Railway Line to the south (railway designation (NZR1)). Refer to Location Plan above.

Swanson Road is classified as a District Arterial Road and currently carries an estimated 26,500 vehicles per day (both directions). The existing carriageway is approximately 13m wide (kerb to kerb) with two traffic lanes in each direction. This stretch of Swanson Road is subject to Council Designation WCCRW14 with the width of widening set at 15m from the centre line, that is a 5m wide strip of road frontage would be taken.

The northern and western area of the site is generally flat. The site then has a moderate slope, falling approximately 7.3m, towards a gully feature in the south east corner of the site. The site contains a shallow dry gully feature running in a north to south direction. This gully is an historic watercourse containing a 525mm diameter public stormwater drain and associated overland flowpath. This pipe discharges to a 600mm pipe beneath the railway corridor. A 150mm public sewer passes through the site from west to east. A public stormwater line that serves the site as well as adjoining properties passes from north to south in an east-west direction. There is a fire hydrant located directly outside the subject site.

Existing vegetation consists of Pine, Cedar, Oak, Totara, Olive, Palm and fruit tree species that are generally located in the centre and south-eastern quarter of the site. The road frontage landscape is characterised by the framework of mature trees outside the site associated with the wider neighbourhood. This includes a stand of Norfolk Island pines on the adjacent site to the east, near the road, and trees on the north side of Swanson Road.

Neighbourhood

The surrounding neighbourhood is entirely residential (apart from the church on the corner of Lincoln and Swanson Roads), characterised by a variety of dwelling styles, scales and densities. The site is contained within a medium density circle as identified on the District Plan Human Environment planning maps. A medium density terraced housing development known as "Corban Estate" is located on the opposite side of the railway to the south of the application site. The facing elevations of this estate contain only a few openings, with the courtyard areas offering angled views to the site. Medium density housing also exists in the form of "Waitakere Gardens" and the proposed "Vivace Apartments" located to the south and east, within 250m – 300m of the site.

Adjoining properties to the north are typically sites with one or two single storey, stand alone dwellings. No. 22 Swanson Road is currently vacant, but it should be noted that Landuse Consent RMA-2007-0203 was granted 8 May 2007 for the erection of 8 residential units (includes 2 single storey dwellings and 6 dwellings contained within a 2-storey apartment style dwelling). Construction of this development has not yet begun and therefore at present this does not form part of either the existing or the receiving environment.

The site is within close proximity to the Henderson town centre, the Henderson and Sturges Road Train Stations and bus links. There is a pedestrian footpath on either side of Swanson Road linking the site to the Town Centre, the nearby recreational facilities and residential surrounds.

Photograph 1



View of the site approaching from Sturges Road intersection.

Photograph 3



Dwelling that is to be retained within the south western corner of site.

6 ISSUES IDENTIFIED THROUGH THE SUBMISSION PROCESS

A15-A92

The application was publicly notified on Saturday, 29 July 2006. Notice of this application was served on all identified affected persons on Thursday, 27 July 2006. The period for submissions closed on Friday, 25 August 2006. 27 submissions were received within this time. One late submission was received 29 August 2006. Of the **28 total** numbers of submissions, one submission supported the application, and 28 submissions opposed the application. Please refer to attachment at pages A17 to A92 for copies of the submissions that were received. A map showing the location of the submitters located in the immediate vicinity of the site is also attached at pages A15 to A16.

6.1 Submissions

A17-A92

The following is a list of submitters in support and opposition, including a summary of their reasons. Please see attachments at pages A17 to A92 for copies of the submissions.

Person (Owner/Occupier)	Address	Support Oppose	Reasons
Auckland Regional Transport Authority	Level 3 21 Pitt Street Auckland	Support	<ul style="list-style-type: none"> • Appropriate use and scale of residential development adjacent to the Rapid and Quality Transport Networks • Proposal supports the Regional Growth Strategy (RGS) and Quality Transport Network (QTN). Intensive development along corridors helps minimise the impact of additional traffic onto the network. • Schools and open space within walking distance of site. • Application supports a number of objectives and policies of the District Plan.
ONTRACK	Northern Regional Manager Auckland	Oppose	<ul style="list-style-type: none"> • Reverse sensitivity effects – noise readings made prior to installation of dual tracking. Further site acoustic tests recommended. Disruption of freight and passenger services, maintenance works scheduled at night. • Discharge of stormwater from the site into the existing railway drainage reticulation exceeds design capacity and is not supported. WCC must enter a Deed of Grant with applicant if this discharge option is approved. • Adequate fencing (1.8m in height) is required to discourage trespassing on to the rail corridor. • Work permit required prior to works commencing on site.

			<ul style="list-style-type: none"> • Proposal contravenes numerous provisions of the District Plan and is a non-complying activity.
Donna Raynel	PO Box 21778 Henderson	Oppose	<ul style="list-style-type: none"> • Infringes District Plan requirements. • Increase in traffic on already busy intersection / street. • Density and vegetation alteration will affect the natural area outlook. • Drainage concerns. • Fewer units, single level development preferred.
Rubin Brooker	33 Swanson Road – Unit 7	Oppose	<ul style="list-style-type: none"> • Traffic will become impossible.
Mrs G.A Elsmore	2/39 Swanson Road, Henderson	Oppose	<ul style="list-style-type: none"> • Traffic flow will create grid lock and increase the danger of road related accidents.
Mrs E Jamieson	1/72 Swanson Road, Henderson	Oppose	<ul style="list-style-type: none"> • Traffic • Building height is too high and not in keeping with the other houses in the street. Development is an eyesore.
Paul McDaid	14 Espalier Drive, Western Heights	Oppose	<ul style="list-style-type: none"> • Traffic impact, safety (pedestrian and cyclist), amenity issues associated with vehicles exiting the site. • Size of development out of scale with adjacent residential area. • If approved requirement for follow up Traffic Impact Assessment as a condition of consent.
Tony Greig	37 Swanson Road, Henderson	Oppose	<ul style="list-style-type: none"> • Health and security of existing residents on Swanson Road • Excessive unit and human density. Potential for conflict between residents. • Exceeds height. • No other development of this style. • Overlooking, loss of privacy. • Overloading of sewer line. • Traffic density, potential accidents, development too close to intersection. • Laundry facility in units – no clothes hanger provided. • Loss of sunlight to existing dwelling at No. 20 Swanson Road. • Size of apartments. • Not in keeping with surrounding buildings.

Noeline Queenin	7/39 Swanson Road, Henderson	Oppose	<ul style="list-style-type: none"> Traffic increase.
Angela Gardiner	321 Sturges Road, Henderson	Oppose	<ul style="list-style-type: none"> Traffic congestion.
Lynette Atkinson	2/85 Swanson Road, Henderson	Oppose	<ul style="list-style-type: none"> Traffic congestion. Bus depot on Swanson Road is inadequately serviced by Ritchies and not serviced at all by Stagecoach – public transport is not an option.
Jonas Ho	8/35 Swanson Road, Henderson	Oppose	<ul style="list-style-type: none"> Traffic Impact Assessment inadequate. A more comprehensive and responsible report concerning the whole western area of Lincoln intersection is required.
Paul & Cheryl Whiting	30 Miriam Corban Heights, Henderson	Oppose	<ul style="list-style-type: none"> Density, vegetation alteration, earthworks (noise and vibrations). Height of development will reduce privacy, result in a loss of outlook and cause shadowing of our back yard – decreasing property value. Train noise will be increased with sound echoing off the building. Traffic.
P & K Klenner	13/72 Swanson Road, Henderson	Oppose	<ul style="list-style-type: none"> Traffic.
Anthony James Haggerty	4/15 Swanson Road, Henderson	Oppose	<ul style="list-style-type: none"> Traffic report makes ludicrous assumptions. Traffic increase. Project should not be allowed until the proposed road widening is completed. Concerns raised over parking shortage for residents and visitors. Is site within Henderson Town Centre?
Brian Bellard	26 Swanson Road, Henderson	Oppose	<ul style="list-style-type: none"> Traffic congestion. Developer should be required to widen Swanson Road and provide a central median and a separate road into the development.
Colin Murray Jamieson & Lynne Jamieson	3 Pippen Court, Henderson	Oppose	<ul style="list-style-type: none"> Traffic congestion and time delays. Infringement of District Plan requirements. These plans are implemented for the good of the community.

Paul Kemshall	134 Takehe Road, Titirangi for 29 Winery Way, Henderson	Oppose	<ul style="list-style-type: none"> • Height – loss of sun/light. Proposal will alter view. Block will dominate view particularly as the development would be built on land higher than Winery Way. • Privacy – Window placement, windows look directly into lounge windows. • Noise – landscaping, removal of vegetation and replacement with concrete structures will bounce rail noise towards Winery Way.
P Jay Homes Trading Trust Limited. Attention John Goodrum	c/- 430 Blackbridge Road, RD4 Albany	Oppose	<ul style="list-style-type: none"> • Exceeds medium density. • Height to boundary and daylight angels. • Earthworks are excessive. • Impermeable surfaces are excessive. • Proposal should be reduced in scale.
Mrs W Third	25 Yelash Road, Massey	Oppose	<ul style="list-style-type: none"> • Traffic impacts.
Suzanne Ward	8/17 Swanson Road, Henderson	Oppose	<ul style="list-style-type: none"> • Ghetto type living. • Traffic congestion. • Bland building.
Noel Ward	8/17 Swanson Road, Henderson	Oppose	<ul style="list-style-type: none"> • Density. • Traffic congestion. • Allow medium density housing only.
Toni-Kim Third-Morgan & Kevin B Morgan	1/15 Swanson Road, Henderson	Oppose	<ul style="list-style-type: none"> • Traffic impact. • Recent town house development and existing medium density in the area should satisfy current demand for residential properties. Ubiquitous presence of realtor signs. • Potential to become state housing. Tenanted properties can become neglected.
Steve Exlee & Jane McDowell	25 Swanson Road, Henderson	Oppose	<ul style="list-style-type: none"> • Traffic chaos, noise and pollution. • Noise from units. • Stormwater situation, strain on Council services. • Collection of rubbish and recycling.
Mr W R Finer	7 Swanson Road, Henderson	Oppose	<ul style="list-style-type: none"> • Density exceeds character of area. • Height is outside planning limits. • Vegetation reduction. • Traffic density.
L G Powell	1/35 Swanson Road, Henderson	Oppose	<ul style="list-style-type: none"> • Height and number of units is not in keeping with the area. • Traffic congestion. • Sewerage.

Lorraine Carey & Stephen Carey	41 Fitzwater Place, Henderson	Oppose	<ul style="list-style-type: none"> • Infringements on District Plan. • Traffic congestion. • Infrastructure pressure. • Low density development preferred.
LATE SUBMISSION – Henderson Methodist Church Trustees	1 – 3 and 9 Swanson Road, Henderson	Oppose	<ul style="list-style-type: none"> • Traffic Impact Report inadequate. • Traffic congestion. • Road widening and flush median.

Discussion

The main concerns raised by submitters relate to matters of traffic congestion, bulk, character and amenity, infrastructure pressure, noise, loss of outlook and privacy.

It is noted that the Hearing Committee will need to resolve whether to accept the late submission made by the Henderson Methodist Church Trustees, pursuant to Section 37 of the Act. In making this decision, the Commissioners are required to consider the provisions set out in Section 37A(1), being:

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

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

Comment on Late Submission

I note that the submission made by the Henderson Methodist Church Trustees was received two working days late. This submission was, therefore well within the maximum time period specified in Section 37A(2)(a) of the Act. The submission is also in part covered by other submissions received within the statutory timeframe and, therefore, it is considered that no one will be prejudiced by the acceptance of this late submission.

6.2 Pre Hearing Meeting

No pre-hearing meeting was held.

7.0 STATUTORY REQUIREMENTS

7.1 Non-Complying Activities

A174-A255

The relevant policies and criteria which apply under the District Plan and the Resource Management Act 1991 are set out in more detail attached to this report at pages A174 to A255. This should be referred to as the legal framework within which the application should be addressed.

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

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

However, it should be noted that for council to grant consent to a non-complying activity application there should generally be some exceptional or unusual element to the proposal. If such unusual circumstances do not exist, then the proposal would effectively compromise the integrity of the District Plan and public confidence in the consistent administration of the plan may be undermined. It is considered that the proposal would be unique because it is a large site located in close proximity to the Henderson Town Centre and would contribute to the residential density needed to support the development and growth direction of Henderson as the City's major urban centre. The proposal supports the principals of the Regional Growth Strategy. The development represents the desired residential intensification that will benefit the urban development of the Henderson Town Centre and transport node and provide a good example of the type of apartment development that could be encouraged in the intended urban concept planning for Henderson.

The medium density housing radius in which this site lies, is a tool used to assist with the activity status of the rules related to density and the locations of higher density housing forms such as the development proposed for this site. The circles are loosely developed around acceptable walking distances from the nodal town centres and transport hubs. The articulated design of the structure is considered suitable for what it is – an apartment building, with an articulated frontage having an open yet privately screened relationship with the street scene. The framework of existing mature trees outside the site associated with the wider neighbourhood would enable the development to be accommodated relatively sympathetically into the character of the surrounds. In terms of the local neighbourhood the area is characterised by recent medium density development to the south, medium density development in Buscomb and Lincoln Roads, single storey housing along Swanson Road, the Henderson Town Centre, public transport routes (train, pedestrian and bus routes) and the District Arterial nature of Swanson Road. A development of this nature is one that we could reasonably anticipate in this location and one which is planned for the future of Henderson with Plan Change 18 providing design guidelines for apartment living.

Council also has discretion to consider any precedent issues that may arise for a non-complying activity. According to the Court of Appeal decision in *Dye v Rodney District Council*, an adverse precedent effect can arise where the grant of a non-complying consent would influence the approach taken by Council to similar consent applications. Such a precedent effect does not arise here because the non-complying aspect of the proposal relates to the absence of an earthworks management plan. Conditions imposed requiring that all sediment and erosion controls are installed and operational prior to the commencement of works will ensure that any potential adverse effects as a result of earthwork activities are potentially no more than minor and of short duration. As

mentioned above the proposed apartment blocks would provide appropriate residential development within walkable distance of the Henderson Town Centre. The design achieves the residential density needed to support the development of Henderson as the City's major urban centre. The site is readily and easily accessible to both the local and wider community. The imposition and monitoring of conditions would mitigate any adverse effects to an acceptable level.

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

8 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.

Please note: All specialist's reports referred to below are held in Appendices Four – Eleven.

8.1.1 Water Quality and Quantity

The proposed development increases the density of the development on site to below 450m² with the average density across the site being 1 unit per 78.3m². This therefore increases pressures on Council's reticulated system and the receiving environment.

A93- A99

The application has been reviewed by Council's EcoWater Drainage Engineer Shelley Renkema. Ms Renkema's Specialist Report dated 22 June 2007 attached at pages A93 to A99 notes that the site slopes from Swanson Road towards the rail corridor and towards the central gully which is a historic watercourse containing a 525mm diameter public stormwater drain and associated overland flowpath. This pipe previously discharged into a dilapidated, undersize pipe beneath the railway corridor however this has recently been upgraded by On Track during works to double track the railway line. Crossing the rear half of the sites is a public wastewater drain which crosses the gully by way of a pipe bridge.

Ms Renkema has reviewed the specialist information submitted in the Dainty Alderton reports. Additional information from Dainty Alderton Consulting Engineers dated 3 May 2006 provided the required size and capacity for the pipeline under the rail corridor. At this time On Track have not provided either EcoWater or the applicant's engineer with the capacity information although it is confirmed that the pipe has been upgraded to a 600mm diameter. Based on Dainty Alderton's report the 600mm diameter drain must be laid at a gradient of at least 1.55% to provide suitable capacity and this will be required as a condition of consent in order to mitigate and address any potential capacity issues. This report also contains foundation bridging details that were not accepted by EcoWater's Drainage as they did not provide sufficient protection for the pipe or building for future maintenance purposes.

The application documents show that drainage works may be required through the neighbouring property. A condition will be imposed to ensure that the development cannot commence prior to the applicant gaining permission from all land owners and occupiers of that land to enable construction of the drainage connections. The granting of this resource consent does not in any way allow the applicant to enter and construct drainage within a neighbouring property, without first obtaining the agreement of all owners and occupiers of the said land to undertake the works. To obtain sign-off for this resource consent, the services described by the EcoWater conditions will be required to be in place to the satisfaction of Council.

Dainty Alderton Consulting have demonstrated that the overland flowpath can be diverted subject to conditions, however, the calculations for stormwater mitigation are not acceptable because they are based on the whole site, including the existing dwelling which is shown on a proposed 943m² site, instead of the impermeable coverage originating from the proposed boundaries containing only the apartment building, and therefore must be revised during the engineering approval stage to ensure that stormwater from the site is mitigated to the necessary levels as outlined in EcoWater's conditions. Such a condition will ensure that the adverse effects of the proposal are restricted to a no more than minor degree.

Public Infrastructure

The development's effect on the public water supply system include capacity in terms of demand on pressure and flow rates. The current system in the immediate area has adequate capacity to service this development without the requirement for upgrading by the developer; however there are effects on the wider water supply network that will be offset through payment of the Developments Contributions.

Ms Renkema has imposed a series of conditions to ensure that the public wastewater and stormwater networks are upgraded to ensure that the development has a no more than minor effect on Council's reticulated system. Building construction requirements to undertake adequate damage protection for both the pipe and the building and to ensure adequate access for future maintenance will be imposed. Mitigation of the effects on network capacity, and subsequently to the environment if networks overflow, are provided through payment of the Development Contribution.

The Receiving Environment

The development's effects on the environment relating to water quality and quantity originate from high traffic use due to density and the creation of impermeable surfaces. The site is contained within a small catchment that drains to and is treated within the Mt Lebanon Pond prior to discharge into the Opanuku Stream. This treatment mitigates stormwater quality effects with payment of the Development Contributions to offset the costs of future effects. Project Twin Streams allows development in the catchments to continue by mitigating the adverse effects of those developments on existing flooding problems within the catchment during the 1% AEP storm event. A condition will be

imposed requiring a financial contribution towards the Project at the rates approved by Council to provide effective mitigation of the effects on flooding in the catchment.

Earthworks

Consideration is also required of the potential for earthworks to impact on water quality. The activity does not require a consent for earthworks from the Regional Council. Conditions imposed by Council requiring that all sediment and erosion controls are installed and operational prior to the commencement of works will ensure that any potential adverse effects as a result of earthwork activities are potentially no more than minor and of short duration.

Overall it is considered that subject to conditions relating to the adequate construction of drainage works, the treatment of stormwater; payment of appropriate financial contributions and the implementation of silt and erosion control measures, the proposed development would give rise to no more than minor adverse effects in terms of water quality and quantity.

8.1.2 Native Vegetation, Vegetation and Fauna Habitat

A105-A119

The applicant has proposed to remove nine protected trees as part of the development. Tree species include Cedar, Nikau Palms and Oak species. The proposal was assessed by Council's Arborist, Mr Phillip Russell, and Council's Landscape Architect Mr Gordon Griffin. Both specialists have reviewed the arboricultural report (C Hinton – 08/02/2006) and the revised planting plan received by Council 28 March 2007). Comments attached at pages A105 to A119.

Mr Russell notes that the 'greening effect' of existing vegetation on site is a contributing feature of Swanson Road. However, poor management of these trees in recent years has resulted in a less than attractive visual appearance of the road frontage. Excluding the group of Pine trees along the Swanson Road frontage, which are visible from public vantage points outside the site, the majority of vegetation, protected or otherwise, is considered not to significantly contribute to the amenity of the local area, or play a major role in the sites contribution as a whole to the wider landscape. The removal of these species is therefore not considered to have an adverse effect in relation to vegetation and fauna habitat and may be controlled by the use of appropriate conditions of consent.

The revised Planting Plan and supporting report prepared by Stephen Neate (31/01/06) states that the Oak and Totara in the south western corner of the site are significant tree species which contribute to the amenity of the site. Mr Griffin has reviewed the Planting Plan and considers that the site layout gives these trees a chance of remaining and allows the trees to provide amenity and privacy to and from properties to the south. Retention of tree species along the site boundary has occurred where possible and with appropriate protection measures imposed as a condition of consent, there would be no detrimental impact to tree health. Council's Landscape Architect notes that the visual amenity these trees provide would be beneficial to the proposed development.

Mr Griffin supports the Planting Plan in general but has suggested alterations to include suitable species. These changes will be imposed by a condition of consent. In his comments Mr Griffin notes that the landscaping component of the development would include a framework of trees to enable the proposed apartment building to be accommodated relatively sympathetically into the wider area.

Through replanting and the imposition of conditions to protect the remaining trees it is considered that the apartment development will have a no more than minor adverse effect on vegetation or the amenity of the site and surrounding environment.

8.1.3 Land / Soil

There would be minor adverse effects on soil and the existing landform as a result of the proposed activity as the site requires extensive excavation and some low level retaining to accommodate the basement car parking area. However, these effects may be adequately mitigated by appropriate conditions of consent.

Earthworks are required to re-contour the site and will be confined to the construction of the building platforms, basement car parking area, landscaping and formation of the access way. The proposed earthworks would involve a total volume of 4778m³, comprising of 440m³ fill and 3765m³ cut.

A126-A130

Given the scale of the proposed development a geotechnical investigation report prepared by Soil and Rock Consultants, reference 05487 dated September 2005 has been submitted with the application. This report and the proposal has been peer reviewed by Council's Geotech Consultant Mr Garry Law. Mr Law concluded that the site is suitable for the proposal and has recommended a series of conditions. Mr Law's peer-review is attached at pages A126 to A130.

The earthworks will be temporary in nature and confined to the site. Although an earthworks management plan has not been submitted with the proposal conditions of consent will be imposed to ensure that any potential adverse effects from the construction phase are no more than minor. Such conditions will include a pre-works site meeting with Council's Monitoring Officer and provision of a Site Management Plan. Conditions will also insure that vehicles moving earth from the site will not track earth on to the surrounding roading network and that the nature of the area is recognised with hours that development can take place restricted not to unduly disrupt the area. All erosion and sediment control measures shall be in accordance with ARC TP90 standards. It is recommended that truck movements to and from the site be limited to non-peak periods i.e. between 9am and 4pm. This detail will be required as part of the Earthworks Site Management Plan to be approved by Council as imposed by a Condition of consent.

8.1.4 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. Dust control would be a requirement during the construction period.

8.1.5 Ecosystem Stability

The proposed development would be constructed over three sites within an existing built and urban area of the city. Two of the existing dwellings, garages and sheds on site are to be removed to make place for the proposed development. It is considered that although the site would be altered through vegetation clearance and earthwork activities, the ecological value of the site is determined to be relatively low due to its urban location within the City. It is considered that the proposed development would have a temporary effect of a de minimis scale on the ecosystems within the site with appropriate landscape treatment being provided as per the proposed plans and conditions of consent. This landscaping would restore the sites ecosystem stability over time.

8.1.6 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)). 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.

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

The proposed development is within the built urban area of the city. Sediment and erosion controls will prevent the transportation of any sediment runoff through stormwater systems during development. It is therefore considered that the development will not impact on the natural character of the coast or margins of any lakes, rivers or wetlands.

8.1.8 Outstanding Landscapes

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

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

The site is located within the 1000m radius from the Henderson Town Centre, on a District Arterial Road. The medium density housing radius is a tool used to assist with the activity status of the development related to density and the locations of higher density housing forms such as the development proposed for this site. The circles are loosely developed around acceptable walking distances from the nodal town centres and transport hubs.

- ***Overshadowing, loss of daylight and sunlight, scale, form, height, bulk, physical dominance and privacy.***

The development has been designed in three sections, referred to as the north section (fronting Swanson Road), the central section and the eastern section. The separation and positioning of these blocks provides a sense of place, allows for communal open space (internally) and gives privacy.

The site has a 67m frontage to Swanson Road. The development has been designed with good street presentation. The Design Report prepared by David Hawksworth Architects explains that the staggering of units in plan pushes every second apartment forward by approximately 1.5m which introduces texture and shadowing to the facades. Alternating balustrade material from solid form to metal rail or glass balustrade further diminishes the overall presence of the building. The visual appearance of the apartments is therefore considered interesting and soft texture has been used. The design elements that have been used have the effect of reducing overall building bulk and dominance.

Sections of the development will exceed the medium density height criteria of 11m by an average of 1.5m. Infringements to the height in relation to boundary recession plan occur on the eastern and western boundaries. Building height and height in relation to boundary has the potential to physically dominate, result in a loss of daylight / sunlight and/or compromise privacy of adjoining sites. The height of the development along the Swanson Road frontage has been stepped down as it nears the external boundaries to the east and west to ease the extent of the height in relation to boundary infringement on the adjoining properties. It is noted that the area of non-compliance falls on the driveway area of the adjoining sites and therefore will not reduce the amount of sunlight or daylight to adjoining properties (it is noted that no submissions were received from either No. 12 or No. 22 Swanson Road through the notification process). It is explained that this design feature maintains the main height of the development towards the centre of the site and reduces the visual appearance of the complex by breaking up the height of the prominent northern block. We consider that this reduction in height coupled with the existing framework of trees along Swanson Road also provides for a better scale relationship with dwellings on adjacent sites.

Fencing to a height of 1.6m along the front and side boundaries will ensure that the privacy of adjoining properties will not be adversely affected. It is noted that material used along the northern boundary (Swanson Road) includes an element of soft screening to give privacy but allow for an aesthetically open relationship with the street scene. This is discussed in further detail below.

- ***Visual amenity, streetscape, sense of place, neighbourhood character, amenity values, views***

The development in this location has the potential to become a landmark within the neighbourhood as the site is in a relatively prominent location on the rise above the northern entry to Henderson Town Centre. Council's Landscape Architect, Mr Gordon Griffin, notes the following:

“the development represents a high density development that would have an urban, built up character that would relate to the inner Henderson area more than the outer. The five storey height of the development has the potential to dominate and result in a loss of outlook from the medium density housing development across the railway line to the south. There would be a contrast with existing residential provisions. This type of development anticipates Proposed Plan Change 18”.

I agree with the above comments. The proposal represents an increase in urbanisation that would have an apartment block character. The visual assessment provided to Council 02/05/07 explains that the main height of the development has been maintained towards the centre of the site and stepping it down near the external site boundaries to the east, west and south helps anchor the development with surrounding residential sites. Although dwellings immediately adjoining the site are single storey in nature, there are existing examples of two storey development within the visual catchment of the site (Corbans Estate) and the recently approved two storey development at 22 Swanson Road (LUC-2007-0203). Mr Griffin concludes that the amenity of the site as designed is suitable for what it is, an apartment building, and that is the likely future for this area (Proposed Plan Change 18).

In terms of vegetation the local area may be characterised by the existing framework of trees along Swanson Road, namely Norfolk pine species. As mentioned by both Council's Arborist and Landscape Architect, this vegetation is not of notable stature with poor management of these trees in recent years resulting in a less than attractive visual appearance of the road frontage. Excluding the group of Pine trees, which are visible from public vantage points outside the site, the majority of vegetation protected or otherwise, is considered not to significantly contribute to the amenity of the local area, or play a major role in the sites contribution as a whole to the wider landscape. The proposed replacement planting and general landscaping plan, subject to conditions of consent, would in time create amenity within the area, suited to this residential location.

The site is located more or less half way between the Lincoln Road and Sturges Road intersection and as such falls outside major focus. The signalised intersection of Swanson, Lincoln and Great North Road, is considered the main focus for drivers approaching from the east and west of the site. The high standing Norfolk pine along the frontage would be greater in height than that of the proposed development and acts to provide visual scale. Further to mitigate the effects of the development on visual amenity, the applicant has proposed a landscaping plan.

The rail corridor separates the site from the Corban Estate development to the rear. This distance will act to reduce the perceived visual dominance of the development and maintain privacy and outlook from properties in the Estate. It is noted that there are few openings on the northern facing elevation of Corban Estate. Outdoor living courts

associated with the Corban Estate would have an oblique view of the proposed development. The layout of the site is such that the bulk of the development is positioned towards the northern section of the site (fronting Swanson Road) and the narrower; flank view of the central and eastern section would be the main outlook from properties to the rear. This flank view of the site is softened and scaled by the Oak and Totara tree and proposed landscaping along this boundary. ONTRACK, as submitters to the proposal, have requested that adequate fencing to a height of 1.8m is provided along the southern boundary to discourage trespassing on to the rail corridor. Amended drawings received by Council 28/03/07 show that this has been provided. A condition of consent will ensure maintenance of this area of the site is achievable.

Council's Urban Design specialist Mr Peter Joyce considers the proposal to be a good urban design outcome that fits with residential development principals. Apartment style living can only offer limited on-site amenity by its very nature and is therefore reliant on proximity to community facilities to provide a range of amenities. In keeping with this the subject site is located in close proximity to open space (Henderson Park in Wilsher Crescent, Alderman Park off Alderman Drive), nearby public schooling, West Wave Aquatic Centre, Henderson Library, UNITEC tertiary college, medical facilities (including Waitakere Hospital) along Lincoln Road and the Henderson Town centre.

- ***On-site amenity, adequate open space.***

Each unit would have separate outdoor space, directly accessible from the living area and of complying size and orientation as required by the District Plan. The apartments and balcony areas are orientated towards the north and northwest to allow passive solar access. The proposal includes the provision of two common outdoor areas with a total area of approximately 270m². These communal areas will be landscaped and contain areas of timber fencing for privacy. The common areas provide adequate openness to the site with resulting outlook and light to the apartments. These areas are easily accessed from the pedestrian access off Swanson Road and external staircasing on the eastern and western elevations. The proposal also includes the alternation of solid and visually permeable fences to create amenity and provide a safe environment. Where outdoor areas are adjoining, solid screening to a height of 1.6m is provided.

The site is located adjacent to a rail corridor and fronts a district arterial road (high noise route). For this reason the design of the building would be required to incorporate acoustic protection as mitigation. An Acoustic Design Report prepared by Kingett Mitchell Ltd dated 07/03/06 has been submitted with the proposal. This report concludes that the building design for the development can, with the incorporation of recommended noise control measures, provide sufficient attenuation to achieve relevant noise standards. This report and the proposal has been peer reviewed by Council's Consultant Hegley Acoustic Consultants (report dated 24 May 2007). Subject to the imposition of appropriate conditions and further assessment at building consent stage the proposal will achieve residential noise requirements.

- ***Connectivity, accessibility, surveillance, safety, public access.***

The proposed development is considered consistent with the Auckland Regional Growth Strategy: 2050 and the concept of intensification of urban development around town centres and along transport routes. The proposed development is within 1km of the Henderson Town Centre, within the Medium Density Radius and readily accessible via pedestrian and transport links. Footpaths are provided on both sides of the road and the Henderson Train Station and Sturges Road Station are within walking distance of the development. This type of development will contribute to the increased concentration of housing around town centre nodes and transport routes.

Pedestrian access to the site is separate from vehicle entry/exit points. Footpaths throughout the development facilitate good movement within the site and are separate from areas of vehicle movement. Common courtyard areas encourage connectivity. The positioning of outdoor living courts on the northern block allow for surveillance of the street scene with screening to a height of 1.6m providing for sufficient privacy to these spaces. Solid fencing is only used along boundaries adjoining neighbouring properties to ensure that privacy is maintained. The 1.6m height will not dominate the surrounding residential environment.

- **Traffic generation, on-street parking, driver safety, pedestrian safety, roading capacity and roading network, traffic noise, vehicle movements, access and driveway manoeuvring, driveway width and gradient.**

Many of the submitters outlined their concerns regarding traffic congestion created by the development and the lack of available car parking on the site. With regard to this the following is noted:

A Traffic Impact Report (TIR) prepared by Pauline Soo & Phillip Brown of TEAM (Traffic Engineering & Management Ltd, Henderson) was submitted with the application. This report was updated 21 March 2007 (reference 5133) to reflect the changes made to vehicle entry and exit.

A100-A104

The application and supporting documents have been reviewed by Council's Traffic Engineers, Sam Shumane and Adam Moller. Final report dated 5 June 2007, refer to attachment at pages A100 to A104. Mr Shumane agrees with the TIR report and concludes that the proposed development is acceptable from a traffic engineering perspective provided the development proceeds in accordance with the reviewed development plans and recommended conditions.

Overall it is considered that the traffic effects associated with the proposed apartment development would be no more than minor, as complying parking and on-site circulation areas are to be provided. Furthermore, traffic generation associated with the proposal can be adequately accommodated within the local arterial road network. The proposal originally included separate in and out access, which were not fully supported by Transport Assets. In his report dated 5 June 2007 Mr Shumane notes that:

"the amended design allows for a two-way access point at the western boundary shared by the proposed 60-unit development, and existing single dwelling at the rear of the new development and a proposed 8-unit development at No. 22 Swanson Road, and an entry only access at the eastern boundary. It is emphasised that the level of traffic generation is not significant. Although a separate flush painted median is not currently available for turning traffic, the two signalised intersections (at Lincoln Road and Sturges Road) cause the passing traffic to platoon thus creating gaps for right-turning vehicles to access the complex. The roadway is marked out by two lanes in each direction providing following traffic the opportunity to overtake a stationary vehicle waiting to turn in. This is not an ideal situation but workable. ..."

For Medium Density Housing the proposed 60-unit development requires 92 carparks. In accordance with this a total of 92 carparks have been provided on site. This number includes 17 visitor parks. Transport Assets notes that pairs of stacked parking spaces should be allocated to individual units. All parking dimensions comply with the requirements of the Code of Practice. In addition the layout of the site adequately allows for rubbish storage and collection (commercial contract).

Traffic details for residential establishments in the Council's Code of Practice quantifies vehicle movements generated by low density housing as double that generated by 1 to 2 bedroom medium density housing. Medium density housing generally has a lower traffic generation component due to the use of alternative modes of transport such as public transport, biking and walking. Medium density housing is commonly located close to public facilities including shopping facilities and public transport which reduces the needs for vehicle strips. In accordance with this the site is within 1km of the Henderson Town Centre, has public footpath access to the Centre and is located on public bus routes. Council's Transport Engineers support the proposal subject to the inclusion of conditions of consent relating to the construction of the new access ways, including the provision of a high volume high speed crossing, to the required Code of Practice engineering standards.

It is noted a submission was received from the Auckland Regional Transport Authority in support of the application given that the proposal supports the Regional Growth Strategy and Quality Transport Network. This type of development will help minimise the impact of additional traffic onto the roading network.

Overall it is considered that the actual and potential adverse effects of the proposal on the safe and efficient operation of the roading and traffic network will be no more than minor. It is further noted that the above comments have addressed all comments received from submitters with regard to traffic.

8.1.10 Heritage

The site is not identified in the District Plan as being a site with any historical significance. Accordingly, the site is not known to be of any historical significance. Therefore, the proposed development is not considered to impact on matters of heritage. Nevertheless a condition has been recommended outlining the requirements should artefactual material be encountered during excavation.

8.1.11 Summary

The subject site is located within a medium density housing radius, and within close proximity to the Henderson Town Centre and associated pedestrian, rail and bus transport links.

The main concern with the proposal is the visual amenity of the development with regard to scale and context within the surrounding residential environment, being single storey and medium density housing character. While it is acknowledged that Council's Landscape Architect, Mr Griffin, has raised concerns over the scale relationship with dwellings on adjacent sites, Mr Griffin considers that proposed landscaping and the framework of trees along the Swanson Road frontage will enable the proposed apartment building to be accommodated relatively sympathetically into the wider area. The stepped down design of the northern block helps anchor the development with surrounding residential sites. The amenity of the site is considered suitable for what it is, an apartment building. The earthworks proposed for the development are appropriate for the scale of development, and any adverse potential effects will be mitigated through appropriate sediment and erosion controls as required by conditions of consent.

The design of the units on site has specifically eliminated any height in relation to boundary infringement on the boundary adjoining Swanson Road. Although the development will infringe the western and eastern recession plane the area of possible shadowing is considered minor and falls on the driveway areas of these adjoining sites.

Scale and design have been assessed by Council's Urban Design specialist who has concluded that the proposal will satisfy the strategic and urban design objectives for this part of Henderson. The development supports the principals of the Regional Growth

Strategy in that the site is near public transport routes, the town centre, schools and public open space. The benefits of providing this form of housing within the community has the potential to outweigh the negative effects of the loss of vegetation along the frontage (of poor health) which is mitigated by the retention of the Norfolk Island pine and additional landscaping plan.

Apartment blocks are becoming common structures within the City and are increasingly viewed as a preferred housing option where housing intensification is desired close to town centres and/or public transport nodes. With regards to intensification of use and the introduction of an incongruous feature in the streetscape, given the sites proximity to the Henderson Town Centre we may reasonably expect development of this nature and scale to occur in this location. The apartments would be compatible with the multi-storey apartments that have been recently constructed or under construction within 500m south and south east of the site in Winery Way, Mt Lebanon Lane, 8 - 10 Buscomb Avenue and 13 – 15 Lincoln Road.

Contained within an urban consolidation circle as shown on the District Plan maps, the location of this development would have strategic value in terms of the residential intensification objectives of the District Plan and are an acceptable urban design to cater for increased population growth and the resultant need for accommodation by providing alternative housing options. This view is supported by Peter Joyce of Council's Strategic Policy Team.

Concern has been raised from submitters over noise, and the reverse sensitivity of noise with regard to the rail corridor south of the site. The site is located on a high noise route (arterial road) and as such is required to provide acoustic protection for the occupants. This protection would become a condition of consent. With regard to reverse sensitivity and disruption to occupants from freight and night trains acoustic design should minimise these effects but the fact is that residential activity abuts the railway line for its entire length through this part of the City and residents must reasonably have some awareness towards this. Screening of the rear boundary to a height of 1.8m has been indicated on the site plans and will be imposed as a condition of consent.

In terms of traffic the proposal would be located in a relatively prominent position on the junction of two arterial roads and would therefore be easy to identify. Transport Assets are in support of the proposed entry / exit points to the site. Sufficient car parking has been supplied. Road traffic in the vicinity is controlled by traffic lights and footpaths are present on all the roads in proximity to the proposal. Pedestrians would therefore have safe walking conditions to any of the amenities available to them. Council's Traffic Engineers are in support of the proposal subject to conditions.

Infrastructure requirements have been assessed by Council's EcoWater engineer (Shelley Renkema) and would be required to meet Council's Code of Practice requirements for infrastructure. Conditions have been recommended to ensure all units can be properly serviced and the impact on existing and future infrastructure is minimised. Financial contributions to offset the cost of upgrading and/or installing new services can now be levied through the provisions of the Local Government Act 2002 in the Long Term Council Contingency Plan (LTCCP). An advice note providing an estimate of these charges has been provided.

Overall it is considered that the actual and potential adverse effects of the proposed activity are no more than minor and can be adequately mitigated through appropriate conditions of consent. The proposal will be a positive contribution to the urban amenity of Henderson Town Centre.

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

8.2.1 District Plan Policies and Objectives

A174-A255

The relevant objectives and policies in relation to this proposal are listed below along with a discussion regarding the proposal in relation to them. Please refer to attachments at pages A174 to A255 for full detail.

For clarity I have separated the Operative District Plan provisions from the relevant Proposed Plan Changes which, although having less weighting, must also be considered.

OPERATIVE DISTRICT PLAN **POLICIES AND OBJECTIVES**

Objective 1 and Objective 4: Policy 1.1, Policy 1.2 & Policy 4.2

Discussion

The above seek to manage effects of land use on water quality and quantity and air discharge by reducing road usage and thus minimising contaminant discharges off roadways and air emissions by minimising the length and number of vehicle trips.

The proposed development is located on a district arterial road and also strategically located close to Henderson Township. The development is close to the public transport bus routes along Swanson and Lincoln Road. The site is within 20 minutes walking distance of the Henderson Train Station. As mentioned above the proposed development is also within suitable walking distance of the Henderson Town Centre Environment, and retail/commercial development along Lincoln Road.

Appropriate sediment and erosion control measures will ensure that the adverse effects on water quality and quantity are no more than minor. Council's Drainage Engineer has reviewed and is in support of the proposal.

It is therefore considered that the proposal would satisfy District Plan requirements.

Objective 3, Policy 3.1

Discussion

Objective 3 and **policy 3.1** 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.

Objective 10; Policy 10.4, Policy 10.5 & Policy 10.8

Discussion

Two areas of communal outdoor space have been provided on site. Both are located with north orientation, and would have good sunlight access. The combined size of the outdoor space, being 270m², exceeds that required by the MDH assessment criteria. All residential units are provided with a private balcony area of between 8.5m² – 12m². All balcony areas are orientated north or west to receive fair amounts of sunlight for most of the day.

The size of the communal outdoor area is considered to be more than sufficient for the number of units proposed. The area is sufficient for children's play and the relaxation and leisure of others. Private balcony areas will provide all year usability allowing outdoor entertaining and providing good indoor outdoor flow from the living area of the units. It is therefore considered that the development will be consistent with **Policy 10.4**.

As mentioned above the outdoor space for each unit is orientated to the north to maximise potential sunlight exposure. Suitable separation distances exist between this site and residential areas to the south with the development having a negligible impact on the Swanson Road frontage.

Although the proposed development exceeds the height in relation to boundary recession plane on the eastern and western boundary the effects of this are not considered to dominate, result in a loss of daylight/sunlight or compromise privacy of adjoining sites as the area of infringement does not affect the outdoor or indoor living space of adjoining properties. The infringement area would fall on the driveway area of these adjoining sites.

For the above reasons the development is considered consistent with **Policy 10.5**.

It is noted that the site is subject to a road widening designation and Council would take this opportunity to acquire the land for this purpose. **Policy 10.8** seeks to integrate the land use and development activities within the city with the transportation system and adequately manage and provide for the needs and health of communities and the sustainable management of the City's environment. The proposed location fronts Swanson Road. While this could potentially pose a safety concern in terms of crossing the busy road safely, especially for young children, and cyclist safety amongst the fast moving traffic on narrow and congested lanes there is a signalised pedestrian crossing at the intersection of Swanson/Lincoln and Great North Roads that provides access to the various bus stops along all of these main roads. The signalised nature of this intersection allows safe crossing of the road. As mentioned the proposed development is within walking distance of the Henderson Town Centre Environment, shopping facilities on Lincoln Road and the Henderson Train Station. Intensification around these nodal points is advocated in the District Plan, Regional Growth Strategy and Urban Area Intensification Regional Practice and Resource Guide.

Council's Traffic Engineers, Sam Shumane and Adam Moller, as stated above in section 8.1.10 of this report, have reviewed the application with respect to the safety of entry and exit points and traffic generation from the site. Transport Assets have concluded that the design, siting and capacity of the entry / exit points and parking would be adequate to serve the development. Transport Assets do not object to this proposal subject to the imposition of recommended conditions.

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 and is therefore concluded to be consistent with **policy 10.8** and overall with Objective 10.

Objective 11, Policy 11.2, Policy 11.27 & Policy 11.28

Strategic Growth

The District Plan Strategic Direction promotes medium density housing as an important tool in the District Plan's overall consolidation and City form strategies. The plan concentrates medium density housing around railways and main transport routes as part of a strategy centralising key activities around central nodes and points, as a way of improving viability of passenger transport. It also promotes a high quality urban environment to counter pressures for outward spread of the urban area. Medium density housing also addresses the lack of housing choice. This approach is consistent with the Regional Growth Strategy. As discussed further below it is considered that the location for the proposed development meets this strategic direction.

The area currently provides for a mix of housing styles (Corbans Estate to the south of the site, Vivace Apartments on the corner of Lincoln Road/Buscomb Avenue and Sel Peacock Drive and the 'Waitakere Gardens' retirement complex along Sel Peacock Drive, and existing examples of 7 – 12 unit developments along Swanson Road. The proposed development provides another variable of the mix of housing in the area. Each unit has good orientation for receiving sunlight/daylight with a private balcony area that is accessible and functional. There is sufficient communal area on site to create a sense of openness and provide outlook.

Sustainable City growth should be focused in and around town centres and transport corridors. This site has these qualities and Peter Joyce comments there is limited area available for residential development within a walkable distance of Henderson, this design is probably appropriate for the location and will contribute significantly to achieving the residential density needed to support the development of Henderson as the City's major urban centre. Although the proposal sits outside the current provisions of the District Plan (for the reasons listed earlier such as maximum height, height in relation to boundary, earthworks, vegetation alteration and impermeable surfaces), we may reasonably expect similar type development to become more common in this locality as evident with the Proposed Plan Changes.

Concern has been raised from submitters regarding the potential of the development to become state housing. This concern falls outside the provisions of the District Plan. The apartment blocks have been designed to provide apartment sizes ranging from 1 to 3 bedrooms with useable private outdoor space, and communal areas. This is considered good urban design that fits with residential development principles. The development will add amenity to the surrounding area, amenity that relates to the development of the Henderson Town Centre. The articulated design of the development and proximity of the site to the town centre and wider transport links, contributes significantly to resident perception of the development.

The amenity of the development as proposed could be seen to provide a benchmark for future apartment developments around the town centre. The proposal is in keeping with the principles of the Regional Growth Strategy.

Landscaping and Amenity

It has already been established that all the units have adequate areas of private outdoor space and access to communal space within the development. The design of the proposal has included a landscape plan to address the visual amenity concerns. The area of proposed landscaping between the ground level courtyards and the road boundary will be grassed in anticipation of the future road widening. Screening of all site boundaries to a height of at least 1.6m will ensure that privacy is maintained, on-site and with neighbouring properties. A combination of screening and planting along the Swanson Road boundary will provide privacy while maintaining an open relationship between the streetscene and the site. This screening also provides identity as well as allowing surveillance.

A116-A119

The surrounding area is not characterised by notable vegetation. Council's Arborist, Mr Russell, notes in his memorandum dated 27 May 2006, refer attachment at pages A116 to A119 that the prominent vegetation cover on site is located close to the Swanson Road boundaries of No. 14 and 16 Swanson Road. This vegetation is a mix of exotic and native species which has received little management in recent years. This neglect has resulted in the less than attractive visual appearance of the road frontage boundaries. However, the 'greening' effect of this vegetation is a contributing feature of Swanson Road. The majority of these tree species are Pine, and may be removed without requiring resource consent. Excluding the group of Pine trees, which are visible from public vantage points outside the site, the majority of vegetation, protected or otherwise, is considered by Mr Russell as not to significantly contribute to the amenity of the local area, or play a major role in the sites contribution as a whole to the wider landscape.

The most significant protected trees in the immediate area of the site are the Norfolk Island Pine trees located along the roadside boundary of No. 12 Swanson Road. Retention of this framework of trees as proposed will act to provide scale to the development and an alternative focal point to the apartment buildings. Proposed landscaping along the Swanson Road frontage will act to provide residential amenity to the site whilst also providing privacy and screening.

Traffic

Council's Traffic Assets department have concluded that the increased use of Swanson Road would be manageable and would not adversely impact on current road operation. All residents will have parking allocated with 17 visitor parks available as per District Plan standards. In addition the subject site is suitably located nearby the Henderson Town Centre within walking distance of both Bus and Train public transport.

For these above reasons the proposal is considered to be in accordance with Objective 11.

A256-A311

PROPOSED PLAN CHANGES – please refer to attachments at pages A256 to A311 for relevant provisions.

PLAN CHANGE 16 – MANAGING GROWTH POLICIES AND OBJECTIVES

Objective 0, Policy 0.1, Policy 0.2 & Policy 0.4

Plan Change 16 aims to manage growth in such a manner that will ensure the city develops to achieve a sustainable compact form. The subject site in this location is ideal for providing an appropriate density within walking distance to the Henderson Town Centre, associated transport links, schools, hospitals and public open spaces. The design of the apartment buildings and proposed landscaping will provide amenity to the site that is considered appropriate in this location. This has been discussed in Section 8.1.10 above.

Existing Policy encourages intensive housing to be located around main town centres, railway stations and major roads to help provide for the efficient use of land within the urban area. Intensive development should be accommodated in the City's town centres and in specific Living Environments, providing further opportunities for urban consolidation Overall, the proposed Plan Change strongly promotes and attempts to facilitate intensification of residential activities around the three primary growth nodes, which include New Lynn, Henderson and Westgate.

It is considered that the proposed development is consistent with the outcomes sought under the Plan Change as it can probably be assumed that this area of Henderson will eventually be rezoned as it can probably be assumed that this area of Henderson will eventually be rezoned to accommodate for higher density living. The design is appropriate for the location and will contribute significantly to achieving the residential density needed to support the development of Henderson as the City's major urban centre.

PLAN CHANGE 18
POLICIES AND OBJECTIVES

Policy 11.45

As mentioned in section 8.1.10 the development has a good relationship with street scene, in terms of achieving privacy, creating a sense of place and providing surveillance. Each unit has a separate entrance. The development provides a choice in living environments (1 – 3 bedroom units with study) and is accessible in terms of pedestrian and public transport links. The site would be supported by the functions of the Henderson Town Centre.

The articulated design of the apartment block will create visual interest within the street scene, and add amenity to the area. As mentioned the design of the apartment block is considered acceptable for what it is, an apartment complex. The location of the driveway for the basement parking and the gradient of the site will eliminate the view of car movement and parking activities from the street frontage. Letterbox facilities have been designed in keeping with the residential character of the area.

8.2.2 Rules and Assessment Criteria

A174- A255

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, attachment at pages A174 to A255. The proposed activity is assessed in relation to each of the relevant criteria as follows:

OPERATIVE DISTRICT PLAN

LIVING HUMAN ENVIRONMENT – DENSITY
ASSESSMENT CRITERIA 2(a)- 2(d)

Comment:

The proposed development is located within a medium density housing radius. This location is one where the District Plan encourages the development of medium density housing, being within one of the town centres (ie- 1km radius) and along a transport corridor (ie- has street frontage to an arterial road). The development therefore meets the intent of the District Plan. Council's Urban Design Specialist, Mr Peter Joyce feels that the proposal is an opportunity for residential intensification that will benefit the urban development of the Henderson Town Centre and transport node and provide a good example of the type of apartment development that could be encouraged in the intended urban concept planning for Henderson. Considering the limited number of suitably sized sites available for residential development within a walkable distance of Henderson, this design is appropriate for the location and will contribute significantly to achieving the residential density needed to support the development of Henderson as the City's major urban centre. As mentioned District Plan changes have been proposed to meet the intentions of Council's Growth Management Strategy and the intentions of the Auckland Regional Growth Strategy. This development supports the principles of the aforementioned documents and it is therefore reasonable to consider that the location of the development is expected and could reasonably be anticipated by the community. The Medium Density Housing Criteria are discussed later and will address the density of the development.

LIVING HUMAN ENVIRONMENT – HEIGHT IN RELATION TO BOUNDARY
ASSESSMENT CRITERIA 5(a) - 5(d)

Comment:

Building height and height in relation to boundary have the potential to physically dominate, result in a loss of daylight/sunlight and/or compromise privacy of adjoining sites. Infringements to the height in relation to boundary recession plane occur on the eastern and western boundaries. The area of possible shadowing is considered minor and falls on the driveway areas of these adjoining sites, thus having a de-minis effect on habitable rooms or outdoor space of these adjoining neighbours. The location of the driveways will assist in reducing the scale and dominance of the development on adjoining properties.

GENERAL NATURAL AREA - VEGETATION CLEARANCE
ASSESSMENT CRITERIA 2(A) - 2(J)

Comment:

In accordance with the Regional Growth Strategy the removal of this insignificant vegetation would allow the site to be developed to its full potential, utilising its location within a medium density housing circle.

The proposal will involve the removal of nine protected tree species. As previously stated vegetation to be removed from site is not of notable quality and proposed landscape treatment will mitigation this loss and improve amenity. Council's Landscape Architect and Arborist generally support the design and layout of the application and have recommended a series of conditions to ensure that the Landscaping Plan is appropriate to the site and effective when viewed from the street and adjoining sites. It is noted that the Norfolk Pine species along the frontage is to be retained and provides a sense of scale to the development. Landscaping as per consent conditions will enable the proposed apartment building to be accommodated relatively sympathetically into the wider area.

GENERAL NATURAL AREA – EARTHWORKS
ASSESSMENT CRITERIA 3(a) - 3(j)

Comment:

The proposal is for 4205m³ of earthworks, being 440m³ fill and 3765m³ cut. The works are required to level the site, provide building platforms and for the formation of vehicle access and parking areas. The works will create useable space around each apartment block.

A123- A125

Council's Environmental Monitoring Officer, Dean Allen has reviewed the application and the associated cut and fill plan. Given the intensity of the development, the size and topography of the site, it is considered that the scale of proposed earthworks is consistent with the scale of development being undertaken. In the absence of a Site-Management Plan a Sediment Control Plan will need to be submitted and approved by Council before works commence. Traffic management of the site will need to accommodate the 416 truckloads of cut leaving the site. The applicants will be required, by way of condition of consent, to submit a traffic management plan to Council which shall include signage at the entrance of the site. The signage shall notify the public of contractor's name, contact details, hours of operation and warning of vehicle movements. Overall, Mr Allen is satisfied with the proposal and has recommended a series of conditions. Mr Allen's report is attached at pages A123 to 125.

The site contains a central gully which is a historic watercourse containing a 525mm diameter public stormwater drain and associated overland flowpath. This pipe discharges to a 600mm pipe beneath the rail corridor. Dust will be generated from the earthworks on site. Conditions of consent will be imposed to ensure that water is sprayed on site when dust becomes a problem. In addition the covering of any stockpiles will limit the dust effects from the development. It is anticipated that noise will be generated during construction, hence the applicants would be required to comply with the principals contained in NZS 6803P. In addition construction hours will be restricted by way of condition of consent.

It is acknowledged that in the short term the amenity of the site will be affected as soil is exposed. This will be mitigated by a requirement for the applicant to re-grass the exposed areas of within 1 week of the completion of earthworks. In addition, as discussed previously in this report, the proposed landscaping will, over time, enhance the amenity of the site. The applicant will also be required to comply with District Plan controls relating to noise and vibration during the works period.

GENERAL NATURAL AREA – IMPERMEABLE SURFACES
ASSESSMENT CRITERIA 4(a) - 4(k)

Comment:

The site is connected to a reticulated stormwater system. The development contains approximately 794m² (16.9%) of paved surfaces and has a total site coverage of 2790m² (58.4%). Overall the development has impermeable surfaces totalling 3543m² (74%).

The impermeable surfaces that would be created as a result of the proposed development have the potential to adversely impact on stormwater quality and quantity. As mentioned in section 8.1.2 the application has been reviewed and is supported by Council's EcoWater Drainage Engineer Shelley Renkema subject to the imposition of conditions. Ms Renkema's Specialist Report dated 22 June 2007 discusses mitigation measures and drainage requirements that must be met to ensure that any actual and potential effects on the environment are no more than minor. For the most part effective mitigation is provided on site with the payment of financial contributions based on the extent of additional impermeable surfaces imposed to ensure that the receiving environment is not adversely affected by the proposal.

A condition will be imposed to ensure that the development can-not commence prior to the applicant gaining permission from all land owners and occupiers of that land to enable construction of the drainage connections. A condition of consent, if granted, will also ensure that calculations are revised during the engineering approval stage to ensure that stormwater from the site is mitigated to the necessary levels as outlined in EcoWater's conditions.

The proposal, subject to conditions, is considered to be in general accordance with the above assessment criteria.

MEDIUM DENSITY HOUSING CRITERIA – DESIGN ELEMENTS

A174- A255

As a medium density housing development the proposed development requires assessment against the relevant medium density housing criteria design elements, which are included in full at pages A174 to A255.

DESIGN ELEMENT A – DESIGN AND LOCATION OF STRUCTURE – including matters of design and residential character, residential amenity, interaction with the street scene and landscape treatment.

The proposal is for a relatively large apartment building of four – five stories, providing a total of 60 occupancies. Apartment buildings are as yet relatively unusual structures within the City but are increasingly viewed as a preferred housing option where housing intensification is desired close to town centres and/or public transport nodes.

The proposed development has been designed to include an active street frontage and provide surveillance of the road. The design would introduce three apartment blocks ranging from 4 – 5 levels in height that would differ significantly from the existing character of the area and has the potential to become a landmark within the neighbourhood. Therefore Council's urban design architect has actively encouraged the applicant to provide a design that provides visual interest and good street connectivity. The design of the apartments as a different form of residential amenity is considered suitable for what it is – an apartment development. The articulated design of the blocks would add diversity to the neighbourhood housing mix while providing visual variety on the site. The stepped roof height of the units fronting Swanson Road and the framework of trees outside 10 – 12 Swanson Road would provide a sense of scale to the development and assist in introducing the development into the streetscene.

Fencing along the northern boundary (Swanson Road frontage) would alternate between solid plaster walls and visually permeable powder coated steel fences to provide amenity and create an open relationship between the development and the streetscene. Landscape planting will also provide variety, soften the view of the site and break up fencing.

Street connection is enabled with the use of appropriate permeable and solid screening along the Swanson Road frontage. Pedestrian access to the site is from Swanson Road. This access is clearly separated from vehicle access and egress. Proposed car parking areas, storage lockers and waste disposal areas are located in the basement of the building and therefore not visible from any road frontage. Provision has been made for letterboxes. Rubbish bin placement is proposed in a designated area that is accessible by the driveway. A refuse truck will service this area.

As previously stated vegetation to be removed from site is not of notable quality and proposed landscape treatment will mitigate this loss and improve amenity. Council's Landscape Architect and Arborist generally support the design and layout of the application and have recommended a plant size to ensure the landscaping is effective when viewed from the street and adjoining sites.

It is considered in general that the proposal meets the assessment criteria for design and location of structure. The proposal provides a safe and practical environment for residents. The design provides subtle individuality to each apartment whilst still presenting as a whole.

DESIGN ELEMENT B – SITE LAYOUT- including matters of overall design, orientation, site access, location and function of outdoor spaces.

The proposal is located on Swanson Road. The site has excellent existing connections via pedestrian footpaths and the roading network to the surrounding neighbourhood and nearby town. The site is also accessible to bus routes and trains to Auckland City and further west. The development itself provides separate pedestrian access from Swanson Road and defined footpaths within the site.

The development has been designed to ensure that each unit is easily accessible from the main entry located on Swanson Road. The development provides an active frontage, with the preclusion of solid barriers to the front of the dwellings, or along the Swanson Road frontage. All units are orientated north to receive maximum sun. Units fronting Swanson Road have been adequately screened to a height of 1.6m using solid and permeable landscaping. This not only achieves an open active frontage but it differentiates between public and private space while encouraging open residential amenity.

Through out the development screened outdoor spaces are provided where possible to minimise overlooking and increase privacy. As mentioned above the outdoor spaces are north orientated providing maximum potential for passive solar exposure within the development and increased sunshine exposure in winter. Each Unit has been provided with at least 8.5m² of private outdoor space, and this figure sits above the minimum 7m² as identified by Performance Standard 1.0(i). The proposal will not result in overlooking of outdoor space into neighbouring properties from the upper levels of the development due to separation distances and the orientation of the northern section of the development towards Swanson Road. The two common areas provided are adequate in space and have been appropriately landscaped and screened. These spaces are internal and private to the development. Landscape treatment that would provide gardens, screening, trees and lawns for communal use by the residents contributes to the residential amenity of the site.

Although concern has been raised from a submitter on noise, a condition of consent will ensure that design meets the requirements of the adjoining district arterial road (high noise route) and the adjoining rail corridor to the south.

It is considered in general that the proposal meets the assessment criteria for site layout.

DESIGN ELEMENT C - BUILDING LOCATION- including matters of the relationship between buildings, site boundaries, building height, and amenity.

SCALE AND CONTEXT:

The proposal represents an increase in urbanisation that would have an apartment block character. As discussed in section 8.1.10 the design of the site as an apartment block is considered suitable for this purpose. The proposed development essentially provides for the higher intensity of development envisaged under the proposed plan changes which were notified to give effect to the grown concept of the Auckland Regional Growth Strategy 2050. The proposal supports the Regional Growth Strategy offering another housing choice typology consistent with that on adjoining sites (Corbans Estate, Waitakere Gardens, Vivace Apartments). The site is within walkable distance to the Henderson Town Centre and associated transport links and as such we may reasonably expect this type of development within this location. For medium density development there is a provision that level changes relative to an adjoining dwelling on an adjacent property should be no more than one storey, so that there is a scale relationship with dwellings on adjacent sites. Medium density provisions include keeping existing trees for good amenity and fitting with the neighbourhood character. In this particular case although there is no scale relationship between the proposed development and adjoining single storey dwellings, a sense of scale is provided by the existing framework of trees along the Swanson Road frontage and the existing examples of medium density housing in the area give a sense of context to the development. The retention of the framework of trees provides for good amenity and would assist in 'blending in and softening' the apartment block with the residential surrounds.

The paved areas and driveway, together with the building itself results in 74% impermeable surfaces, which exceeds the required performance standard for medium density housing of no more than 65%. A greater landscaping component has been included within the layout of the site to off-set some of the effects of increased 'hard' surfaces. The private courts associated with each unit and the two communal outside courts are considered appropriate for the development with a landscape treatment providing visual amenity. An attractive street frontage has been created with the use of permeable and solid screening, giving rise to connectivity that would be in scale with the pedestrian element while still providing a sense of privacy and security for the occupants of the units.

BUILDING HEIGHT AND SET BACKS:

The proposal has been set back 4m from the road boundary with solid and permeable screening of this boundary providing residential amenity and privacy. The height of the development will appear as a 4 – 5 storey apartment block from the road frontage. The articulated design of the façade and staggered roofline presents a modern residential frontage with timber shutters providing screening and visual variety between apartments while adding visual interest. All units associated with the proposal are attached to allow efficient use of the site and this also acts to provide continuity in amenity. Each unit is linked by an open walkway located on each level.

Maximum height when viewed from the south of the site, beyond the rail corridor, has the potential to dominate these residential properties. The view of the development from these properties would encompass the narrower flank elevation of the central and eastern block, to a height of 4 stories above ground with the 5th storey of the northern block in the peripheral view. Given the separation distance with the railway line in between the proposed development will not result in overshadowing or a loss of privacy to these residents. It is recognised that the outdoor living areas of units in the Corbans Estate would have views of the development, however this view is oblique and proposed screening, replacement planting and general landscaping of this boundary would alleviate the concerns raised by residents of this estate during the submission process.

Although height to boundary is exceeded on the eastern and western boundaries, the area of potential overshadowing is minor and does not affect the outdoor living area or windows of habitable rooms of these neighbours. Shading effects would therefore be de minimis.

DAYLIGHT AND SUNLIGHT:

The provision of individual balconies allows passive surveillance, provides outdoor space, and ensures that all units have access to both daylight and direct sunlight. The development as previously stated has a good orientation to the north. The outdoor living has been designed to have access from the living rooms of the units providing a good indoor outdoor flow and maximise passive solar efficiency. The building itself will cause shadowing effects within the site but has generally been designed so that the outdoor areas of all units are orientated north or west. As stated above the height to boundary infringement on the western and eastern boundary would result in a de minimis shading effect. There would be no loss of daylight/sunlight to the habitable rooms of these neighbouring properties.

It is considered in general that the proposal meets the intent of assessment criteria for building location.

DESIGN ELEMENT D – VISUAL AND ACOUSTIC PRIVACY- including matters of layout, privacy from unwanted noise.

Acoustic treatment would be mandatory for any building fronting a high noise route, defined as any strategic, regional or district arterial road. As this apartment building would have frontage to a district arterial road (Swanson Road) acoustic protection from the road would be required and further acoustic treatment would be required between individual units to ensure acoustic privacy throughout the building and reduced auditory impact from the road. This requirement would become a condition of consent, if granted. With regard to the rail corridor to the south of the site similar treatment is recommended even though the District Plan is silent with respect to acoustic treatment at the rail corridor residential zone interface. It is noted that screening to a height of 1.8m is proposed along the southern (rail corridor) boundary.

The outdoor space for the individual units is proposed to be screened by 1.6m high screen fencing within the development and a 1.6m minimum high fence around the perimeter boundaries of the site (with the exception of the 1.8m screening along the southern boundary). Although mostly prevented, some overlooking of communal space would be inevitable but this aspect is considered to confer a positive benefit in providing passive surveillance for those users of the common area.

The driveway is cut down from the existing ground level providing some reduction in potential noise and an increased level of privacy from the adjoining eastern site. Carparking within the basement area is acoustically screened from neighbouring properties.

It is considered in general that the proposal meets the assessment criteria for visual and acoustic amenity.

DESIGN ELEMENT E - CARPARKING AND VEHICLE ACCESS – including matters of design and layout of driveways for residents, and visitor car parking.

The current road reserve is about 21.5 m wide and an additional 5m wide strip will be reserved in this project for the implementation of the future road widening designation in the District Plan – possibly a flush painted median and/or bus lanes, but not currently programmed. The existing carriageway is about 13m wide between kerbs, with two traffic lanes in each direction. The development includes single egress and ingress vehicle points with the Entry closet to the intersection and the Exit further away.

Due to the topography of the site and the use of basement carparking, there will be no tunnelling affect of driveways and areas of carparking will not be visible from outside the site. Underground parking effectively separates traffic impacts away from residential uses and also would keep traffic separated from common outdoor areas. The use of a separate pedestrian footpath would ensure that there would be no conflict between pedestrians and vehicle usage.

A93-A99

A traffic report has been provided which has been reviewed by Council's transport engineers, Sam Shumane and Adam Moller. Both specialists generally concur with the traffic assessment (updated assessment dated 21 March 2007) and do not object to the proposal, refer attachment at pages A93 to A99.

As discussed earlier in this report the amended design allows for a two-way access point at the western boundary shared by the proposed 60-unit development, and existing single dwelling at the rear of the new development and a proposed 8-unit development at No. 22 Swanson Road, and an entry only access at the eastern boundary. Council's Traffic Engineers have emphasised that the level of traffic generation is not significant. Although a separate flush painted median is not currently available for turning traffic, the two signalised intersections (at Lincoln Road and Sturges Road) cause the passing traffic to platoon thus creating gaps for right-turning vehicles to access the complex. The roadway is marked out by two lanes in each direction providing following traffic the opportunity to overtake a stationary vehicle waiting to turn in. This is not an ideal situation but workable. Council's Traffic Engineer has recommended conditions to be included in the consent, if granted.

A total of 92 car parks are required using Table 2.1 Car Parking Ratios for Specific Activities: Residential, Medium Density Housing. The proposal has been designed to accommodate 92 carparks, thus complying with this standard. This parking is provided in a secure, underground car park thus screened from view. The basement parking levels design has catered for complying dimensions of parking layout, circulation, ramp gradients and headroom. A refuse collection truck (commercial contract) and fire appliance access compliance has also been considered using the above parameters.

Security gates are located within the basement to pre-empt queuing vehicles affecting the vehicle and pedestrian movement from the street and footpaths.

It is considered in general that the proposal meets the assessment criteria for car parking and vehicle access. It should be noted however that the Medium Density Housing criterion acquires a minimum standard of 1 car park per unit, thus each unit would be adequately served using this standard.

DESIGN ELEMENT F – OPEN SPACE- including matters of relationship of outdoor space to houses, appropriate levels of privacy, outlook, orientation, and access to sunlight.

Each unit has sufficient private outdoor space, orientated north and accessible from the main living areas. This outdoor space is sufficiently screened where units are adjoining, or adjoining Swanson Road. No unit overlooks the outdoor space of other units. Boundary screening of the eastern and western boundary will maintain privacy between adjoining sites.

A further 270m² of communal outdoor space is provided within the complex. A management system will be put in place to maintain the communal outdoor space with the landscaping plan considered to be relatively low maintenance. The proposed future unit title subdivision with the Body Corporate making provision for building and grounds maintenance will also act to maintain good visual amenity of the site. The site in this location also enjoys easy and convenient access to nearby reserves which lie at a distance of 600m in all directions.

It is considered in general that the proposal meets the assessment criteria for open space.

DESIGN ELEMENT G – DWELLING ENTRY- matters of design and layout to achieve identity, visibility, shelter and access.

The entrance to the development will be clearly visible as the front of the site will be landscaped and fenced to provide residential amenity and recognition to the site. The vehicle entry/exit and entry only access points to and from the site are clearly separated from pedestrian access. Each unit has a separate entrance way with lift or stair access available to each living level. Doors are accessed from the open walkways. Mr Joyce, Council's Urban Design Specialist has reviewed the application and it is considered in general that the proposal meets the assessment criteria for dwelling entry.

DESIGN ELEMENT H – SITE FACILITIES – appropriate matters of the design of shared facilities, rubbish collection, service connections, storage and the like.

Each unit will have their own mailbox located perpendicular to the road boundary, within the entry lobby (located between apartments 7 and 8). A Lockable storage area has been provided for each unit within the basement level (1 and 2). Some of the apartments include 'study' rooms that could be used for storage. The rubbish room is located at Level 2 of the basement and provides recycling. There is sufficient space within this area for rubbish truck collection and manoeuvring. Garbage removal will be undertaken by private contractor and managed by the Body Corporate. There is sufficient clear head height for the truck to exit onto Swanson Road.

Each unit has the capacity to accommodate a dryer within the unit. No external clothes drying facilities are provided.

It is considered in general that the proposal can meet the assessment criteria for site facilities.

DESIGN ELEMENT 1 – LANDSCAPE TREATMENT- including matters of design to integrate the development into the neighbourhood and create a quality living environment.

As previously stated the applicant has proposed a landscape and fencing plan to mitigate adverse visual effects of the development. This plan has been reviewed by Mr Griffin, Council's Landscape Architect, who accepts that some tree removal would be necessary (see Section 8.1.3) and has provided a series of conditions to ensure that replacement planting is suitable to the site and that the proposal would be well integrated into the surrounding area and existing streetscape. This landscaping would minimise impermeable surfaces and stormwater run-off whilst providing enhanced amenity for the apartment residents. It is noted that the layout of the site in terms of landscaping has had regard to maintenance.

It is considered in general that the proposal can meet the assessment criteria for landscape treatment.

PROPOSED PLAN CHANGE 18 – GENERAL APARTMENT DESIGN CRITERIA

The following assessment is made under the proposed plan changes for the City Wide Urban Design Rules. The proposed plan change introduced rules and supporting policies intended to ensure that intensification occurs only after careful consideration of amenity and urban design issues. However proposed plan change 18 does not have enough weight to have any impact on the decision to grant approval on the proposal or on the conditions of consent.

While the proposal has not been supported by Site Analysis it is considered that sufficient information has been provided to enable the potential and actual adverse effects to be assessed with regard to the interaction between existing features and characteristics of the surrounding locality and how the proposal would respond and relate to the identified existing and future character of the neighbourhood. Such matters have been addressed under the Medium Density Housing criteria above which have taken into consideration matters of Neighbourhood Character, Site layout, and Building location etc. Additional points are made below:

CITY WIDE RULE 1 – GENERAL APARTMENT DESIGN relating to matters of apartment size, outdoor space, outlook and amenity, visual and acoustic privacy, street frontage and height in relation to boundary of developments.

As discussed in the Medium Density Housing Assessment above the proposal provides apartment style living that has been designed with an active street frontage and good street connection. Although the proposal fails to comply with the performance standard for Apartment Size under this plan change, the proposed development appropriately includes a variety of apartment sizes ranging from 1 – 3 bedrooms with complying private outdoor space orientated north for maximum sunlight / daylight exposure to the habitable living area. The main habitable room of each unit has good indoor/outdoor flow to this balcony area. Each bedroom contains a window to allow suitable daylight into each bedroom. Habitable rooms of the development do not directly face one-another.

The proposal complies with the height in relation to boundary requirement along the front boundary but fails to comply with the 11m height requirement for medium density housing in the underlying living environment. The effects of which are mitigated by the stepped design of the Swanson Road frontage, existing framework of trees and proposed landscaping. It is noted that the proposal complies with the Street Frontage performance standards for Town Centre – Residential Typology relating to building set back, pedestrian entrance, outlook from ground floor apartments, landscape planting and the establishment of vegetation. This is a good indication of appropriate residential design.

CITY WIDE RULE 1 APPENDIX – APARTMENT DESIGN CRITERIA

A256-A311

These design criteria provide performance measures for assessing the design of apartments to provide opportunities for site responsive designs, while ensuring that apartments provide a positive contribution to the character and amenity of the particular neighbourhood in which they are located. A further aim is to enable the development of apartments that ensure a good level of amenity for residents. A copy of the design criteria is attached at pages A256 to A311.

DESIGN ELEMENT A – SITE DEVELOPMENT relating to neighbourhood character, site layout and building location.

As mentioned the development in this location has the potential to become a landmark within the area. The design of the apartment building is considered appropriate for its purpose. The articulated design of the frontage and proposed landscaping provides identity to the site. The notable framework of trees along Swanson Road will not be affected by the proposal and will act to provide a sense of scale and visual focus to the development. This also visually mitigates the height of the development with surrounding residential development. There are existing similar type medium density developments constructed and under construction in the immediate area. In accordance with this criterion the development provides well orientated living space to maximise sunlight to habitable living space. Sufficient communal outdoor space has been provided on site.

DESIGN ELEMENT B – APARTMENT DESIGN relating to the layout of individual apartments and variety.

The proposal has been reviewed and is supported by Council's Urban Design Specialist, Mr Peter Joyce. In accordance with Design Element B a range of unit sizes, from 1 – 3 bedrooms with study, are provided within the development. Living areas are of sufficient size and have access to private balcony areas that are orientated northwest to receive optimal daylight/sunlight. These private areas are adequately screened to comply with the District Plan requirements. Storage lockers for the use of each unit are provided within the basement. Overall Mr Joyce considers the design of the development to be appropriate in its location.

DESIGN ELEMENT C – APARTMENT BUILDING / DEVELOPMENT DESIGN

The proposed development has been designed to include an active street frontage and provide surveillance from windows facing Swanson Road. Pedestrian access is clearly separate from that of vehicle entry/exit. Each unit will have its own letterbox. The proposed development includes 60 units comprising of two and three bedroom units. The two bedroom units are shorter in plan and sit slightly back from the larger three bedroom units. This arrangement in conjunction with a different deck balustrade treatment achieves a visually interesting, faceted façade.

The main height of the apartment block has been positioned towards the centre of the site while stepping down as it nears the external site boundaries to the east, west and south. This reduction in scale helps anchor the development to a more sympathetic scale with existing medium density developments in the surrounding area. It is recognised that the height of the proposal represents an increase in the scale of development from immediately adjoining sites, however, amenity is maintained through proposed landscaping and design features of the development. As already discussed the proposed development essentially provides for the higher intensity of development envisaged under the proposed plan changes which were notified to give effect to the grown concept of the Auckland Regional Growth Strategy 2050.

The proposal has been designed to provide residents with a high level of indoor and outdoor amenity. All the units will have private outdoor space that is sufficiently screened. There are two large communal areas on site, also adequately screened and readily accessible. All external boundaries are screened with screening to a height of 1.8m provided along the southern boundary.

Parking is contained internally and landscape mitigation has been proposed. Council's Arborist has recommended conditions to protect the remaining vegetation and Council's Landscape Architect has recommended a series of conditions to ensure that all proposed landscaping is adequate and suited to the site. It is considered in general that the proposal meets the assessment criteria for design and location of structure.

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

The Auckland Regional Policy Statement (ARPS) sets out the broad resource management issues, objectives and policies for the Auckland Region to achieve the integrated management of its natural and physical resources. The Policy Statement functions as an umbrella policy document for environmental planning and policy development within the region under which the Waitakere 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 ARPS 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 reticulation and receiving waters 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.

ARPS is also concerned that expansion of activities beyond the Metropolitan Urban Limits (MUL) 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 MUL 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))I).

Reverse Sensitivity

As discussed in section 5.2.9 the development will fit in with the surrounding environment, however there is the potential for adverse effects from the adjoining western railway due to the residential nature of the proposal. As the tracks provide a night freight service there is the potential for noise, light spill and odour effects during darkness hours on the proposed residential activity. Three units on the southern boundary will be located approximately 15m from the adjoining rail line. A comprehensive landscape plan supplied as part of the application (received by Council 28/05/2007) provides sufficient screening in the form of a 1.8m high timber fence bracket fixed to a masonry wall with additional planting along the boundary to provide privacy. An acoustic report prepared by Kingett Mitchell Limited was submitted with the proposal and subsequently peer-reviewed by Council's Consultant Hegley Acoustic Consultants. The Hegley Acoustic report dated 24 May 2007 notes that the design of the apartments will achieve the appropriate noise levels from passing trains and traffic provided the windows and doors have good seals. This and ventilation of the apartments are matters that can be adequately mitigated and will be addressed at building consent stage.

Due to the proposed screening and landscaping and appropriate acoustic treatment and ventilation it is considered any adverse effects on the development from the adjoining service station can be mitigated to an appropriate level. Furthermore the double tracking of the western rail has been signalled in the Urban Growth Strategy of the District Plan and will bring benefit to the District in accordance with the ARGS. The proposal is not unique in placing residential activity close to the rail corridor, given that almost the entire length of the north-western line runs past residential properties.

Other Issues Raised by Submitters Not Covered Elsewhere in Report

Property Values

Through the submission process the potential issue of detriment to property values as a result of the proposal were raised. The Resource Management Act and the associated resource consent process deals with the environmental effects of the development and therefore does not consider property values as such. However, it is considered that property values are often reflected to a certain degree by the visual amenity of a development and/or subject site and the surrounding environment. The visual amenity of the proposed development has been addressed throughout this report and it is considered that the development would have a reasonable fit with the existing neighbourhood character and visual amenity. It is also considered the proposal would increase the visual amenity of the site over that which is existing. The conclusion could therefore be drawn that property values would not necessarily be adversely affected by the development. Furthermore, case law on the effects that such a development would have on property values has been clear that economic value of property cannot be considered as an environmental adverse effect.

Social effects

Some submissions referred to detrimental social effects that are likely to arise as a result of the proposal. Reference was made to the development becoming a slum. Such social issues are dealt with by Council under other legislative requirements.

8.4.2 Bonds/Reserve Contributions/Development Levy/Financial Contributions

Development Contribution

The Local Government Act 2002 includes a provision for council's to use development contributions as a funding tool if they wish. This proposal is considered to be a development in terms of the Local Government Act 2002 and will therefore be subject to a development levy. These levies are identified by the Waitakere City Council's Long Term Council Community Plan 2003 (LTCCP) as capital expenditure and a calculation of the charge, based on the increase in units and impermeable surfaces, has been calculated as part of this application.

A Development Contribution of \$627,523.13 (incl GST) has been estimated, based on 60 units and 3543m² impermeable surfaces. As agreed with Council, this sum shall be payable upon uplift of the building consent.

Project Twin Streams

Project Twin Streams is an innovative partnership between the Waitakere City Council and the local community to combine efforts to restore the streams in Waitakere City. The overall objective is to achieve better stormwater management, but the effect is improved water quality, restoration of the natural environment within suburbs.

Project Twin Streams allows development in the catchments to continue by imposing costs for mitigating the adverse effects of those developments on existing flooding problems within the catchment during the 1% AEP storm event. Pursuant to Section 409 of the RMA a financial contribution of \$43,171.08 (incl. GST) has been estimated for this proposal based on 2,748m² of additional impermeable surfaces @ \$15.71 (incl. GST) per square metre. This fee will be payable upon uplift of the building consent and is additional to the Development Contribution levied under the Local Government Act 2002.

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 sediment and erosion control and landscaping requirements.

8.4.4 Any Other Relevant Non-Statutory Documents

Regional Growth Strategy

The Regional Growth Strategy takes an integrated management approach, encompassing a wide legislative context and involving all Auckland local authorities in partnership with central government, infrastructure operators, the private sector, Tangata Whenua and the regional community. The purpose of the Strategy is *"to ensure that growth is accommodated in a way that enables people and communities to provide for their social, economic and cultural well-being, whilst protecting the region's environment."* The Strategy seeks to avoid development of the most highly valued and sensitive catchments and coastal environment, and highly valued rural areas, landscapes, bush, habitats and public open space. The major concept of the Regional Growth Strategy is to focus most growth within the existing metropolitan area with development outside current urban limits only where environmental, accessibility and community principles can be met.

The Strategy promotes most urban growth to be focused around town centres and major transport routes to create higher-density communities with a variety of housing, jobs, services, recreational and other activities and places much less emphasis on lower density infill housing. It is considered that the proposed development, with its medium density concept, being located close to the Henderson Town Centre and Lincoln Road shopping facilities and public transport in the form of bus routes and the Henderson Train Station/Bus Interchange, meets this concept and will assist in achieving the desired outcome of the Strategy for Waitakere City and the greater Auckland Region.

Other Documents

There are no relevant designations or heritage orders that apply to the site or the immediate surrounds.

8.4.5 Lapsing of Consent

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

For this application, there is no reason to depart from the default five year consent period. Further there is no reason to defer the commencement date of the consent. In these circumstances, it is recommended that the consent period be set as five year from the date of the granting of consent.

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.

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

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

It is considered that the threshold test for a non-complying activity has been met as the proposal satisfies section 104D, in that subject to appropriate conditions of consent requiring mitigation the adverse effects on the environment of the proposal will be no more than minor and the proposal is not contrary to the relevant objectives and policies of the District Plan. Jurisdiction to grant consent has therefore been established.

11.0 CONCLUSION

The applicant seeks consent to erect an apartment style development containing 60 units as a medium density housing development at 14-20 Swanson Road, Henderson. The site is located in the Living Environment and the General Natural Area and lies within the Medium Density Housing Radius associated with the Henderson Train Station. Infringements generated by the proposal include density, height, height in relation to boundary, impermeable surfaces, vegetation alteration, and earthworks.

It is considered that the proposal meets the criteria for granting consent as the potential adverse environmental effects, while in some aspects are more than minor, can be adequately mitigated through the imposition of appropriate conditions of consent. It is considered that the establishment and operation of Medium Density Housing 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, public transport routes and town centres 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 are adequately addressed in the proposal or can be mitigated 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 Keystone Apartments Limited for the development of a 60-unit, multi-storey 12.5m high residential apartment development as a Medium Density Housing Development that would infringe District Plan requirements for Density, Height, Height in Relation to Boundary, Vegetation Alteration, Earthworks and Impermeable Surfaces at 14 – 20 Swanson Road (being Lot 1 and Lot 2 DP 43185), Henderson for the following reasons:

1. The site is contained within the medium density circle and within walking distance of the Henderson Town Centre. The site is in close proximity to the Henderson Train Station and the Bus Interchange. The proposed development will be reasonably connected with the surrounding neighbourhood with adequate pedestrian links.
2. Given the proximity of the subject site to the Henderson Train Station it is considered that the proposal meets the intention of the Medium Density Housing criteria and will assist in achieving the desired outcome of the Strategy for Waitakere City and the greater Auckland Region.
3. The increase in traffic movement is not considered significant and can be accommodated within the local arterial road network. Safe access to the site is achievable and may be controlled by conditions of consent. Sufficient on-site car parking has been provided. All parking dimensions comply with the requirements of the Code of Practice.

4. The proposed development would not adversely affect or compromise the provision of the future road widening proposal in this area.
5. The visual amenity of the development is considered to be adequately mitigated through proposed landscaping. The setback of the development from the road boundary, stepped down design of the apartments adjoining the eastern and western boundary and the positioning and textural design of each block on site will ensure that the development has a good scale relationship with existing neighbourhood character.
6. The design and quality of the apartment units, private outdoor space, communal open space and parking provision meets the requirements of the Medium Density Housing Criteria of the District Plan.
7. The positioning of the units on site will not result in an unacceptable loss of daylight / sunlight to dwellings on adjoining sites.
8. The adverse earthworks and construction effects on the amenity of the neighbouring properties would be controlled by conditions of consent and would be temporary in duration.
9. The site would be appropriately engineered to ensure potential stability effects are mitigated and health and safety of residents is provided.
10. Mitigation of the potential adverse effects in terms of infrastructure and the receiving environment can be appropriately controlled by way of consent conditions. Stormwater generation will be adequately mitigated to ensure that no additional pressures will be placed on the receiving environment.
11. Geotechnical investigations have confirmed the suitability of the site for the intended development.
12. Acoustic design would be controlled by conditions of consent.
13. The proposal has had regard to and is sympathetic with the intent of Proposed Plan Change 16 and Proposed Plan Change 18.
14. The proposal is considered to be consistent with the relevant assessment criteria, objectives and policies of the Waitakere City Council District Plan and is not contrary to Part II of the Resource Management Act.

Consent shall be subject to the following conditions:

GENERAL

1. The development shall proceed in accordance with the revised plans titled "Proposed New Apartments at 14 – 18 Swanson Road Henderson" **Sheets RC01, RC02a, RC03b, RC04c, RC05a, RC06a, RC07a, RC08a, RC09b, RC10b, RC11a, RC12b received by Council 28/05/07**, all prepared by David Hawksworth Architects and dated Jan 2006, all referenced by Council as RMA 2006-0387 and the information, including further information, submitted with the application.
2. Pursuant to section 125 of the Resource Management Act 1991, this consent shall lapse after a period of five (5) years after the commencement of the consent.

3. A Licensed Cadastral Surveyor shall certify to Council in writing prior to work progressing beyond the pre-lining stage that the apartment blocks are located exactly as proposed in the application and will not exceed the degree of infringement applied for in relation to the overall height and height in relation to boundary controls of the District Plan and elsewhere complies with the height in relation to boundary and overall height rules of the District Plan. No work shall proceed beyond this stage until receipt of such certification, to the satisfaction of the Manager Resource Consents.
4. All noise and vibration associated with the development and use of the site shall comply with District Plan standards at all times.
5. The development works are to be limited to the following hours:

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

EARTHWORKS

6. **Before commencement of any works** the resource consent holder shall submit an Earthworks Management Plan for approval to the Environmental Monitoring Officer. The plan shall include, but shall not be limited to the following:
 - The name, telephone number (including after hours) and address of the site manager;
 - The supervision and operation of the site including measures to be used to maintain the site in a tidy condition e.g. storage and disposal of rubbish and/or materials;
 - The proposed sequence of operations;
 - Heavy Truck Movements;
 - Stabilisation;
 - Sediment and Erosion Control and Drainage;
 - Earthworks Methods;
 - Access Road Maintenance;
 - Geotechnical;
 - Dust Control;
 - Any other information required by Council's EMO.

*Advice Note: Please allow time for review and any necessary modification.

7. **Before commencement of any works** and until completion of exposed site works, adequate sediment and erosion control measures shall be constructed and maintained in accordance with Appendix 3, Erosion and Sediment Control Measures Appendix to the Natural Area Rules of the Waitakere City Council Operative District Plan. The consent holder shall notify Council's Monitoring Officer – Resource Management (ph 8390400) when controls are in place. If unsatisfactory a re-inspection will be required at the relevant hourly rate applicable at the time the re-inspection is carried out. Work shall not commence until approval has been gained from the Manager Resource Consents.
8. If the bulk earthworks are not completed within the earthworks season (1 November till 30 April) then the necessary measures shall be implemented to ensure that the erosion and sediment controls are appropriate for the winter. A written report on the progress of the earthworks and the above erosion and sediment controls from the registered engineer supervising the work shall be submitted for the approval of the Manager: Resource Consents within one month of the cessation of work.

9. 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) if deemed necessary by Council's Environmental Monitoring Officer to prevent the deposition of earth or other debris on the surrounding street network by vehicles entering and exiting the site. Roads, footpaths, berms and kerbs including entry and exit points to the site shall be kept free from damage and clear of mud and debris at all times.

Any material deposited on the street shall be immediately removed by sweeping and any damage caused shall be immediately repaired at the expense of the consent holder. The consent holder shall notify Council's Monitoring Officer when entranceway controls are in place. Work shall not commence until approval has been gained in writing from the Manager Resource Consents.
10. All necessary action shall be taken to prevent a dust nuisance to neighbouring properties; including, but not limited to, the staging of areas of works, the retention of existing shelter belts and hedgerows, the installation and maintenance of wind fences and vegetated strips, watering of all haul roads and manoeuvring areas during dry periods, spraying of load dumping operations, and suspension of all operations if necessitated by the prevailing conditions to the satisfaction of the Manager Resource Consents. The site, or parts thereof as appropriate, shall be re-grassed or otherwise protected from wind erosion immediately on the completion of bulk earthworks whether or not other works are completed.
11. A full copy of the Resource Consent Conditions, Approved Plans, including Site Management and Erosion and Sediment Control plans (as approved by Council) shall be kept on the site at all times. 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 and Erosion and Sediment Control Plans.
12. All excess or unsuitable excavated material shall be removed from the site before or immediately following the completion of earthworks, to an approved disposal location and disposed of to the satisfaction of the Manager Resource Consents. Written evidence demonstrating that the excavated fill has been deposited in the approved location, should be submitted to the Manager Resource Consents in the form of producer statement, certification or similar. *Note: This consent provides for a maximum of 4000m³ spoil to be stockpiled on site.*
13. All dirt tracked onto the surrounding roads as a result of the development covered by this consent shall be cleaned by sweeping on a daily basis at the expense of the applicant. In case of repeated non-compliance with this condition, Council may engage the road cleaning contractor nominated by the applicant to carry out the road cleaning. Council's Environmental Monitoring Officer (EMO) may engage the road sweeping contractor to carry out road cleaning if it is the EMO's opinion that the dirt on roads and/or footpath is creating an adverse effect on the environment. The road cleaning contractor shall be engaged at the cost of the applicant.
14. All areas of exposed earth shall be top-soiled and grassed or otherwise stabilised against erosion as soon as practicable and in a progressive manner as works are complete but no later than one week following the completion of works. Any area exposed for more than three months shall be re-grassed to the satisfaction of Council's Environmental Monitoring Officer.
15. All topsoil excavated during the course of works shall be retained on site and re-spread following the completion of earthworks.

16. Truck deliveries to the site during the period of earthworks operations shall be restricted to the following hours:

Monday to Saturday: 7.00am – 6.00pm;

Sunday and Public Holidays: No deliveries.

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

17. Prior to work commencing signage shall be placed in appropriate locations to warn traffic about truck movements, to the satisfaction of the Manager Transport Assets and the Manager Resource Consents.
18. In the event of archaeological evidence being uncovered (e.g. 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 Helpline, 839 0400) contacted. Activity on the site will remain halted until the Manager Resource Consents gives approval for operations to recommence.

GEOTECHNICAL

19. Earthworks shall be undertaken in accordance with NZS4404:2004 and NZS4431:1989.
20. Temporary cut batters up to 1.8m high shall be no steeper than 1V on 2H or shall be retained. Temporary support consistent with the advice and parameters of the geotechnical report designed by a professional engineer shall be used where batters are impractical.
21. Permanent cut batters up to 0.5m in height shall be battered to no steeper than 1V or 3 H or shall be retained. Permanent cut batters over 0.5m shall be retained.
22. Foundations shall be consistent with the parameters and advice of the geotechnical report prepared by Soil and Rock Consultants, Ref 05487, September 2005.
23. Retaining walls shall be consistent with the parameters and advice of the geotechnical report prepared by Soil and Rock Consultants, Ref 05487, September 2005.
24. Subgrades under slab on ground floors shall be undercut of all topsoil and fill. Filling under slabs shall consist of clean free draining hard fill compacted as directed by the supervising engineer. A basecourse shall be used under the slab consistent with the advice of the geotechnical report prepared by Soil and Rock Consultants, Ref 05487, September 2005. Exposed subgrades beneath slabs shall be protected from wetting or drying during construction.
25. Retaining walls integral to the building(s) shall provide drainage to be piped to disposal off-site.
26. Stormwater from roofs and paved areas shall be collected and piped to disposal off-site.
27. The developed design shall be referred to Soil and Rock Consultants for their review and their review. Written confirmation that their advice has been understood must be submitted to Council prior to building work commencing.

LANDSCAPING

28. Landscape development including planting shall be as per the Council approved plans including the Proposed Planting Plan by Stephen Neate as modified and approved by Council's landscape architect (19/04/07), and Sheet RC12b dated June 2006 "Landscaping and Fencing Plan" prepared by Davis Hawkesworth Architects. All planting shall be to the satisfaction of Council's Environmental Monitoring Officer, Resource Consents. Garden areas and planting shall be set in place within the first planting season (May till 7th September) following construction of the building. As far as possible, landscape works shall be carried out prior to occupation/use of the apartment building. If development of the building is staged, then landscape treatment including planting shall be staged accordingly. One further lockable gate shall be installed associated with the proposed 2m mesh fence at the south end of the eastern driveway. This is to enable access for garden maintenance to the south area and to the detention tank.
29. All garden areas shall be good quality friable top soil and/or garden mix (50;50 topsoil and compost) to 250mm depth minimum, free of weeds and debris, with a bark or wood chip mulch to 50mm depth at the time of planting, and shall be to the satisfaction of the Environmental Monitoring Officer, Resource Consents. Soil within the proposed raised planters shall be good quality, 'garden mix' or equivalent.
30. Any ground that has been disturbed and is otherwise irregular that is proposed for fencing shall be manually graded (raked) to an even surface and final grade prior to construction of any proposed fence associated with it. All gardens that are adjacent to a retaining wall shall be lightly compacted and manually graded to circa level with the retaining wall, and shall be within 25mm of the level of the edge of the retaining wall and formed so that soil would not wash off into adjacent hard surfaced areas, to the satisfaction of Council's Environmental Monitoring Officer, Resource Consents. The proposed frontage lawn area shall be prepared and with grass seed sown or 'readilawn' laid down at the time of the ground preparation, to the satisfaction of the Environmental Monitoring Officer, Resource Consents.
31. The garden areas and planting shall be maintained, with garden areas kept weed free on a regular basis, and with watering as needed to facilitate establishment and growth of the planting, for the first two years following the initial planting, to the satisfaction of Council's Environmental Monitoring Officer, Resource Consents. Any plant that dies, fails to establish or is removed shall be replaced the planting season following the initial planting and maintained for a further two years, to the satisfaction of the Environmental Monitoring Officer.
32. The existing driveway area west of the existing dwelling and south of the proposed 200mm high concrete nib wall that limits the on-site turning area (refer sheet 12b Landscaping and Fencing Plan, dated June 2006) shall be removed to circa 250mm depth and with topsoil laid down and grass sown within one month of forming the new access to the proposed car port and as per information shown on sheet RC04c dated Jan 2006 by Davis Hawkesworth Architects. (It is recommended that the section of driveway to be removed be excavated prior to excavation of the new section of driveway to the car port, so that topsoil removed for the new driveway section to the car port is used to restore the former driveway area), with work being to the satisfaction of Council's Environmental Monitoring Officer Resource Consents.

TRANSPORT ASSETS

33. A street damage bond of \$5000 be paid by the applicant to Council prior to the commencement of work; this bond shall be refunded in full after inspection by Council's Construction Supervisor confirming no damage to Council's road assets have occurred; the inspection is to take place once all work is completed.
34. Form and construct two vehicle crossings in accordance to the submitted drawings; construction shall take into account storm water controls on Swanson Road, using standard detail SD 3.11 Heavy Commercial Crossing in Council's Code of Practice for City Infrastructure and Land Development; and for which a vehicle crossing detail form shall to be completed and returned to Council.

Notes:

- Also refer to standard detail SD 3.14 High Volume / Speed Vehicle Crossing for flare dimensions for the entry crossing.
 - If the existing street frontage is damaged during construction works it shall be repaired / replaced with full reinstatement of kerb and channel, concrete footpath and grassed berm to the satisfaction of Council and at the applicant's expense.
35. Form the shared driveway over parts of Lot 5 DP 14108 in accordance to the submitted drawings, for the existing dwelling and vacant lot (No 22 Swanson Road), and construct thereon a carriageway with storm water control in accordance to Council's Code of Practice for City Infrastructure and Land Development and to the satisfaction of Council.

Notes:

- The construction shall include the vehicle crossing on Swanson Road, using standard detail SD 3.14 High Volume / Speed Vehicle Crossing; and for which a vehicle crossing form shall be completed and returned to Council.
 - Ensure that the longitudinal section of the driveway and vehicle crossing complies with standard detail SD 3.15 Maximum Vehicle Crossing Profile.
 - The minimum width of the carriageway on shared driveways is specified in Council's District Plan and the construction details are given in the Code of Practice; all to the satisfaction of Council.
36. In completion of hard surfacing, the access ways and basement car park areas are to be pavement marked, with signs erected as necessary, to clearly define residential / visitor parking, circulation, and site access etc; all to comply with The Manual of Traffic Signs and Markings, (MOTSAM) published by Transit NZ; also refer to NZS 4125 (1885), "Code of Practice for Design for Access and Use of Buildings and Facilities by Disabled Persons".

ARBORIST

37. The consent holder shall appoint a suitably qualified and experienced Works Arborist to assess the implications of partial removal of the Pine stand, which is likely to remain within No.12 Swanson Road and in conjunction with the applicant, consult with the land/tree owners to carry out further removal of the stand deemed necessary to prevent/reduces the potential for wind throw. The Works Arborist must also supervise the erection of protective fencing where deemed necessary to demark the site area or protect adjacent vegetation. This evidence must be sent to the Consents Manager, Consents Services, Waitakere City Council.

38. **Prior to the commencement of works**, a site meeting with a Council Environmental Monitoring Officer (EMO) must take place to confirm the location and specification of any protective fencing. The attendance of an EMO must be requested by telephoning (836 8000) and giving at least five working days notice.
39. Where used, protective fencing shall be erected around the dripline of all retained protected vegetation prior to the commencement of works. The specification of the fencing must be no less than orange plastic mesh supported by waratahs placed firmly in the ground at 4m centres. This fencing must remain in place until all construction works are completed or until authorised by the Works Arborist.
40. The removal/pruning of the protected vegetation shall be undertaken by appropriately trained and skilled persons in accordance with modern arboricultural practices so as not to cause damage to/or death of other 'protected' vegetation growing beneath or alongside.
41. New planting pits shall be a minimum of 1m³ and include a drainage and irrigation system. The soil to be back filled around the new trees shall be a mix of that excavated from the planting pit and a quality topsoil/compost mix.
42. All cut/damaged roots shall be trimmed back cleanly beyond any point of fracture before the new trees are back filled in the new positions. The back filled soil shall be 'firmed' into place as it is placed around the root balls.
43. The new trees shall be staked immediately after planting. The stakes must be a minimum of 40x40x1800mm hardwood (eucalyptus) or equivalent and placed (driven into the ground until able to adequately support the tree) either side of the tree approximately 400mm from the stem of the tree. The trees will tied to the stakes using chemical free Hessian material or equivalent.
44. Once planted the area surrounding the new tree (approximately 1metre diameter) shall have a layer of well-composted organic mulch spread over it to a depth of at least 75mm. This mulch layer shall be maintained for a minimum of 2years from the time of planting.
45. The new trees will be 'watered' once planted. At no time during or after planting shall the root balls of the new trees be allowed to dry. The new trees shall be kept moist, particularly during the following 2 summers, by being watered on a regular basis. Over-watering must not occur.
46. The planting and maintenance shall be carried out to the satisfaction of Council's Environmental Monitoring Officers for a period of **TWO** years from the date of planting. If the new trees die within this period a new tree of PB Grade 95 shall be planted as a replacement and maintained as per the stated conditions.

LANDSCAPING

47. Landscape development including planting shall be as per the Council approved plans including the Proposed Planting Plan by Stephen Neate as Modified and Approved by Council's landscape architect and shall be set in place to the satisfaction of Council's Environmental Monitoring Officer, Resource Consents, within the first planting season (May till 7 September) following construction and use of the building. If development of the building is staged, then landscape treatment including planting shall be staged accordingly.
48. All garden areas shall be good quality friable top soil and/or garden mix (50;50 topsoil and compost) to 250mm depth minimum, free of weeds and debris, with a bark or wood chip mulch to 50mm depth at the time of planting, and shall be to the satisfaction of the Environmental Monitoring Officer, Resource Consents. Soil within the proposed raised planters shall be good quality, 'garden mix' or equivalent.

49. Any ground that has been disturbed and is otherwise irregular that is proposed for fencing shall be manually graded (raked) to an even surface prior to construction of any proposed fence associated with it. All gardens that are adjacent to a retaining wall shall be lightly compacted and manually graded to circa level with the retaining wall, and shall be within 25mm of the level of the edge of the retaining wall and formed so that soil would not wash off into adjacent hard surfaced areas, to the satisfaction of Council's Environmental Monitoring Officer, Resource Consents. The proposed frontage lawn area shall be prepared and with grass seed sown or 'readilawn' laid down at the time of the ground preparation, to the satisfaction of the Environmental Monitoring Officer, Resource Consents.
50. The garden areas and planting shall be maintained, with garden areas kept weed free on a regular basis, and with watering as needed to facilitate establishment and growth of the planting, for the first two years following the initial planting, to the satisfaction of Council's Environmental Monitoring Officer, Resource Consents. Any plant that dies, fails to establish or is removed shall be replaced the planting season following the initial planting and maintained for a further two years, to the satisfaction of the Environmental Monitoring Officer.
51. The existing driveway area west of the existing dwelling and south of the proposed 200mm high concrete nib wall that limits the on-site turning area (refer sheet 12a Landscaping and Fencing Plan, dated June 2006) shall be removed to circa 250mm depth and with topsoil laid down and grass sown within one month of forming the new access to the proposed car port. (It is recommended that the section of driveway to be removed be excavated prior to excavation of the new section of driveway to the car port, so that topsoil removed for the new driveway section to the car port is used to restore the former driveway area), to the satisfaction of Council's Environmental Monitoring Officer Resource Consents.

PUBLIC DRAINAGE INFRASTRUCTURE – ECOWATER CONDITIONS

52. The application documents show drainage works may be required through neighbouring property, therefore **this consent cannot commence until** such time as the applicant has gained written permission from all owners and occupiers of that land to enable construction of the drainage connections. The granting of this resource consent does not in any way allow the applicant to enter and construct drainage within neighbouring property, without first obtaining the agreement of all owners and occupiers of said land to undertake the proposed works. Any negotiation or agreement is the full responsibility of the applicant, and is a private agreement that does not involve Council. Should any disputes arise between the private parties, these are civil matters which can be taken to independent mediation or disputes tribunal for resolution. It is recommended that the private agreement be legally documented to avoid disputes arising.

To obtain sign-off for the resource consent, the services described by the conditions below are required to be in place to the satisfaction of Council.

53. Divert and form the 1 in 100 year overland flowpath as detailed in the report titled "Stormwater Disposal and 1% AEP Overland Flow 14-18 Swanson Road" by Dainty Alderton Consulting Engineers (DACE), dated 22 February 2007. The overland flowpath is required to exit the property in the same location as it currently does prior to development. Provide an As-Built plan, long section and cross sections, prepared by a Licensed Cadastral Surveyor to demonstrate that the completed overland flowpath meets the design requirements. Under future Unit Title subdivision consent, provide an easement over the area required to maintain unobstructed overland flow. This information will be recorded on Council's Hazards and Special Features Register.

54. All buildings are required to be located entirely outside the 1 in 100 year overland flowpath area, and with a finished floor level being not less than 500mm above the 1 in 100 year overland flowpath level for catchments over 2 hectares. To ensure the unobstructed flow of the overland flowpath during the 1 in 100 year storm event, the owner(s) of the property are required to comply with the following restrictions on an ongoing basis:
- (i) Open boarded fencing on the eastern end of the southern boundary, to a height of 200mm off the ground to allow the overland flowpath to pass through unobstructed.
 - (ii) Do not change the ground levels within the overland flowpath area as shown on the plan by DACE. Do not obstruct the free flow of flood water through the property with any object, landscaping, building, or structure.
55. The above requirement (Condition 54) shall be included in the Body Corporate Rules to advise future owners of the need to comply with this Condition on an ongoing basis. A copy of the Body Corporate Rules shall be provided to and approved by Council prior to occupancy of the building.
56. Design, provide and install a complete public wastewater reticulation system to serve all Units in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer Section 5.0). Provide engineering plans and calculations to Council for approval prior to commencing works. Specific requirements:
- (i) Pay Council the cost of relaying the existing public wastewater drain from the manhole at the western side of the site, to a new manhole located on the eastern boundary. This is required to provide a 150mm diameter connection for the apartment building. This relay work must be done prior to any works commencing within 5m of the wastewater drain. After completion of the building foundations next to the drain, the applicant is required to submit a CCTV inspection of the public wastewater drain to confirm that the drain remains in good condition. Any defects will need to be remedied by Council's contractor at the applicant's cost.
 - (ii) Provide the existing dwelling with a separate public connection at the lowest point within the boundary, and relay private drainage to the new connection under a building consent. Either grout fill, or remove, the abandoned private drainage under Council's supervision. Provide a copy of the private drainage As-Built plan for the property, prepared by a Registered Drainlayer, showing the drainage from the existing dwelling is connected to the public drain within the proposed boundary.
57. The apartment building which spans the public wastewater drain is required to be built with a minimum finished floor level that provides an absolute minimum clearance of 600mm from the top of the pipe to the bottom of any part of the foundation above the drain to ensure adequate clearance and protection of public drainage assets during excavations and construction. The Sewer Ramping detail provided on the drawing by Davis Hawksworth Architects, entitled Proposed New Apartments at 14-18 Swanson Rd Henderson, dated January 2006, referenced Sheet RC 10a, received by Council on 7 July 2006, is deemed to meet these requirements. Any earthworks cut outside the building platform and over public drains must leave a minimum of 750mm ground cover (1200mm in traffic areas) above the pipe unless pipe protection is provided in accordance with Waitakere City Council Code of Practice SD4.01. Any earthworks fill over public drains must be a maximum of 2.0m deep unless the pipe is upgraded to carry the additional loading. The applicant is required to pay Council the cost of raising or lowering manhole lids to the new finished ground level.

58. Design, provide and install a complete public stormwater drainage system to serve all Units in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer section 4.0). Provide engineering plans and calculations to Council for approval prior to commencing works. Specific requirements:
- (i) Provide the proposed Lot containing the existing dwelling with a separate public connection at the lowest point within the boundary. Provide a single connection point for the proposed Lot containing the apartment building.
 - (ii) Reroute the existing public stormwater drains outside of the apartment's building platform. Remove the abandoned drains, manholes and trench material. Provide certification from a Chartered Professional Engineer that the existing stormwater drain has been removed and the trench backfilled with certified engineered fill and is suitable for construction without foundation bridging. If this is not provided the foundations will also be required to bridge over the abandoned drainage lines.
 - (iii) On Track have installed a 600mm diameter stormwater pipe under the railway corridor, however the capacity of this line is currently unknown. Based on capacity calculations provided by DACE, if the drain is laid at 1.55% or more it is sufficient to cater for this development, however if the gradient is less than 1.55% then additional stormwater mitigation will be required to limit flows to the capacity of the drain. Upgrade the manhole at the railway boundary to current Code of Practice standards if not already done.
 - (iv) Provide in the design of services for the reticulation of the upstream catchment and install such reticulation to the boundary of the upstream properties, being No's 12 & 22 Swanson Road.
 - (v) Locate and relay the existing private drainage serving the existing dwelling to a position clear of the apartment building platform, and reconnect to the new public connection that is required by condition (i) above. Either grout fill, or remove, the abandoned private drainage under Council's supervision. Construction of private drainage requires a building consent. Provide a private drainage As-Built plan for the property, prepared by a Registered Drainlayer, showing that all stormwater discharges from the existing dwelling and associated paved areas has been connected to the public drain.
59. Design, provide and install on-site stormwater management devices to mitigate against adverse effects on public infrastructure systems. Specific Requirements:
- (i) Limit stormwater runoff flows, volumes, and timing to the equivalent of 60% site coverage for the 5 year storm event for the proposed future site containing the apartment building only (ie. not including the 943m² site area shown for the existing dwelling). This is required at this time because it will be too difficult to retrofit a stormwater system once the apartment building is constructed, and it is clearly the intention to provide separate ownership of the existing dwelling in the future. Provide amended calculations with the engineering plans.
 - (ii) It is recommended that rainwater runoff from the proposed building be collected and reused for toilet flushing in some units and outdoor use. Tanks of suitable capacity are to be provided for stormwater detention and to enable reuse.
 - (iii) On the second anniversary of the date of this consent, and at two yearly intervals thereafter, the owner (at the owner's expense) must provide to the Council a report from a Chartered Professional Engineer or Registered Drainlayer demonstrating that the stormwater management system, including mitigation measures and devices installed as the condition of this consent or as a condition of any future building consent for the proposed buildings, are functioning in accordance with their intended purpose.

- (iv) On-site stormwater management systems are required on a on-going basis to comply with EcoWater's Stormwater Solutions for Residential Sites. Council's Hazards and Special Features Register will be advised of this requirement.
60. Design, provide and install a complete public & private water supply reticulation system and fire fighting services to serve all Units in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer section 6). Provide engineering plans and calculations to Council for approval prior to commencing works. Specific requirements:
- (i) Pay Council to remove the water meter and cap the connection for the dwelling which will be removed from No. 14 Swanson Road.
 - (ii) Pay Council to relocate the water meter to within the new road reserve boundary for No. 18 Swanson Road. Any existing water meter serving an existing house must remain the meter serving that house.
 - (iii) Provide details of which connection option on SD 6.06.4 is required for a bulk metered water supply and fire fighting coverage service for the apartment building. Provide a testable backflow prevention device on the private pipe after the public meter assembly.
 - (iv) Liaise with the Water Assets Engineer regarding the pressure requirements to serve this development. If insufficient pressure is available to the top storey(s) then a private booster pump may be required, or flow restrictors may be required to reduce pressure on lower floors.
 - (v) Provide private water meters for each individual unit to allow for apportioned on-charging of water rates to the owners or occupiers by the Body Corporate.
 - (vi) Provide a copy of the body corporate rules relating to water metering charges to individual units.
 - (vii) Ducting of private lines is recommended where they cross driveways.
 - (viii) Locate all water connections at the same position as the power and telephone connection to each Unit.
 - (ix) 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 and tenants.
 - (x) Where the required public system is on private property, easements over the course of such system in favour of Council will be necessary.
61. Engineering Approval and Quality Assurance Public infrastructure works, as conditioned above, require Council's approval of engineering plans and specifications prepared by the applicant's engineer in accordance with Council's Code of Practice for City Infrastructure and Land Development.
- (i) Submit full engineering plans, long sections and calculations, prepared in accordance with Council's Code of Practice, to Council for approval.
 - (ii) Advise the name of the appointed developer's representative fulfilling engineering responsibilities as detailed in section 1.4.1 of the Code of Practice.
 - (iii) After engineering approval has been given and prior to commencing construction, contact EcoWater's Development Services Support person on 836 8000 extn 8248 to arrange a QA Pre-Start Meeting. Allow 3 working days for the QA Pre-Start Meeting to be booked.
 - (iv) The applicant is required to ensure that the contracted drainlayer and developer's representative attend the QA Pre-Start Meeting, and that construction materials are on-site for inspection.

- (v) EcoWater's QA Supervisor will then undertake random site inspections throughout the construction process.
- (vi) Upon completion of construction the applicant's surveyor is required to prepare As-Built plans in accordance with the Code of Practice, and CCTV inspection of the drains are to be carried out.
- (vii) The developer's representative is required to fully inspect the drainage including overseeing the drainage tests, view the cctv's and check against the as-builts, and ensure that any remedial works are completed.
- (viii) When the developer's representative is satisfied that all works meet Council standards, they are required to complete the 'QA Final Inspection Request Form' and lodge this at Council together with As-Builts, CCTV (all footage on one DVD), log sheets, chlorination certificate for watermains, and inspection reports.
- (ix) EcoWater's QA Supervisor will check all information against the approved design and Code of Practice, then undertake a field check and testing of the new drainage systems in conjunction with Council's approved maintenance contractor.
- (x) When all public works and documentation are completed to Council's satisfaction the QA Completion Certificate will be issued to the applicant.
- (xi) Submit a copy of the QA Completion Certificate as evidence of compliance with the conditions of consent requiring construction of infrastructure to public standards.
- (xii) Pay all of Council's engineering fees and costs associated with engineering approvals, quality assurance site inspections, as-built & cctv approvals, final inspections, testing and bond management.

ECOWATER FEES, BONDS & CONTRIBUTIONS

- 62. Pursuant to Sections 409 of the Resource Management Act, financial contributions have been assessed for the proposed development as being required for Twin Streams Project (Opanuku Stream catchment) totalling \$43,171.08 calculated based on 2,748m² of additional impermeable surfaces @ \$15.71 (incl. GST) per square metre. This fee shall be paid prior to the uplift of any associated building consent.
- 63. Pursuant to Section 108(2)(b) and Section 108A, and in accordance with Council's Code of Practice for City Infrastructure and Land Development, the applicant is required to provide a maintenance bond to Council, equivalent to 2½% (minimum \$500.00) of the value of works being taken over by Council. This maintenance bond will be held for six months from the date of 224c issue, or until 31 October, whichever is longer. Maintenance of these assets are the responsibility of the developer during the maintenance period. At the end of the maintenance period the QA Supervisor will undertake a maintenance inspection to ascertain whether the assets are still in satisfactory condition and if so, will instruct the bond to be released, and Council will take over maintenance responsibilities from that time forward. Where defects occur during the developer's maintenance liability period, the costs of repairing such defects are the full responsibility of the developer. Where the developer does not repair the defects, Council will retain the bond monies for use in repairing the defects, and refund any residual monies held to the developer. The developer's liability is not limited to the amount of the maintenance bond, and any additional costs will be invoiced to the developer and will become a debt due to the Council.

MONITORING

64. A consent compliance monitoring fee of \$1,308.00 (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 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:

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.

An experienced geotechnical engineer familiar with the geotechnical report prepared by Soil and Rock Consultants, Ref 05487, September 2005, and with the design shall be engaged to inspect temporary batter support, foundations, slab subgrades as exposed and retaining walls, and shall provide the Council with such reports as are required by the consent under the Building Act relating to the foundation construction and if required by the consent under the Building Act, inspection by the Council shall be arranged.

With regard to Transport Assets Conditions inspection of the vehicle crossings boxing prior to concrete pouring is required; contact Phone 836-8000, ext. 8725 at least 48-hours prior to the inspection being required.

A Development Contribution is payable for this landuse. This Development Contribution must be paid prior to the grant of the associated building consent. The Development Contribution will be assessed at the time of payment. The estimate of the amount payable at the date of this consent is **\$627,523.13** incl GST.

Report prepared by: Jade Hunt, Resource Planner.

