

**NOTICE OF MEETING**

**RESOURCE CONSENTS HEARINGS PANEL**

**TO:** Chairperson                      Alan Watson  
         Crs                                      Ross Craig  
            Michael Goudie

A meeting of the Resource Consents Hearings Panel will take place in the Council Chamber, Rodney District Council, Centreway Road, Orewa on Friday, 25 January 2008 commencing at 9.00 a.m.

for: ACTING CHIEF EXECUTIVE OFFICER  
     Geoff Mears

OREWA  
18 January 2008

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**PROGRAMME**

<u>Time</u>		<u>Page</u>
9.00 a.m.	<b>RESOURCE CONSENT APPLICATION UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991</b>	2

**AN APPLICATION FOR CONSENT TO CARRY OUT A COMPREHENSIVE REDEVELOPMENT OF THE SITE FOR TWENTY SIX RESIDENTIAL UNITS AND CARETAKER'S UNIT, EARTHWORKS AND RETAINING WALLS ON THE SITE, AND A SUBDIVISION TO CREATE TWENTY SIX INDIVIDUAL UNIT TITLES, ACCESSORY UNITS AND COMMON AREAS**

Address: 379-383 Hibiscus Coast Highway, Orewa

**APPLICANTS: OREWA BEACHFRONT APARTMENTS LIMITED**

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**AN APPLICATION FOR CONSENT TO CARRY OUT A COMPREHENSIVE  
REDEVELOPMENT OF THE SITE FOR TWENTY SIX RESIDENTIAL UNITS  
AND CARETAKER'S UNIT, EARTHWORKS AND RETAINING WALLS ON  
THE SITE, AND A SUBDIVISION TO CREATE TWENTY SIX INDIVIDUAL  
UNIT TITLES, ACCESSORY UNITS AND COMMON AREAS**

Address: 379-383 Hibiscus Coast Highway, Orewa

**APPLICANTS: OREWA BEACHFRONT APARTMENTS LIMITED**

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ITEM NO: 1

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## APOLOGIES AND ANNOUNCEMENTS

ITEM NO: 2

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## REQUESTS FOR CONSIDERATION OF URGENT ITEMS

Urgent items not referred to on the main agenda can only be considered if the following requirements of the Local Government Official Information and Meetings Act 1987 are met:

- The Chairperson must explain at a time when the meeting is open to the public (even if the additional item is a confidential item)
  - the reason why the item is not on the agenda
  - the reason why the discussion of the item cannot be delayed until a subsequent meeting.
- The Council or Panel must resolve to consider the item.

Councillors or staff members who wish to raise urgent items for consideration need to brief the Panel Chairperson and the Committee Adviser prior to the meeting.

ITEM NO: 3

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REPORT



TO Resource Consents Hearings Panel  
ON 25 January 2008  
FROM Paul Jones – Reporting Planner  
SIGNATURE

A handwritten signature in black ink, appearing to be "P. Jones", written over a horizontal line.

APPROVED FOR RELEASE BY Ian Dobson – Team Leader Resource Consents  
SIGNATURE

A handwritten signature in black ink, appearing to be "I. Dobson", written over a horizontal line.

SUBJECT RESOURCE CONSENT APPLICATION UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991

AN APPLICATION FOR CONSENT TO CARRY OUT A COMPREHENSIVE REDEVELOPMENT OF THE SITE FOR TWENTY SIX RESIDENTIAL UNITS AND CARETAKER'S UNIT, EARTHWORKS AND RETAINING WALLS ON THE SITE, AND A SUBDIVISION TO CREATE TWENTY SIX INDIVIDUAL UNIT TITLES, ACCESSORY UNITS AND COMMON AREAS

Address: 379-383 Hibiscus Coast Highway, Orewa

APPLICANTS: OREWA BEACHFRONT APARTMENTS LIMITED

FILE REF RMA 53189  
WARD Hibiscus Coast

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**Note:** This report sets out the advice of the reporting planner. This report has yet to be considered by the Panel of Commissioners delegated by the Council to determine this application. The recommendation is not the decision on this application. A decision will only be made after the Commissioners have considered the application and heard the applicant and any submitters.

## 1.0 APPLICATION AND PROPERTY DETAILS

<b>SITE ADDRESS:</b>	379-383 Hibiscus Coast Highway, Orewa
<b>APPLICANT:</b>	Orewa Beachfront Apartments Ltd
<b>LEGAL DESCRIPTION:</b>	Lots 25 to 27 and 71 to 73 DP 12795
<b>SITE AREA:</b>	5766m <sup>2</sup>
<b>DISTRICT PLAN:</b>	
<b>ZONING:</b>	<b>Operative Plan as amended by Plan Change 26</b> Medium Intensity Residential Activity Area  <b>Proposed District Plan 2000</b> Residential Medium Intensity  <b>Proposed Variation 101 Orewa East</b> Orewa Beach Front Residential Zone
<b>SNA:</b>	N/A
<b>ACTIVITY STATUS:</b>	<b>Operative Plan as amended by Plan Change 26</b> Non-complying  <b>Proposed District Plan 2000</b> Non-complying  <b>Proposed Variation 58</b> Non-complying  <b>Proposed Variation 101 Orewa East</b> Non-complying  <b>Overall</b> Non-complying

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## 2.0 BACKGROUND

2.1 On 13 September 2007, the Team Leader - Resource Consents made a decision pursuant to Section 93 of the Resource Management Act 1991 (the Act) that the application be fully notified for the following reasons:

1. The applicant has not gained the written approval of the owners and occupiers of the adjacent properties who may be adversely affected by the development, particularly in terms of the level and nature of the amenities they currently enjoy.
2. The scale, character and intensity of the development lies outside what may be established on the property as of right and the degree of the difference dictates that the general public should be given the opportunity to scrutinise the application.
3. The building's bulk and the intensity of the activity on the site may have adverse effects on the surrounding natural and physical environment.

### Planning History

2.2 The 26 unit motel currently operating on the site enjoys existing use rights. There are two unimplemented land use resource consents for the redevelopment of the site. The first of the consents provides for the erection and operation of a hotel/convention centre and associated amenity buildings and carparking on the property.

- 2.3 The second provides for a 10 lot residential subdivision, with the erection of seven residential units on seven of the created lots. In addition to these Rodney District Council consents, there is an ARC Sediment Control Consent which provides for the importation of fill sufficient to bring the site's ground level up to RL 3.5m.

### **3.0 THE PROPOSAL AND REASONS FOR APPLICATION**

#### **Proposal**

- 3.1 The applicant seeks to carry out comprehensive redevelopment of the property involving: the erection of 25 residential apartments of varying sizes within a four storey building, a single storey manager's unit located on the site's road frontage (southern corner) and an additional single storey building (containing two units) on the northern boundary. The total number of residential units, excluding the manager's residence, will be 27.
- 3.2 The four storey residential apartment block will have a height of 12.9m in height (plus skylight projections to a peak of 1.5m in places above the roof level).
- 3.3 The site is to be excavated and a basement area built to occupy the majority of the site. The basement will provide parking for 70 vehicles, a gym, and storage rooms for the apartments.
- 3.4 The main residential block will contain a mix of two, three and four bedroom apartments each with outdoor decks facing to the east and the west respectively. Natural light is gained by external fenestration but also by internal light wells permeating the storeys and reaching the ground floor. Lifts will service the apartments and provide access (combined with stairs for safety) to the basement carpark and facilities.
- 3.5 The bulk of the building is proposed to be in a concrete-type media in a colour palette taken from the shades prevalent on Orewa Beach and the surrounding cliffs. The design of the building is intended to create a staccato effect to break up its visual bulk and enable it in a visual context to sit more lightly on the site. Visual permeability is to be a feature of the ground level.
- 3.6 A total of approximately 11,000m<sup>3</sup> of earthworks will be required to provide for specific designed foundations and an underground carpark for the development. It is proposed that the majority of excavated material (sand based soils in the main) be removed from site by truck. The site is proposed to be raised approximately 700-800mm in places and this will involve some retaining at front and side boundaries.
- 3.7 The existing site has an existing concrete block wall on part of the southeastern boundary separating the motel complex from adjacent residential sites. Other boundaries will be treated with either low 1.2m or 1.3m walls or landscaping to delineate the public realm from the private.
- 3.8 The existence of an underground carpark means that there is insufficient depth to plant into for the majority of the site. Planter boxes at ground level are proposed to compensate the lack of landscaping.
- 3.9 The present access to the site will be changed to allow for access to an underground carpark of 70 spaces and separate access to a ground level service and loading space at the southern end of the site. The underground carpark is to feature pedestrian access at the beach end of the site in order for beach accessories to be stored and accessed.

#### **Reasons for the Application**

- 3.10 Resource consent is required for the following reason(s).

#### **Operative Plan as amended by Plan Change 26**

##### *Land Use*

Under Rule 3.6.1 Building siting and design:

- The maximum permitted height is 9 metres, the building has an overall height of 12.9 m.

- The side yard requirement is 1.2 metres, the proposal involves the erection of a terrace and other structures within the site's northern side yard.
- The shoreline yard requirement is 20 metres, the proposal involves the erection of a terrace and other structures within the site's eastern (shoreline) yard.
- The maximum permitted site coverage is 30%. The basement structure will occupy the entire site and the ground floor footprint will occupy 36% of the site.

Under Rule 3.6.2 Private Open Space each unit requires useable private open space to be a minimum of 80 square metres in area for each household unit on a site.

Under Rule Conservation of Landscape, the maximum permitted volume of earthworks is 200 m<sup>3</sup>.

#### *Subdivision*

Under Rule 3.4 the proposed unit title subdivision requires consent as a controlled activity.

### **Proposed District Plan 2000**

#### *Land use*

Under Activity Table 8.9.2, integrated residential development at a standard of not less than 450m<sup>2</sup> site area per household unit on sites meeting the standards in Rule 8.9.3.1 (*a front or corner site with an area of not less than 2,000m<sup>2</sup>; or a rear site with a net site area of not less than 2,500m<sup>2</sup> with a frontage of not less than 6 metres*), and (b) where the development complies with Development Controls in Rule 8.10.1 to 8.10.5 is a restricted discretionary activity.

The Plan defines integrated residential development as:

*means a development consisting of two or more household units where aspects of development such as building design, open space, landscaping, vehicle access and roading and subdivision are designed to form an integrated whole. An Integrated Residential Development may include the integration of one or more existing household units into a development. The density of an Integrated Residential Development is calculated net of the access and visitor parking proposed within the development site.*

As the proposed development has a density of 214m<sup>2</sup> per unit, the activity is not provided for under Rule 8.9.2 and therefore must be assessed as a non-complying activity (in terms of an integrated residential development the site could accommodate a development that occupies 35% of the site and has a maximum height of 9 metres).

As above, the activity does not comply with the maximum height, side yard, shoreline yard, and outdoor living space.

Under Rule 8.10.6.3 household units shall be located no closer than 6 metres to another household unit on the same site.

Under 18.9.2 6 earthworks greater than a total volume of 5m<sup>3</sup> but less than or equal to 200m<sup>3</sup> (excavation plus deposition) or greater than an area of 25m<sup>2</sup> but less than or equal to 750m<sup>2</sup> are a permitted activity, the proposed site works exceeds these amounts.

Under 18.10.3 earthworks shall not involve excavation or filling that intercepts a line drawn at 1 vertical to 2 horizontal from the ground level at a site boundary.

#### *Subdivision*

Under Rule 8.15.4 unit title subdivisions are a restricted discretionary activity.

Overall the activity requires a land use consent for a **non-complying activity**.

### **Proposed Variation 58**

The variation provides for integrated residential development at a standard of not less than 450m<sup>2</sup> site area per household unit on sites meeting the standards in Rule 8.9.3.1, and (b) where the development complies with Development Controls in Rule 8.10.1 to 8.10.5 and 8.10.7. As noted above, the application does not comply with the maximum density ratio, therefore must be considered as a non-complying activity.

Although the activity does not fall within the type and nature of residential development that is envisaged under the concept, I have included references to the Variation throughout the report as these provide a guide as to the level and nature that the Plans envisage as appropriate multi unit developments in the zone.

### **Proposed Variation 101 Orewa East**

The variation provides for integrated residential development (a) at a standard of not less than 600m<sup>2</sup> site area per building on sites meeting the standards in Rule 8.9.3.2, and (b) at a standard of not less than 120m<sup>2</sup> net useable floor space per household unit on sites meeting the standards in Rule 8.9.3.2; and (c) where the development complies with Development Controls in Rule 8.10.1 to 8.10.6.

The proposed development does not meet the required floor area per unit (caretakers) and infringes several of the development controls. Therefore it must be considered as a non-complying activity under the Variation.

### **Overall Status**

The application requires consent as non-complying activity.

## **4.0 SITE AND NEIGHBOURHOOD DESCRIPTION**

- 4.1 The site is currently occupied by the Golden Sands Motel, a complex of 26 motel units and associated facilities. The motel was established on the property over thirty years ago.
- 4.2 The site has an area of 5766m<sup>2</sup> and is generally rectangular in shape with a depth of approximately 96m from road boundary to beach boundary. The site width averages approximately 60m.
- 4.3 There is little vegetation of note on the property with the exception of a single pohutukawa tree at the southeastern boundary. Like the majority of sites along this strip, the subject land is generally flat with a small incline to the foredune abutting the beach.
- 4.4 The property is bound to the north by Kinloch Reserve, owned by Rodney District Council and two privately owned residential sites to the south. The western boundary abuts State Highway 17 (Hibiscus Coast Highway) and the eastern boundary abuts the esplanade reserve and associated Orewa Beach. The esplanade reserve contains a north-south public access that links various Council reserves abutting the beach and is known as The Millenium Walkway.
- 4.5 The site does not access any other roads or accessways apart from the State Highway.
- 4.6 The landscape of the immediate area is dominated by the adjacent Orewa Beach and associated coastline, including the esplanade reserve and sea. The eclectic nature of the development that has occurred on the neighbouring residential properties includes motels, residential apartment complexes, and single small and large dwellings, separate and attached dwellings, commercial development (small retail and offices).
- 4.7 The additional element is the gradual transition that the neighbourhood is experiencing as the traditional small seaside baches and early motel developments are progressively replaced with large residential and visitor accommodation developments.

## 5.0 WEIGHTING OF DISTRICT PLANS

- 5.1 Section 104(1) (b) (iv) of the Resource Management Act requires any resource consent application to be considered in terms of the provisions of the Operative Plan and Proposed District Plan.
- 5.2 The matters for which resource consent is required have been outlined as part of this report. With regard to the assessment of an application for resource consent and the decision making process, where an application is being assessed under various Plans, it is common practice to establish a weighting of the Plans.
- 5.3 Plan Change 26 was made operative in May 2005 and the provisions that relate to this planning document therefore supersede those of the previously Operative District Plan 1993.
- 5.4 There are still appeals in regards to the Proposed District Plan 2000. The Residential Chapter (Chapter 8) has 8 (eight) appeals outstanding at the time this report was written and the Subdivision and Servicing Chapter (Chapter 23) has 2 (two) appeals.
- 5.5 In addition to these provisions, Council notified Proposed Variation 58 in early 2007 with submissions closing on 7 March 2007. The further submission period closed on 25 June 2007 and approximately 90 submissions were received.
- 5.6 The majority of submissions received opposed the proposed variation. Although little weighting can be afforded to this variation at this stage, due to submissions not yet been heard, the provisions must be considered when assessing this application.
- 5.7 The purpose of the Variation is explained as:

*Following the hearing of submissions on the Proposed Plan the Council resolved to introduce a variation to the Proposed Plan to introduce suitable design rules to control residential development in the High Intensity Residential Zone and Integrated Residential Developments in the Medium Intensity Zone. It is intended that the variation will improve the urban form and quality of high intensity residential developments in Rodney District.*

*The variation removes the activity category of "Integrated Residential Development" at any density. This activity category was "blacked out" in the Proposed District Plan and the Council has decided not to proceed with implementing this category.*

*The variation also reduces the number of multiple household units allowed as a permitted activity from 3 per site to 2 per site. There is no change proposed to the 1 unit per 275m<sup>2</sup> density rule applying to such developments.*

*The variation introduces a new rule 8.10.7 which contains a number of specific design rules for integrated residential developments in both the Medium and High Intensity Residential zones. It also introduces new assessment criteria which will assist in assessing the design aspects of new integrated residential developments. Changes are also made to the policies and strategy.*

- 5.8 In addition to Proposed Variation 58 the Council notified Proposed Variation 101 on 18 December 2007. The Explanation for the Variation states that:

*The Council has recently completed a 9 year study and consultation process that has culminated in the Orewa East Structure Plan that sets out the future direction for the Orewa Town Centre and more immediately surrounding residential areas.*

*This Proposed Variation introduces a number of changes to the Proposed Plan 2000 that put into place the land use proposals in the Orewa East Structure Plan. Changes include the introduction of the following new zones;*

- *Orewa Beachfront Residential Zone*
- *Orewa High Intensity Variable Height Zone*
- *Orewa Beachfront Commercial Zone.*

*It also introduces a number of changes to the rules regarding building height in the residential zones within the Orewa East Structure Plan area.*

*The Orewa Beachfront Residential Zone is located to the north of the Orewa Town Centre between the Hibiscus Coast Highway and the Orewa Beachfront. This zone applies to the narrow area indicated on Planning Maps 72 and 75 between the Hibiscus Coast Highway and Orewa beach north of the town centre and provides for a similar built environment to Medium Intensity Residential whilst enabling increased intensity of use of the buildings in the zone.*

*Key characteristics of this Zone are:-*

- (a) Maintenance of the present built/landscape character whilst creating more opportunities for people to live beside the beach via a requirement restricting buildings to one building per 600m<sup>2</sup> site, and allowing 3 household units per building.*
- (b) A predominance of sites with only one building per 600m<sup>2</sup>.*
- (c) Significant areas of open space and presence of trees.*

*It is intended that this zone will maintain the positive qualities of the existing environment whilst creating additional opportunities for more people to live beside the beach. Through careful control of height, site coverage, landscaping and building line set backs it is considered high quality development can be brought forward to the credit of the area specifically and Orewa more generally.*

- 5.9 The actual weighting that should be applied to the four “sets” of provisions is difficult to determine.
- 5.10 With regards to the Operative Plan and Proposed Plan, there are several outstanding appeals to the residential and subdivision provisions of the Proposed Plan. This provides a directive that until these are settled, then the Operative Plan has more weight. None of the appeals are relevant to this application.
- 5.11 The determination as to which Plan has more weight is complicated by the various provisions of the Proposed Plan which have been superseded by Variation 58 and the actual medium intensity residential zoning of the site has been superseded by the provisions of Variation 101.
- 5.12 A further complicating factor is that Variation 101 has been the subject of nine years of public consultation and discussions. Therefore although it is in its infancy in terms of the process by which it may in its present or amended form be adopted by the Community/Council, it has been subject to extensive public scrutiny. Therefore the provisions cannot be dismissed lightly.
- 5.13 The provisions of each planning documents identified above shall be given a degree of weighting in relation to this current proposal. However, Operative Plan Change 26 shall be considered the most dominant planning document when assessing this application.

## **6.0 NOTIFICATION AND SUBMISSIONS**

### **Notification**

- 6.1 The application was fully notified on 6 November 2007 and submissions closed on 5 December 2007. A summary of the submissions is set out below. A full copy of submissions is attached as **Attachment B**.

### **Submissions**

- 6.2 A total of 15 (fifteen) submissions were received by the close of the submission period.
- 6.3 Eleven submissions oppose the application, two partly oppose, and two support the activity.

6.4 Details of submissions are summarised in the following table:

No.	Name	Address	Relief sought	Reason	Wish to be heard
1	DL Sedgwick	2/373 HCHighway	Decline	Height of building, noise, extra activity, excavations	No
2	J S Sedgwick	2/373 HCHighway	Decline	As above	-
3	John Brown	375 HCHighway	Decline	Effects more than minor, contrary to objectives and policies, particularly with regards to the bulk and location provisions, effects on topography and stormwater	Yes
4	D Mitchell	377A HCHighway	Decline	Effects more than minor, contrary to objectives and policies, particularly with regards to the bulk and location provisions, effects on topography and stormwater	-
5	W Costar	4/416 HCHighway	Decline	Against District Plan, shadow lines, infrastructure, noise, views	No
6	SK Cooper	Bayview Park Lane, Orewa	Decline	Height will make it inappropriate and out of place, shading of the beach, density of development, inundation	Yes
7	R Cooper	Bayview Park Lane, Orewa	Decline	Height will make it inappropriate and out of place, shading of the beach, density of development, inundation	Yes
8	Takumi Nakamura	377 HCHighway	Decline	Effects more than minor, contrary to objectives and policies, particularly with regards to the bulk and location provisions, effects on topography and stormwater	-
9	L Woolley	4/373 HCHighway	Decline	Over height and will set a precedent	No
10	J Woolley	4/373 HCHighway	Decline	Over height and will set a precedent	No
11	Hibiscus Palms Motel Ltd	8/416 HCHighway	Decline or adhere to the relevant provisions of the Plans	Shade property in morning, obstruct skyline and views, loss of privacy, glare off building	Yes
12	W D Dowse	3/416 HCHighway	Approve	Positive development for Orewa	No
13	A Dowse	3/416 HCHighway	Approve	As above	No

14	Transit New Zealand		Partly oppose unless listed conditions imposed on consent	Traffic safety	No
15	The Tree Council		Opposed in part	The Tree Council passes no comments on the building envelope but is concerned by the lack of substantial planting on the site. The Council considers that the application should be declined unless more active tree planting space, in zones that will be effective, is to be provided and monitored in the future.	Yes



Plan Showing Location of Submitters in Relation to Subject Site

## 7.0 PRE HEARING MEETING

7.1 No pre hearing meeting has been sought by any party.

## 8.0 REPORTS FROM OTHER OFFICERS

8.1 Comments have been sought from the following:

- Development Engineer (Cameron Ure) **Attachment C.**
- Traffic Engineers report received from T2 Traffic Engineers Limited (Mr. D Mitchell) **Attachment D.**

## 9.0 STATUTORY ASSESSMENT

9.1 The Act requires for all applications for resource consent that subject to Part 2 of the Act, the Council must have regard to the matters set out in section 104 of the Act.

- 9.2 Section 104 (2) of the Act states that the Council “may disregard an adverse effect of the activity on the environment if the plan permits an activity with that effect.” The permitted baseline of effects will therefore be assessed prior to the assessment in terms of section 104 (1) of the Act.
- 9.3 Following the section 104(1) assessment an assessment will be made in terms of sections 104 B and 104D, as applicable, and Part 2 of the Act.

## **10.0 SECTION 104 ASSESSMENT**

### **Permitted Activities Assessment**

- 10.1 A consent authority may, pursuant to section 104(2) of the Act, consider an application with reference to activities that are permitted by a plan. This permitted baseline defines the environment against which a proposed activity’s degree of adverse effect is gauged. The permitted baseline comprises non-fanciful hypothetical activities and their constituent effects that would be permitted as of right by a district plan.

### **The Existing Environment**

- 10.2 In assessing the application, regard should be had to the existing development and activity on the site. In this case the motel complex’s built form and layout is considered generally to fall within the scope of the building envelope anticipated by the Plan.
- 10.3 Notwithstanding this, it is considered that the activity associated with the motel complex, has the potential to generate effects greater than those that may be generated by any of the permitted activities listed below due to the intensity of the existing use in comparison to any of these uses.

### **Unimplemented Consents**

- 10.4 The property is subject to two unimplemented consents. As outlined in Section 2.2, the consents are for a hotel complex and a ten lot residential subdivision. The relevance of these approvals to the application is that the Council has acknowledged that the site is suitable to accommodate a multi unit residential development and a non-residential activity, a tourist facility.
- 10.5 Further the implementation of either of these consents would generate their own particular and distinctive set of effects. The scale, character and intensity of individual effects may actually exceed those that may be generated by the proposed activity. An example would be the level of traffic movements generated by the hotel complex in comparison to the number generated by the twenty six units.

### **Activities Permitted by the Plan**

- 10.6 The permitted activity tables contained in the Plans provide primarily for the erection and occupation of a single household unit per lot. On the subject site this would equate to two household units erected in compliance with the relevant development controls.
- 10.7 Other non-fanciful activities permitted under the documents include:
- Boarding houses, homes for the aged and daycare facilities for the elderly, hostels and private hotels (accommodating not more than 10 persons);
  - Childcare facilities (not more than 10 children at any time); and
  - Any business, trade, craft or profession subordinate to residential use meeting certain criteria.

### **Section 104(1) (a) – Any Actual and Potential Effects on the Environment of Allowing the Activity**

- 10.8 The effects on the environment of the proposal are considered to be greater than those generated by an activity which is permitted as of right (as outlined above). The potential effects on the environment of the proposal are considered to relate to the following broad categories:

- Effects on residential character and the streetscape;
- Effects on the Amenity Values;
- Visual Effects;
- Visual and aural Privacy Effects;
- Earthworks and geotechnical effects;
- Stormwater discharge and water quality effects;
- Noise and Dust (construction effects);
- Natural Hazards;
- Traffic Effects.

10.9 Section 3 of the Act states that an “effect” on the environment includes any positive or adverse effect; temporary or permanent effect; past, present, or future effect; any cumulative effect and potential effects.

10.10 In carrying out this assessment of effects, I have had regard to the relevant rules and assessment criteria of the district plans, and the information provided on behalf of the applicant as described in previous sections of this report.

**(a) Character and Streetscape**

The character of the area is defined by the existing physical elements and that which may arise as an area is developed in accordance with the provisions of the District Plan.

The dominant physical elements are the beach and coast, the public reserve, the state highway, the eclectic nature of the current housing stock and pattern of development. If considered against this environment, then the development will appear to be incompatible with the existing built form.

However it is considered that due to the transitional nature of the immediate neighbourhood (gradual redevelopment) and the provisions, and the history and intent of Variation 101, the future character of the area must form the basis on which the proposed development is considered against when determining its potential impact on the character of the area.

Variation 101 provides for the immediate area to be developed to a similar density, in terms of building, but provides for buildings to have greater bulk and form, with the result that the buildings within the new zoning can have a maximum height of 11.5 metres (9 metres for the actual floors and an additional 2.5m for roof height).

The Variation provides for the character of the immediate neighbourhood to be dominated by 11.5 metre high buildings either located on separate sites or part of an integrated residential development.

It is reasonable to assume that over time the character envisaged under the Variation will prevail and the proposed development will be more cohesive with the built form than if considered in its current context.

In addition to this assessment, it must be noted that the Plans do provide for integrated residential development and accommodation facilities which have the potential to mirror the proposed development.

Further, the Council has in the past approved a hotel complex which was further removed from the pattern and nature of the existing urban development than the proposal.

While the proposed development will create a more intensive use of the site than the surrounding properties, it does so within the context of an integrated development and within the context of the previously consented hotel development.

Overall it is considered that for the reasons outlined above, the proposed development will have less than a minor impact on the character of the immediate urban and coastal environment, and the existing character of the area will be retained.

When viewed from the adjacent section of roadway, the viewer will be presented with a four storey block close to the road then a series of steps as the building recedes into the property. It is considered that the low ratio of building (front elevation of closest block facing the street) to the length of the site’s front boundary and the orientation of the building on the site will

ensure that it will have less influence on the qualities of the streetscape than 3 three storey units that could be erected along the site's road frontage (under the subdivision consent).

Overall it is considered that the building will not dominate the streetscape and the highway will retain its open and spacious nature.

**(b) Amenity Values (on site and off site)**

The site is bordered to the south and west by relatively traditional low rise housing stock and associated medium density housing. The development proposes a slightly different type of activity in relation to those ordinarily established within the residential zone, and is at a higher intensity and includes community facilities which might not be expected in a typical residential development.

For these reasons the assessment of the development's impacts on existing amenity is important.

**External**

The applicant has submitted shade diagrams which indicate that the buildings will not cast any significant shade over any of the adjoining properties and will actually be less than the existing situation or that which may be created by the erection of permitted structures.

It is considered that the effects on the surrounding amenity (noise, dust, sediment transported off site) during the construction phase will be less than minor and can be managed by standard conditions of consent.

The occupation of the units has the potential to generate adverse noise levels/events on the three adjacent residential properties. The actual potential for any effect to occur is limited by the window treatments along the elevation that faces these properties and the nature of the decks. The windows facing the south do not open and the decks are off bedrooms and face west (which should limit their use as an outdoor recreation area).

As all the carparking is to be contained/provided within the basement, any noise associated with the movement of vehicles on and off the site will be internalised.

The principal building has the potential to impact on the visual amenity of the residential properties to the south. The actual effect on the front property will be less than a complying situation as the building steps away from the common boundary to the extent that the bulk of the building lies many metres from the boundary. The Plans provide for the erection of 3 three storey buildings along the common boundary. As these could be erected closer to the common boundary, it is considered that they would intrude on the site's northern outlook to a greater degree than the proposed structure.

The property on the beach front will be impacted to a greater degree as the proposed building "originates" in the adjoining corner. However, it is considered that due to the location/proximity of the three storey section to the boundary, and the stepped nature of the other sections, the proposed development will have similar effects on the occupiers of the adjoining property as those of a complying structure.

In addition to these mitigating factors, the 3.6 metre high concrete block wall on the common boundary provides an immediate visual barrier to those within the ground floor of the two storey dwelling on the property and the site's courtyard/swimming pool area.

**Internal**

In terms of on site amenity, it is considered that the open space (two decks) provided for each unit are easily accessible, north facing (the eastern decks), and are considered to be of an appropriate area and dimensions.

The outlook of the eastern decks is out over the adjacent reserve and out towards the beach and coast. These will provide the occupants with a high level of visual and outdoor amenity.

The decks on the western end of the units are more of a private space due to their orientation and being off a bedroom. They will provide their own amenity.

The proposal involves extensive landscaping of the courtyard with the provision of a pool and BBQ areas. These will provide all the occupants access to additional outdoor facilities and must be seen as a communal facility. This area has the potential to become a community focal point as the complex becomes established as a residential entity.

**(c) Visual Effects**

The general public will view the building from three primary viewpoints, the beach, Kinloch Reserve and the Highway.

From each of these locations the building will present a façade that recedes from the viewer in a staggered manner.

The stepped nature of the building will significantly alter the length of the façade(s) that each viewer will gain of the structure. From those locations that are aligned with the building's axis, the viewer will only see one complete elevation and one or two steps of the receding elevation.

When compared with what could be erected on the property "as of right" (a series of 9m (potentially 11.5m) blocks) the over height structure will have less of an impact on the immediate area's visual values and qualities due to the orientation of the structure, diagonally across the site, rather than the traditional pattern of blocks parallel with the boundaries.

The potentially 11.5m high buildings is a reference to Variation 101 which has a objective/rule that provides for three storey buildings with a total height no greater than 9m of liveable space (from 3.8m RL) with an additional 2.5m to roof ridge permitted where traditional pitched roofs are to be employed as part of the design. Maximum overall height from finished floor level to roof ridge should be no greater than 11.5m

It may be noted that in relation to the Variation, the site has a maximum height of 15.3m RL. (i.e. 3.8m plus 11.5m) whereas the proposed building has a finished height of 15.9m RL. This gives a difference between what may be "obtained" on the site and the proposal of 0.6 metres.

Viewers that are located at midway down the depth of the property will see the entire northern/southern elevations. From these locations, the three storey block (closest set to the boundary) will be the dominant form. From this point, the building will draw away and in doing so, diminish in size/height. This increasing distance will ensure that the additional height will have limited effects on the viewer's perception as to the height of the structure and its presence.

Overall, it is considered that the building's height will, due to the site's locational factors and the proposed configuration of the apartments, have no significant impact on the immediate area's visual qualities and values.

**(d) Privacy Effects**

The architect's statement submitted as part of the application includes the following:

*"Facades facing south are placed at a high level ensuring the properties adjacent to this orientation cannot be over looked by the apartment dwellers. Similarly the decks east and west are walled along the southern perimeter, the southern and northern roof top terraces are set back from the buildings edge and defined by a 1m high balustrade. This restraint ensures that the domestic properties on the south and the community reserve to the north, cannot be looked directly looked upon by any users."*

These comments would indicate that the proposed design details will ensure that any actual overlooking of the adjacent residential properties and open spaces, in particular the park, will be within the extent that may be generated by a complying residential development on the site.

**(e) Geotechnical and Earthworks Effects**

The location of the site on a flat coastal area will minimise any potential adverse effects the activity may have on any natural processes, such as sedimentation or flood flow.

The nature of the excavated material and the property's contours will ensure that any effects generated by the proposed excavations will be adequately mitigated by the implementation of a Land Management Plan and will be no more than minor.

**(f) Stormwater discharge and water quality effects**

The Council's Development Engineer, Cameron Ure, considers that any stormwater discharge and adverse effects on water quality arising from the on site works and off site transportation of material, will be no more than minor, subject to the implementation of appropriate conditions.

**(g) Noise and Dust**

Council's Development Engineer, Cameron Ure, is of the opinion that compliance with the relevant standards contained in the District Plan, and with the imposition of recommended conditions requiring adherence to best practices on dust control, that the noise and dust effects arising from the proposal during the short term construction period will be no more than minor.

**(h) Natural Hazards**

The subject site is noted on Council records as being located in a coastal inundation zone. The Council's engineers have assessed the application with regards to inundation. They are of the opinion that subject to the implementation of appropriate measures the development will not expose both the occupants and the property to unnecessary hazard or risk, particularly as a result of inundation from the sea.

**(i) Traffic Effects**

The Council's Consultant Traffic Engineer, David Mitchell and Transit New Zealand (Roading Authority) have reviewed the application.

Mr Mitchell has recommended that consent from a traffic perspective be granted, subject to a number of conditions. These include the following:

- *The parking numbers are acceptable, and although the dimensions do not strictly conform to District Plan requirements, the effect of the proposed reduction will be no more than minor.*
- *While it is acceptable to have 'splays' at the boundary to provide for pedestrian visibility, the 5.8m wide driveway should continue until the start of the turning radii at the HCH interface.*
- *The location and form of the loading bay is acceptable, but it should be noted that an existing street lighting column is located some 8.6m from the southern boundary. Any changes to road lighting and access will need to be confirmed with Transit NZ, with evidence presented to Council to show Transit's approval.*
- *A minimum of 3m should be maintained between the two driveways.*

Transit New Zealand has requested that consent to the development be subject to the several conditions which centre on the provision of a satisfactory construction management plan and associated facilities (refer to submission for actual conditions).

**(j) Urban Design**

Jason Evans of the Council's Urban Design Team and who is responsible for the Variation 101, has made the following comments on the development, these should be read in conjunction with my comments where relevant:

*Turning to the new Orewa Beachfront Residential Zone (within which the application site sits) the purpose of this Zone was to achieve greater density of development without fundamentally altering the character of the area. This is brought about by retaining the site coverage, height to boundary, landscaping rules etc from the existing Medium Intensity Residential Zone of the District Plan but allowing up to 3 household units per 600m<sup>2</sup> instead of the current restriction of 1. There does, in fact, already exist one example of this type of development within the area and from which it was noted some alteration in the maximum overall height would be beneficial in achieving a more interesting skyline. The Variation therefore contains a general rule allowing up to 9m (height) of occupied floor space with an additional tolerance of 2.5m to roof ridge to allow for traditional or otherwise roof forms. With regard to Integrated Residential Developments i.e. those creating more than 3 household units per site should only be located where:-*

*the site is capable of providing significant on site amenity value such as long street or beach frontage, landscaping and open areas and delivers household units of a minimum of 120m<sup>2</sup> net useable floor space be a front, corner or beachfront site with an area of not less than 2,000m<sup>2</sup>. Given these provisions the application is consistent with the Variations purpose in achieving greater density of development.*

*With regard to the issues of height whilst the scheme is 'over height' in absolute terms because of the generous site size and location of the over height elements the height of the building does not in my view adversely effect neighbouring properties. Considering the broader effect of the proposal on the street scene and indeed more distant views the latest perspectives provided have reassured me that the building is contextually appropriate and not dominant in the overall setting.*

*Finally in terms of the qualities of the building itself whilst there remain detailed elements which require close attention the latest drawings received convey a high quality contemporary architectural solution. The approach to breaking the mass of the building, solid to void ratio, material selection and articulation of the building all signal a high quality architectural solution in my view and will make a positive contribution to the built environment of the area.*

**(k) Vegetation Removal / Landscaping**

All vegetation except the small pohutukawa growing in the site's south eastern corner is to be removed. The nature of the existing vegetation (primarily shrubs and lawn, apart from the pohutukawa) limits its contribution to the amenity of the locality.

The only "significant" planting, as shown on the plans submitted with the application, are the seven trees to be planted along the road frontage. In addition to the lack of any substantial mitigation planting there is the question of the pohutukawas on the property that were removed as part of the hotel development. The removal of the trees was the only part of the consent that the applicant put into effect and as a consequence of their removal, the impact of this application on the site's vegetation is significantly reduced.

The extent of the basement negates the ability to provide sufficient space on the site to accommodate trees that will grow to a stage where they add to the local amenity.

However, I understand that the applicant is going to mitigate this limitation by providing large planter boxes within the courtyard that will accommodate trees that can, within several years, grow to the stage that they provide the required level of both on-site amenity (in terms of shading/softening) and off site amenity (softening the building's visual impact and adding to the neighbourhood's tree count).

I am of the opinion that the proposed planting will partially compensate for the loss of the trees on the property and in relation to this application, provide sufficient "greenery" to limit the intrusion of the three buildings into the immediate landscape.

**(l) Cultural Heritage Values**

There are no known cultural heritage items on this site, as noted in either the relevant District Plan(s) or in the Auckland Regional Council's Cultural Heritage database. MOKO viewed the application and expressed no concerns. Therefore, based on the information available, it is considered that adverse cultural effects created by this application will be no more than minor.

**(m) Service Provisions**

The Council's engineers have considered the demands that the development will place on the area's infrastructure and are of the opinion that the infrastructure has the capacity to accommodate any additional loads/demands that may be generated by the development.

The requirement that the applicant pay financial contributions towards the upgrade and maintenance of the existing infrastructure will further mitigate any additional pressure the 27 apartments may place on the public facilities.

**Effects Conclusion**

- 10.11 Overall, and subject to conditions of consent and clarification of those matters highlighted in the preceding assessment, the effects on the environment of the proposal are considered to be less than minor.

**Section 104(1)(b)**

**District Plan Provisions**

**Objectives and Policies**

- 10.12 The objectives and policies of Operative District Plan as amended by Plan Change 26, Proposed District Plan 2000 and Proposed Variation 101, are evaluated below.
- 10.13 When considering the relevant weighting to be given to the three sets of Objectives and Policies, it should be noted that the Operative Plan is generally considered to be the dominant planning document.

**Operative District Plan as amended by Plan Change 26**

- 10.14 The Operative Plan sets out several sections which have direct reference to the application. These sections are: 3B Provision for Residential Development, 3D Provision for Medium Intensity Residential Areas, 3G Sustainability of Residential Development, 3H Effects of Activities, 3L Development Controls, 3J Subdivision of Land, 3.4 Subdivisions, 3.6 Building and Development Controls.

The relevant objectives of these Sections are as follows:

**3B Provision for Residential Development**

*To ensure that the actual and/or potential effects of activities and processes are controlled and managed in a manner which allows for and does not compromise the sustainable management of the natural and physical resources within the District's urban concentrations.*

*Require that any other residential developments be comprehensively designed, on large sites, and provided for as discretionary activities so that individual effects and the cumulative impact of combinations of individual effects can be assessed, and so that appropriate control may be exercised over any adverse effects and a greater range of mitigation measures may be employed to remedy these effects.*

**3L Development Controls**

*To ensure that the sustainability of the natural and physical resources of the environment are safeguarded, and that residential development provides each household unit with an adequate standard of on-site amenity, and is compatible with adjoining sites and the features of the natural environment which contribute to the amenities of residential areas.*

**3J Subdivision of Land**

*To make provision for subdivision of land in a manner appropriate to the nature of the land to be subdivided, the intensity and type of development intended and which protects outstanding natural features and landscapes and sustains the potential of natural and physical resources.*

### 3G Sustainability of Residential Development

*To ensure that the development of urban concentrations and associated residential/non-residential development occurs in a manner which allows the sustainable management of resources.*

### 3D Provision for Medium Intensity Residential Areas

*To enable residential development of a medium scale and intensity and a spacious quality to occur in the larger urban settlements served by utility services and in smaller townships throughout the district where development of this nature is the predominant character.*

*To recognise that this type of development will constitute the dominant living environment throughout the district in terms of areal extent.*

#### **Comments**

- 10.15 The proposed development is not repugnant to the above objectives and their supporting policies as the residential complex has been designed in an integrated manner and appropriate mitigation measures have been employed to remedy the complex's off site effects.
- 10.16 Each of the household units will have an adequate standard of on-site amenity, and the design and finish of the development should ensure that it is compatible with adjoining sites and the features of the natural environment, in particular the beach and cliffs, which contribute significantly to the amenities of the immediate residential area.

#### **Proposed Plan 2000**

- 10.17 The Proposed Plan has the following objectives and policies which are considered to be the most relevant in the assessment of this application.

#### **General Residential**

The Plan sets out general objectives and policies for the district's residential areas. These include:

##### Objective 8.3.1

*To maintain and enhance amenity values within residential sites.*

##### Objective 8.3.2

*To maintain and enhance amenity values of neighbourhoods and residential areas.*

##### Objective 8.3.4

*To protect the character, ecological, landscape and open space qualities of the environment and especially the natural character of areas near the coast and landscapes of high value, from being adversely affected by inappropriate subdivision and development.*

These Objectives are supported by the following policies:

##### Policy 8.4.1/2

*Effects of buildings within a site/other sites*

*Buildings should be located and designed so as to minimise adverse effects on the same site, including effects on:*

- (a) the admission of daylight and direct sunlight into buildings and outdoor living areas; and*
- (b) privacy, both inside dwellings and in outdoor living areas; and*
- (c) vehicle movement and parking; and*

(d) *the ability of the site to provide for adequate stormwater and waste water drainage.*

#### Policy 8.4.3

##### *Amenity values and liveable neighbourhoods*

*Residential subdivision and development should be designed, located and arranged in such a way as to minimise adverse effects on the neighbourhood and other residential areas, and to provide for high amenity values and liveable neighbourhoods. This will be achieved by managing the effects of subdivision and development in green fields and built up areas in different ways. Management of adverse effects may result in:*

- (a) *having neighbourhoods of generally similar dwelling density;*
- (b) *having an overall compatibility in building scale, spacing and design;*
- (c) *retaining existing significant trees appropriate to an urban situation, and ensuring that space is available to plant new ones;*
- (d) *using the amenity value of the street and other open spaces to mitigate the adverse effects of higher intensity development on residential sites;*
- (e) *ensuring there is adequate car parking and manoeuvring space;*

#### Policy 8.4.4

##### *Health, safety and amenity values*

*Activities in residential areas should be sited, designed and operated to avoid, remedy or mitigate adverse noise and traffic effects on the health, safety and amenity values of people in the area.*

#### **Comments**

- 10.18 The design, finish and layout of the residential complex together with the adjacent beach and reserve and relationship with the adjacent residential properties will ensure that the proposed activity is in general compliance with the above as the development will provide for the maintenance of the neighbourhood's residential amenity values while providing for the protection of the character, ecological, landscape and open space qualities of both the residential and coastal environment.

#### **Medium Intensity Residential Zone**

The Plan sets out the following specific objectives and policies for the Medium Intensity Residential Zone as:

##### Objective 8.8.3.1.1

*To protect and maintain the open and spacious living environments that exist throughout most of the residential areas of the district.*

##### Objective 8.8.3.1.2

*To prevent intensive development that would remove or alter the open and spacious living environment that exists through most of the residential areas of the district.*

##### Policy 8.8.3.2.1

*The intensity of development in the Medium Intensity Residential Zone should not generally exceed one dwelling per site.*

Policy 8.8.3.2.2

*The intensity of development in the Medium Intensity Residential Zone should average to no greater than one household unit per 600m<sup>2</sup> of site area except that a second Household Unit can be established where this is a Minor Household Unit.*

Policy 8.8.3.2.3

*Subdivision in the Medium Intensity Residential Zone should not create sites with a net site area of less than 600m<sup>2</sup>.*

Policy 8.8.3.2.4

*In Medium Intensity Zones, residential development at an intensity higher than a single household unit per site should be located only on sites where the development;*

- (a) is an integrated residential development; and*
- (b) is on a site capable of providing significant on-site amenity value such as long street frontage, landscaping and open areas;*
- (c) is within easy walking distance of main public transport routes and significant community focal points.*
- ~~*(e) will not have adverse effects on direct neighbours and on the surrounding neighbourhood. (Deleted under Variation 58)*~~
- (e) is in accordance with additional specified design rules and guidelines or more intensive development. (Added under Variation 58)*

Policy 8.8.3.2.7

*In the Medium Intensity Residential Zone, no more than 35% of a site should be covered in buildings.*

The Plan sets out the explanation and reasons for the zone are:

*The Medium Intensity Zone aims to protect the traditional medium intensity living environment that is predominant throughout the urban areas of the district and to recognise community expectations that such environments will be protected from activities that could reduce amenity values in the zone. It is intended that the environment in these areas while being built up retains significant open spaces and a spacious character and that a quiet and pleasant environment is maintained for residents. These Objectives and Policies are aimed at ensuring that such an environment is maintained in areas zoned Medium Intensity Residential.*

The Plan describes the zone as:

*This zone applies to the majority of residential areas in the district, and provides for the continuation of traditional medium intensity development based on one house per site. This type of development is the dominant living environment throughout the district.*

The key characteristics of the zone are:

- (a) a spacious quality of development both in the larger urban settlements and in the smaller residential settlements;*
- (b) a predominance of sites with only one house;*
- (c) a significant area of open space exists on sites;*
- (e) because of the provision of on site open space, there is a significant number of trees on sites.*

*It is intended that the zone should provide a living environment that is reasonably spacious and that allows room for trees and vegetation to continue to be an important part of the landscape. The zone is also intended to provide an environment that allows people to live without experiencing significant adverse effects from their neighbours and others nearby.*

### **Comments**

- 10.19 The zone seeks to limit development on sites to the typical one dwelling per site and structures with a bulk and form that retain the open spaciousness nature of the Medium Intensity Residential Zone.
- 10.20 Notwithstanding this primary objective, the Plan does provide for medium intensity sites to be developed in a more intensive manner by way of integrated residential development. This departure allows sites to be developed in a manner that only partially reflects the nature of the development around the property.
- 10.21 In this case, it is considered that the proposed development satisfies the exception in that it is an integrated residential development, is located on a site capable of providing significant on-site amenity value, is within easy walking distance of main public transport routes and significant community focal points and is in general accordance with additional specified design rules and guidelines of more intensive development.
- 10.22 Overall I am of the opinion that the proposed development is not repugnant to the relevant objectives and polices as the complex will provide the residents with a high standard of residential amenity while having less than minor effects on the environment of the immediate neighbours and wider community.
- 10.23 The open nature of the complex and adjacent public spaces will combine to ensure that the neighbourhood retains its spacious character and that a quiet and pleasant environment is maintained for the residents of both the subject and surrounding properties.

### **Orewa Beachfront Residential Zone**

The Variation sets out the Objectives and Polices for the zone as:

#### Objective 8.8.7.1.1

*To enable more intensive living opportunities in the desirable living environment provided by the Orewa Beachfront, whilst protecting and maintaining the existing character of the area.*

#### Objective 8.8.7.1.2

*To prevent intensive development that would remove or alter the open and spacious living environment that presently exists.*

The supporting policies are:

#### Policy 8.8.7.2.1

*The building intensity of development in the Orewa Beachfront Residential Zone should not exceed one building per site.*

#### Policy 8.8.7.2.2

*The intensity of development in the Orewa Beachfront Residential Zone should average no greater than three household units per building. A maximum of one building per 600m<sup>2</sup> of net site area will be permitted.*

#### Policy 8.8.7.2.3

*Fee simple subdivision in the Orewa Beachfront Residential Zone should not create sites with a net site area of less than 600m<sup>2</sup>.*

Policy 8.8.7.2.4

*In the Orewa Beachfront Residential Zone residential development at an intensity higher than three household units per site (600m<sup>2</sup>) should be located only on sites where the development:-*

- (a) is an integrated residential development; and*
- (b) is on a site capable of providing significant on-site amenity value such as long street or beach frontage, landscaping and open areas; and*
- (c) delivers household units of a minimum of 120m<sup>2</sup> net useable floor space.*

Policy 8.8.7.2.5

*Development and subdivision in the Orewa Beachfront Residential Zone should integrate and retain significant trees and other landscape features.*

Policy 8.8.7.2.6

*In the Orewa Beachfront Residential Zone no more than 35% of a site should be covered in building and no more than 50% of gross site area surfaced in non permeable materials.*

Policy 8.8.7.2.7

*In the Orewa Beachfront Residential Zone the height of buildings will be limited to three storeys with a total height no greater than 9m of liveable space ( from 3.8m RL) with an additional 2.5m to roof ridge permitted where traditional pitched roofs are to be employed as part of the design. Maximum overall height from finished floor level to roof ridge should be no greater than 11.5m.*

Policy 8.8.7.2.8

*In the Orewa Beachfront Residential Zone the building line of any development proposal facing onto the beach must be set back a minimum of 10m from the site boundary with the beach or beachside reserve*

The Variation sets out the explanation and reasons for the new zone as:

*The Orewa Beachfront Residential Zone seeks to recognise and reconcile the desire for more people to live close to the beach without adversely affecting the overall environmental quality and character. By retaining the basic rules package governing development in Medium Intensity Zones but allowing more intensive use it is felt the essential character of the present beach frontage will be preserved whilst affording more opportunities for more people to live alongside the beach if they so wish. This zone therefore provides for more intensive use of some of the most desirable land in Orewa without compromising its essential built/landscape character.*

The Variation describes the zone as:

*This zone applies to the narrow area indicated on Maps 72 and 75 between the Hibiscus Coast Highway and Orewa Beach north of the town centre and provides for a similar built environment to Medium Intensity Residential whilst enabling increased intensity of use of the buildings in the zone.*

*Key characteristics of this zone are:-*

- (d) Maintenance of the present built/ landscape character whilst creating more opportunities for people to live beside the beach*
- (e) A predominance of sites with only one building per 600m<sup>2</sup>*
- (f) Significant areas of open space and presence of trees*

*It is intended that this Zone will maintain the positive qualities of the existing environment whilst creating additional opportunities for more people to live beside the beach. Through careful control of height, site coverage, landscaping and building line set backs it is considered high quality development can be brought forward to the credit of the area specifically and Orewa more generally.*

### **Assessment Criteria**

- 10.24 Rule 3.3.1 (a) provides the relevant assessment criteria in assessing applications for multiple household units and comprehensively designed multiple household unit development, and comprise the following:
- (i) Building location
  - (ii) Building form
  - (iii) Private open space
  - (iv) Service courts
  - (v) Overall scale and character of development
  - (vi) The public utility requirements
  - (vii) Roading, access, vehicle parking & circulation
  - (viii) Landscaping and screening
- 10.25 It is considered that the proposal satisfies the following criteria:
- (i) As the site has no visual significance being on the flat.
  - (ii) The size of the site and its relative isolation (only one residential boundary) will ensure that although the complex does not reflect the scale and form of the majority of the buildings in the neighbourhood, the buildings stepped nature and off sets will not detract from adjoining sites.
  - (iii) The private open space available to each of the units will for the reasons outlined previously, provide the occupants of each of the units with a level of amenity that will meet their needs and demands.
  - (v) The scale and physical extent of the proposal are such that the existing character of the immediate public spaces will not be not markedly changed. The proposal will, in general, allow the existing character of an area to be retained.
  - (vi) The public utility and servicing requirements of the proposed activity, including water requirements, provision for waste and stormwater disposal, and facilities for preventing pollution will not cause any uneconomic extension of services.
  - (vii) The Council's Traffic Engineers are of the opinion that the adjoining roading network is of an adequate standard to accommodate the levels of traffic generated by the proposed use. The access points will provide safe entry/exit to the site and the common parking area will be sited so that adjoining sites are not detrimentally affected by noise, lighting or visual intrusion.
  - (viii) I understand that the proposed landscaping will mitigate the impact of the building heights, bulk, and mass on the surrounding area.
- 10.26 The proposed activity does not satisfy the following:
- (iv) The only criterion that the development will not meet is the service court requirements. The applicant may seek to address the provision of these facilities at the hearing.
- 10.27 Jason Evans, from Council's Urban Design team and who is responsible for Variation 101, has reviewed the proposed development and is of the opinion that subject to the receipt of further design details, the complex meets the intent of the Variation.

### **Proposed District Plan 2000**

- 10.28 Whilst the proposed activity is non complying (for the reasons stated above), it is considered that the assessment criteria contained in Rule 8.12.2.1.2 is relevant, as included in the AEE.
- 10.29 It is considered that the proposal generally satisfies the following criteria:
- Building envelope and siting (a)
  - Amenity outlook (b), (c), (d)
  - Open space (e), (f), (g), (h) and (i)
  - Landscaping (j) and (k)
  - Vehicular access and parking (o), (p), (q), (r), (s) (t), (u), (v), (w), (x)
  - Utilities and services (w)
  - Refuse and recycling (x)
- 10.30 It is considered that the building's setbacks from the boundaries will offset the building's bulk when viewed from the adjacent residential and open space properties/area. The location, orientation and detailing of the individual unit's outdoor spaces (decks) will provide the required level of outlook amenity. The proposed additional landscaping and proximity to the reserve and beach will ensure that these factors will combine to provide the development with sufficient green spaces and landscaping to preserve on-site amenity and amenity within the locality.
- 10.31 Although the scale of the development is considered out of character with the existing development in the locality, it must be noted that the area is in a state of transition which may be hastened and intensified by the adoption of Variation 101.
- 10.32 For the reasons contained in the paragraphs above it is considered that the proposal appropriately avoids or mitigates adverse effects on off-site infrastructure and the roading network, provides adequate on-site service provision, and that the area (notwithstanding outlook shortcomings) of outdoor amenity space is appropriate for similar reasons to that contained in the criteria contained in the Operative Plan Change 26 above.

### **Proposed Variation 58**

- 10.33 Proposed Variation 58 has been notified subsequent to the lodgement of the application. It has amended and extended the Assessment Criteria contained in Rule 8.12.2.1.2.
- 10.34 It is considered that the proposal fails to satisfy the following criteria:
- Building envelope and siting (b) and (c). As the development does not include a variety of housing types and the development has a layout that is staggered across the property rather than around the perimeter. Although the proposal does not comply with either criterion, the units do range in size from two to four bedrooms and the units provide extensive outlooks over the adjacent reserve and beach. It is considered that these features adequately compensate for the failure of the complex to satisfy these criteria.
  - Amenity outlook (f) and (g). The development does not meet the first criterion, but like above, the requirement do not relate to the layout of the development as in this case it is more logical and efficient to orientate the units as proposed and to provide an underground carpark.
  - With regards to (g), the complex's scale does reflect the intended character and scale of the neighbourhood as it refers to single residential developments, however it does reflect the type and nature of housing provided for and envisaged in terms of an integrated residential development.

### **Proposed Variation 101 Orewa East**

- 10.35 The Proposed Variation, seeks to amend Rule 8.12.2.1.2 Integrated Residential Development and Cluster Housing by adding additional assessment criteria as follows:
- (uu) Whether the location and/or size of the building site or the foundation and/or building design and any engineering works and/or flood protection measures, or proposed constraints on building foundations or design, enable the siting of a household unit*

*which complies with the performance criteria of the building code, without exposing people and property to unnecessary hazard or risk, and without resort to section 72 of the Building Act 2004.*

- 10.36 The Development Engineers are of the opinion that subject to the adoption of appropriate techniques, this matter will not arise.
- (vv) *Whether the location and/or size, or any inundation mitigation measures will unduly restrict the ability of the site to be used for an intended purpose anticipated by the zoning or will be likely to adversely affect overland flow, hazard or amenity values on adjoining sites.*
- 10.37 The mitigation measures will not restrict the ability of the site to be developed.
- (ww) *Whether the location of the building site will inhibit the safe and efficient operation of any network utility, including access for inspection and maintenance purposes.*
- 10.38 The Development Engineers are of the opinion that this effect will not occur.
- (xx) *Whether the location or size of the building site will adversely affect natural processes, such as sediment or flood flow.*
- 10.39 The Development Engineers are of the opinion that this effect will not occur.
- (yy) *Whether the health and safety of residents on the site or any other site is likely to be adversely affected; the degree to which safe pedestrian egress is limited during an extreme storm event.*
- 10.40 The proposed linkages to the adjacent reserve and road together with the immediate area's topography and features will ensure that access will not be impeded in the event of an extreme storm event.

#### **Any Relevant National Policy Statement or Regional Policy Statement**

##### **The Auckland Regional Policy Statement (the RPS)**

- 10.41 The strategic direction within the Auckland Regional Policy Statement (RPS) focuses on sustainable management of natural and physical resources for the Auckland Region. Growth is to be accommodated in a manner that gives effect to the purposes and principles of the Resource Management Act 1991 and is specifically addressed in section 2 of the RPS.
- 10.42 The RPS also addresses issues relating to iwi, Transport/Energy, Water Quality, Soil Conservation and Environmental Protection. Areas for future urban growth are to be identified, provided for and managed through an integrated process on a regional basis consistent with the Strategic Direction. The RPS identifies Metropolitan Urban Limits within which urban-type activities should be located.
- 10.43 The application site is located inside the urban limits. The proposal will result in the site being developed in a manner and density that is consistent with the intended outcome for sites in the High Intensity Residential Zone under the provisions of the Plans.
- 10.44 The fact that the site lies within the urban limits indicates that the intensity of development deems that it is not in conflict with the Auckland Regional Policy Statement. Plan Change 6 to the RPS was introduced as a result of the Local Government Auckland Amendment Act 2004 (LGAAA).
- 10.45 Orewa is identified as schedule 1A – intensification areas to the RPS and is located within walking distances to local amenities including shops, schools and reserves and is located along a public transport route.
- 10.46 The intensification of the site in the proposed manner is therefore consistent with the RPS and the LGAAA.

## **Auckland Regional Growth Strategy 2050**

10.47 This is a non-statutory planning document which outlines the growth strategy for the Auckland Region for the next 50 years. Orewa has been identified as an intensive centre and corridor in this non-statutory document to cater for growth. The site is situated within the area subject to intensification as outlined in the RPS. The proposal therefore achieves the objectives of this document.

### **Auckland Regional Council: Coastal Plan**

10.48 The purpose of the Plan is to provide a framework to promote the integrated and sustainable management of Auckland's coastal environment. One of the functions of the ARC stated in section 30 of the RMA is the control of the Region's coastal marine area, in conjunction with the Minister of Conservation.

10.49 The Plan recognises that it is necessary to enable people and communities to appropriately subdivide, use and develop parts of the coastal marine area (and coastal environment) for activities which either require a location within the area, or utilise the natural and physical resources of the area.

10.50 The activity is in general accordance with the Plan as it is considered that the proposed subdivision, use and development will have less than minor effects upon the natural and physical resources of the coastal environment, and any such effects will be avoided, remedied or mitigated through the adoption of the relevant conditions.

### **Section 104 (1) (c) Any other Matters**

#### **Relevant Council Documents**

##### **Vision Rodney**

10.51 The document 'Vision Rodney', adopted by Council in July 2003, is the Rodney District's articulation of the future it wants. While it would not be appropriate to assess the application against this document as if it were the District Plan, it should be taken into account as a relevant matter as it expresses a wide range of view points and is considered to be Council's lead document of strategic intent.

10.52 The six main intentions expressed in the document are as follows:

1. *We will keep our country look and feel*
2. *We will not let our towns and villages sprawl*
3. *We will maintain our lifestyle and look after the environment*
4. *We will take care of ourselves while working with others*
5. *We will be able to make our living in Rodney*
6. *We will determine the future of our district*

10.53 It is considered intents 2 and 3 as stated above are most relevant to this proposal.

*'We will not let our towns and villages sprawl'*

10.54 This intention is considered to relate to a desire of the local community to keep rural areas rural and urbanised or town areas urban and therefore to only allow for growth and development that is accommodated and well planned for. Growth should also be located within existing residential settlements in a manner that caters for the environment.

10.55 This proposal is in keeping with this intent as the proposal results in an increase in urban activity within an identified urban area, and a residential site being developed for residential purposes and generally will not compromise the existing environment.

*'We will maintain our lifestyle and look after the environment'*

10.56 The proposal creates two six additional residential household units. These units will allow the occupiers the opportunity to participate and enjoy the lifestyle provided by close proximity to a beach and will have minimal effects on the surrounding natural and physical environment.

- 10.57 Overall it is considered the application is in keeping with the general strategic intent of 'Vision Rodney'.

### **The Integrity and Consistent Administration of the Plan**

- 10.58 The district's beachside residential areas are under significant development pressures. This proposal constitutes a non-complying activity under Proposed Variation 58 and 101, the Operative Plan as amended by Plan Change 26 and Proposed District Plan.
- 10.59 To remove any uncertainty that may be generated by approval of the application, the Commissioners must be satisfied that the proposed activity has sufficient elements that remove it from the generality of similar zoned residential properties within the district.
- 10.60 In this case, the site has been occupied by a 26 unit motel complex for over thirty years. This history and manner of use has resulted in the site generating particular effects which are of a scale, character and intensity that are relatively unique for a residentially zoned property.
- 10.61 The site has been the subject to two previous and relatively recent land use consents. The most relevant of these is the consent that provides for the site to be developed as a hotel/convention centre. This consent provides a level of certainty that the Council considers that the site has unusual circumstances and can be developed for other than conventional medium intensity housing (at the time of the consent).
- 10.62 The site itself has several distinguishing features which when combined separates the lot from others both within the immediate area and further afield. These elements are the adjoining Kinloch Reserve and the Orewa Beach/Esplanade Reserve. These two public open spaces, together with the adjacent section of the Hibiscus Coast Highway, physically separate the property from those to the north and west. These open spaces also give the immediate area an open spacious character not generally associated with medium intensity zoned neighbourhoods/individual properties.
- 10.63 In addition to these features, the site is a large block of land in the context of the properties within the immediate surroundings. The subdivision pattern and nature of the land tenure would indicate that the amalgamation of a similar size block of land is unlikely.
- 10.64 I am of the opinion that these features provide sufficient details to differentiate the property from others within the district to the extent that consent to the proposal will not generate any concerns within the public arena as to Council's consistent administration of the District Plan. Consequently the integrity of the Plans will not be reduced by any approval.

### **Subdivision**

- 10.65 The Plans provide for residential developments to be unit titled subject to gaining a land use consent and meeting specific criteria. With regards to these, the above assessment indicates that the site/development is suitable for the property, the property is adequately serviced and that the natural environment is appropriately protected.

### **Section 104 Assessment Conclusions**

- 10.66 Overall it is considered that having regard to all the relevant section 104 matters that consent be granted.

## **11.0 SECTION 104D ASSESSMENT**

- 11.1 As a non-complying activity section 104D of the Act states that the Council may only grant consent if it is satisfied that either:

*the adverse effects of the activity on the environment will be minor; or*

*the application is for an activity that will not be contrary to the objectives and policies of the relevant plan.*

- 11.2 Based upon the section 104 assessment of actual and potential effects in Section 10 of this report, it is considered that the adverse effects on the environment will be less than minor.

- 11.3 Based upon the section 104 assessment of the relevant objectives and policies of the plan in section 10 of this report, it is considered that the proposed activity will not be repugnant to the relevant objectives and policies.
- 11.4 Overall it is considered that the proposal meets both gateway tests and as such, the activity may be consented to.
- 11.5 As a non-complying activity section 104D of the Act states that the Council may only grant consent if it is satisfied that either:
- (a) *the adverse effects of the activity on the environment will be minor; or*
  - (b) *the application is for an activity that will not be contrary to the objectives and policies of the relevant plan.*
- 11.6 Based upon the Section 104 assessment of actual and potential effects in section 10 of this report and for the reasons listed in this section, it is considered that the adverse effects on the environment will be less than minor.
- 11.7 Based upon the section 104 assessment of the relevant objectives and policies of the plan in section 10 of this report, it is considered that the proposed activity will not be repugnant with the relevant objectives and policies. The reasons for this conclusion are set out in the section 10 assessment.
- 11.8 Overall it is considered that the proposal meets both gateway tests and can be considered for the granting of consent.

## **12.0 PART II ASSESSMENT**

- 12.1 The purpose of the Act is to promote the sustainable management of natural and physical resources.
- 12.2 Section 5 of the Act, defines sustainable management as:
- managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations, safeguarding the life-supporting capacity of air, water, soil, and ecosystems, and avoiding, remedying or mitigating any adverse effects of activities on the environment.*
- 12.3 It is considered that this application does promote sustainable management as the proposal involves the erection of additional household units at a density that is consistent with the level of development anticipated for sites under Variation 101 and in a manner that will have minimal effects on the environment.
- 12.4 Although within the Coastal Marine Area, there are no Section 6 matters of national importance relevant to this application.
- 12.5 With regards to the matters listed in Section 7, the following are relevant in the assessment of this application:
- (c) *The maintenance and enhancement of amenity values*
  - (f) *Maintenance and enhancement of the quality of the environment*
  - (i) *the effects of climate change*
- 12.6 There are no Section 8 Treaty of Waitangi matters relevant to this application.
- 12.7 Overall it is considered this application is consistent with Part 2 matters.

## **RECOMMENDATION**

That, pursuant to Sections 104, 104B and 104D of the Resource Management Act 1991, the notified application for resource consent by Orewa Beachfront Apartments Limited to an application for consent to carry out a comprehensive redevelopment of the site for twenty six residential units and caretakers unit, earthworks and retaining walls on the site, a subdivision to create twenty six individual unit titles, accessory units and common areas at 379 – 383 Hibiscus Coast Highway, Orewa, legally described as Lots 71 To 73 DP 12795 and Lots 25 to 27 DP 12795, be consented.

## **REASONS FOR THE RECOMMENDATION**

Pursuant to Section 113 of the Resource Management Act 1991, the reasons for this decision are as follows:

- (a) The proposed multi unit residential development will have effects on the surrounding natural and physical environment, in particular, in terms of visual, character and streetscape effects. The actual and potential scale, character and intensity of these identified effects will be mitigated by the proposed structure's design, layout and finish to the extent that the activity will have less than minor effects on these matters. The immediate area's visual qualities and values will be retained, while the transitional nature of its character and streetscape will continue to evolve in the manner generally envisaged by the Plans (in particular Variation 101).
- (b) The proposal is not considered repugnant with the relevant objectives and policies for the Medium Intensity Zone contained in Plan Change 26 and the Proposed Plan. In particular, the scale, form, location, and intensity of the proposal are considered to be compatible with the existing and foreseeable future qualities and characteristics of the surrounding locality. The scale, character, and intensity of the effects generated by the development will lie within the levels identified as been acceptable and applicable to the zone.
- (c) The proposed activity is in general accordance with the Proposed Orewa Beachfront Residential Zone which seeks to recognise and reconcile the desire for more people to live close to the beach without adversely affecting the overall environmental quality and character. The Proposed Variation seeks to achieve this by allowing for more intensive use of some of the most desirable land in Orewa without compromising its essential built/landscape character by requiring development to reflect the current medium intensity bulk and location requirements. Although the structure exceeds several of the rules, it is in general accordance with the spirit and intent of these provisions.
- (d) The design and layout of the residential complex on the generally flat site, the site's size, provision of communal facilities and locational factors (in particular the adjacent beach and reserve ) will combine to provide the residents with a level of amenity that exceeds those generally provided by a residential development within the medium intensity zoning.
- (e) The building's design, finish and layout together with the immediate area's topographical features and pattern of development will ensure that the complex and the intensity of development, in terms of occupation, should have less than minor effects on the amenity values of land beyond the site boundary, including (but not limited to): reduction in privacy, overshadowing, overlooking, obstruction of views, visual impact, noise and traffic impacts, effects on heritage values and effects on the coherence and cohesion of the neighbourhood community.
- (f) The existing public infrastructure has the capacity to accommodate any extra demand placed on the networks without the need for any additional upgrading.
- (g) The application for consent is for a Non Complying Activity and satisfies the requirements of section 104D as the adverse effects of the activity are less than minor and the application is considered not to be repugnant to the objectives and polices of the relevant plan and the relevant proposed plan.

- (h) The proposal is considered to be consistent with the sustainable management purpose and principles of Part II of the Act, particularly Section 7, as the design, finish and layout of the development together with the immediate area's physical features, will ensure that the neighbourhood's character, streetscape, and visual values and qualities will be maintained and enhanced through the erection and occupation of the complex.
- (i) The site, its planning history and current use distinguishes the property from other residential sites in the district to the extent that approval to the application will not cause the general public to question the Council's consistent administration of the District Plan and subsequently the integrity of the Plan(s) will not be affected.
- (j) The Plans note that unit title subdivisions where the residential development has been granted consent is appropriate and the Plans provide for this activity.

#### CONDITIONS

- a) **(general)** The proposed activity (development) shall be carried out in accordance with the information submitted with the application and plans (refer condition hh).
- b) **(resource consent monitoring charges)** the resource consent holder shall pay to the Council within one month of the issue of this consent or prior to the activity commencing (whichever is earlier) the cost, including specialist services, staff time and administration for the processing of this application together with the initial charges for the following inspections:
  - Environmental protection x 2 (\$150 x 2)
  - Engineering x 2 (\$150 x 2)

Monitoring deposits will be invoiced by the Council together with the consent processing charges.

Should further monitoring be required to ensure compliance, the Council will recover the actual and reasonable costs that are incurred from this monitoring as set out in the Council's Schedule of Fees and Charges.
- c) **(notification of Commencement)** At least 7 days prior to the work commencing, the resource consent holder shall notify the Council's RMA Compliance Administrator by telephone (0800 426 5169) the expected date of work commencing.
- d) **(developer's representative)** Prior to the commencement of engineering design, the Consent Holder shall nominate, in writing, its Developer's Representative in terms of Council's "Standards for Engineering Design and Construction" to be the first point of contact for all engineering matters. Any subsequent change to the nominated Developer's Representative shall be immediately notified in writing to the Consents Engineer.
- e) **(insurance and warranties for engineering works)** Prior to the commencement of engineering design for the works required by these conditions, the Consent Holder and the Developer's Representative shall provide to the Council proof of Professional Indemnity Insurance and Warranties in full satisfaction of section 102 of the "Standards for Engineering Design and Construction".
- f) **(engineering plans)** The engineering works required by this consent shall comply with the Council's "Standards for Engineering Design and Construction" as may be amended from time to time. Engineering Plans, as specified in the "Standards", shall be submitted to the Consents Engineer, and approval thereto received in writing, prior to the commencement of any works on the site.

Any variation or changes to the approved engineering plans shall be submitted for approval as an Amendment and approval received thereto prior to construction of the varied works.

The term 'engineering works' includes, but is not limited to:

Earthworks;

The formation of roads, the laying of pipes and other ancillary equipment to be vested in the Council for water supply, drainage or sewage disposal;

Street lights, landscaping or structures on land vested, or to be vested, in the Council;

The installation of gas, electrical or telecommunication reticulation including ancillary equipment;

Any other works required by conditions of this consent.

**Note:** Structures such as retaining walls, in-ground walls and bridges will require a separate Building Consent.

**Note:** The plans required under this condition are separate to, and do not form part of, any Building Consent that may be required on the subject site.

- g) (**pre-construction meeting**) The Developer's Representative shall give the Consents Field Supervisor named in the engineering plan approval at least 5 working days notice of the on-site pre-construction site meeting (refer section 103.15 of the "Standards for Engineering Design and Construction"). Construction work shall not commence on the site until such meeting has been held and all necessary documentation presented.

**Note:** Attention is drawn to the requirements of section 103.15.3 "Standards for Engineering Design and Construction" for the following documentation to be presented at the preconstruction meeting:

Approved engineering plans and copy of approval letter;

Health and Safety Plan;

The Signed Road Opening Notice;

The written approval of Transit New Zealand;

The relevant Resource or Subdivision Consent (and all conditions attached thereto);

Copies of any Auckland Regional Council Consents necessary for the works;

Signed copies of all Consents to Enter for Construction for works on land (including Council land) not owned by the consent holder.

- h) (**as built record plans**) As Built Record Plans to the requirements of s.103.20 of the "Standards" shall be submitted together with the relevant completed As Built Plans shall be a prerequisite of s.224(c) RMA or Consent-Works Completion Certificate as appropriate.
- i) (**inspection and testing**) All engineering works required by this consent shall be subject to inspection and testing pursuant to s.103.19 of the "Standards for Engineering Design and Construction". The Developer's Representative shall make applications for the inspection and testing in writing in the form of Appendix "E" of the "Standards".
- j) (**road opening notice**). The Consent Holder or his Contractor shall obtain a Road Opening Notice from the relevant Network Service Provider prior to the commencement of any works within the legal road.
- k) (**health & safety plan**) A detailed Health & Safety plan to the requirements of the Health & Safety in Employment Act 1992, specifically addressing control of the works on and adjacent to public land, and the protection of the public, shall be submitted to the Consents Engineer prior to the commencement of any works on the site (refer s.103.11 of the "Standards for Engineering Design and Construction"). A copy of the Health & Safety Plan shall be kept on the site at all times. All measures for the protection of the public and other personnel set out in the Plan shall be maintained and complied with until such times as the works are completed.
- l) (**traffic management plan**) A detailed Traffic Management Plan in accordance with the Code of Practice for Temporary Traffic Management specifically addressing control of construction access to the site and traffic control adjacent to the site, and the protection of the public, shall be submitted to the Consents Engineer. Verification that it meets the Council's requirements shall have been received in writing, prior to the commencement of any works on the site (refer s103.12 of the "Standard for Engineering Design &

Construction”).) A copy of the Traffic Management Plan, together with the verification letter shall be kept on the site at all times. All measures for the protection of the public and other personnel set out in the verified Plan shall be maintained and complied with at all times until such time as the works are completed.

- m) (earthworks design) All earthworks shall be specifically designed to the “Standards for Engineering Design and Construction” and NZS 4431 by a Chartered Professional Engineer experienced in soil mechanics. The work shall be designed and executed in compliance with the recommendations contained in the Geotechnical Report, prepared by Coffey Geotechnics (NZ) Limited, reference 10913, dated 28 September 2007.
- n) (earthworks certification) On completion of earthworks, an Earthworks Completion Report and a Certificate in the form of Appendix J of the “Standards for Engineering Design and Construction” signed by the Chartered Professional Engineer who designed and supervised the works, shall be provided to the Consents Engineer.
- o) (silt retention) Before commencement of any works, adequate silt retention structures as detailed in the Auckland Regional Council Technical Publication No. 90 "Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region" shall be installed. These structures shall be maintained and cleaned out as necessary until such time as complete grass cover, or other non-erodible surfacing, has been re-established over the site.

The location and detail of the sediment control shall be included in the Engineering Plans for approval prior to commencement of construction.

- p) (dust control) All necessary actions shall be taken to prevent a dust nuisance to neighbouring properties and public roads; including but not limited to:

- The staging of areas of the works;
- The retention of any existing shelter belts & vegetation;
- The installation & maintenance of wind fences and vegetation strips;
- Watering of all haul roads and manoeuvring areas during dry periods;
- Spraying of load dumping operations;
- Suspension of all operations if necessitated by the prevailing conditions.

The site, or parts thereof as appropriate, shall be regrassed or otherwise protected from wind & water erosion immediately upon completion of bulk earthworks whether or not other works are completed.

- q) (finished floor levels) Finished floor levels, for all habitable areas, shall be above the inundation levels set by the report “Assessment of Potential Sea Levels Due to Storms and Climate Change Along Rodney’s East Coast” (Appendix 2 Table 1) unless written expert opinion is presented offering an acceptable protection to lesser finished floor levels.
- r) (construction of crossing) The vehicle crossings to the boundary of the site shall be constructed to the residential standards of the “Standards for Engineering Design and Construction”.
- s) (water supply connections) Connections to the existing public water supply system which lies within or is contiguous to the land in the Scheme Plan shall be provided to serve the development, to the Council’s “Standards for Engineering Design and Construction”.
- t) (wastewater connections) Connections to the existing public wastewater system which lies within or is contiguous to the land in the Scheme Plan shall be provided to serve the development, to the Council’s “Standards for Engineering Design and Construction”.
- u) (stormwater connections) Connections to the existing public stormwater system which lies within or is contiguous to the land in the Scheme Plan shall be provided to serve the development, to the Council’s “Standards for Engineering Design and Construction”.
- v) (financial contributions) Pursuant to Operative Plan Change 62 (Chapter 22), the financial contributions as set out in the “Schedule of Financial Contributions”, RMA SUB-53189, Sequence 001, attached to this consent shall be paid to the Council in full mitigation of the offsite effects of the activity in respect of infrastructure and community facilities.

**Note:** Pursuant to Minute Number 182 / 02 / 05, these financial contributions have been assessed in accordance with the initially calculated Schedule referred to in Clause 6.6 of Appendix 22B of Plan Change 62.

- i. Where a financial contribution paid under this consent exceeds that payable under the final Household Unit Contributions Schedule, the excess contribution amount will be refunded to the consent holder.
  - ii. Where a financial contribution paid under this consent is less than that payable under the final Household Unit Contributions Schedule, no further contribution will be required to be paid by the consent holder.
- w) (**reassessment of contributions**) Any portion of the contributions remaining unpaid on the anniversary of the date of granting the consent, shall be adjusted by applying any change in the Producer Price Index – Construction between the date of consent and the most recent anniversary of the date of consent prior to the payment of the contribution.

Any portion of the contributions remaining unpaid five years after the date of granting of the consent shall be fully reassessed in accordance with Operative Plan Change 62 immediately before the time of payment.

For the purposes of this condition, “immediately prior to payment” shall mean “within two calendar-months of the date of payment”

- x) (**timing of payment**) Pursuant to Rule 22.8.3.2, all contributions shall be paid in full prior to the issue of the s.51(g) certificate, unless other arrangements satisfactory to the Council have been made pursuant to Rule 22.8.5. In the case of staged developments, the contribution payable on each stage shall be reassessed on the number of sites created in each stage.
- y) (**interfloor height**) The interfloor height in the basement should be at least 2.5m where manoeuvring and access is required to the disabled parking spaces. If a lower height is proposed elsewhere, suitable signage will be required.
- z) (**main access**) The proposed main access is proposed to be 5.6m in Section 7.1 and 5.8m in Section 6.2 of the traffic report. The access width should be confirmed as 5.8m.
- aa) (**main access**) The main vehicle access of 10m wide is noted as being at the HCH connection (Section 7.1) and at the boundary (Section 10). The plan shows that the driveway exceeds 10m at the boundary.
- bb) (**main access**) While it is acceptable to have ‘splays’ at the boundary to provide for pedestrian visibility, the 5.8m wide driveway should continue until the start of the turning radii at the HCH interface.
- cc) (**loading bay**) The location and form of the loading bay is acceptable, but it should be noted that an existing street lighting column is located some 8.6m from the southern boundary. Any changes to road lighting and access will need to be confirmed with Transit NZ, with evidence presented to Council to show Transit’s approval.
- dd) (**driveways**) A minimum of 3m should be maintained between the two driveways.
- ee) (**construction management plan**) The applicant shall prepare a construction management plan in consultation with Transit New Zealand which includes specification of routes to be used, type of construction vehicles and construction schedules. Certification that the construction management plan is to the satisfaction of Rodney District Council must be obtained at least 10 working days prior to the commencement of work, and a copy of the plans certified must be provided to Transit New Zealand.
- ff) (**construction management plan**) The applicant submits an approved Traffic Management Plan at least 10 working days prior to the commencement of work. All temporary traffic control on State Highways shall conform with the requirements in the latest version of the Code of Practice for Temporary Traffic Management (CoPTTM).

- gg) (wheel wash facilities) Wheel wash facilities are to be provided on site to minimise the migration of loose stones and site matter onto the State Highway during construction.
- hh) (design details) the final design of the building shall be approved by the Team Leader Consents prior to the issuing of a building consent for any stage of the development.

#### **Ongoing Conditions/Consent Notices**

The following conditions of the consent shall be complied with in perpetuity and shall be registered on the relevant Titles by way of Consent Notices pursuant to s.221 of the Act.

- a) (building restrictions) Any buildings erected on the identified building site (above) shall be subject to the requirements of the report prepared by Coffey Geotechnics (NZ) Limited, reference 10913, dated 28 September 2007, and any subsequent reports. Copies of the said plan & report(s) will be held at the offices of the Council, Centreway Road, Orewa.

#### **Advice Notes**

**Note:** Reports and limitations on the land regarding any features or characteristics of the land or works on the land, whether the subject of specific encumbrances on the land or not shall be discoverable as part of the Council's records.

#### **ATTACHMENTS**

- Attachment A - Copy of Application
- Attachment B - Copy of Submissions
- Attachment C - Development Engineer (Cameron Ure)
- Attachment D - Traffic Engineers report received from T2 Traffic Engineers Limited (Mr. D Mitchell)