



NOTICE OF MEETING

RESOURCE CONSENTS HEARINGS PANEL

TO: Chairperson John Childs
 Crs Ross Craig
 John Kirikiri

A meeting of the Resource Consents Hearings Panel will take place in the Council Chamber, Rodney District Council, Centreway Road, Orewa on Monday, 6 April 2009 commencing at 9.00 a.m.

for: CHIEF EXECUTIVE
Rodger Kerr-Newell

OREWA
25 March 2009

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PROGRAMME

<u>Time</u>		<u>Page</u>
9.00 a.m.	A NOTIFIED RESOURCE CONSENT APPLICATION UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991 AN APPLICATION FOR CONSENT TO ESTABLISH AN OFFICE BUILDING ON A RESIDENTIAL SITE. CONSENT IS REQUIRED FOR THE OFFICE BUILDING AS PER RULE 3.3, FOR YARD INFRINGEMENTS AS PER RULE 3.6.1, FOR PARKING AND ACCESS INFRINGEMENTS AS PER RULES 13.7(A)(V), 13.8(B), 13.3 AND FOR DAMAGE TO POHUTUKAWA TREES AS PER RULE 3.7 OF THE OPERATIVE PLAN AS AMENDED BY PLAN CHANGE 26; AND THE OFFICE BUILDING AS PER RULE 8.9.2, FOR YARD INFRINGEMENTS AS PER RULE 8.10.5.2, FOR PARKING AND ACCESS INFRINGEMENTS AS PER RULES 21.9.2.4, 21.10.2.2, 21.10.3, 21.10.4.1(C) AND FOR DAMAGE TO POHUTUKAWA TREES AS PER RULE 18.9.3 OF THE PROPOSED DISTRICT PLAN 2000	1

Address: 3 Alice Avenue, Orewa

APPLICANT: LARMAN CONSTRUCTION LIMITED

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ITEM NO: 1

APOLOGIES

ITEM NO: 2

REPORT



TO Resource Consents Hearings Panel
ON 6 April 2009
FROM Laura Christian – Reporting Planner
SIGNATURE

A handwritten signature in black ink, appearing to read "Laura Christian".

APPROVED FOR RELEASE BY Steve Seager – Team Leader
SIGNATURE

A handwritten signature in black ink, appearing to read "Steve Seager".

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

AN APPLICATION FOR CONSENT TO ESTABLISH AN OFFICE BUILDING ON A RESIDENTIAL SITE. CONSENT IS REQUIRED FOR THE OFFICE BUILDING AS PER RULE 3.3, FOR YARD INFRINGEMENTS AS PER RULE 3.6.1, FOR PARKING AND ACCESS INFRINGEMENTS AS PER RULES 13.7(A)(V), 13.8(B), 13.3 AND FOR DAMAGE TO POHUTUKAWA TREES AS PER RULE 3.7 OF THE OPERATIVE PLAN AS AMENDED BY PLAN CHANGE 26; AND THE OFFICE BUILDING AS PER RULE 8.9.2, FOR YARD INFRINGEMENTS AS PER RULE 8.10.5.2, FOR PARKING AND ACCESS INFRINGEMENTS AS PER RULES 21.9.2.4, 21.10.2.2, 21.10.3, 21.10.4.1(C) AND FOR DAMAGE TO POHUTUKAWA TREES AS PER RULE 18.9.3 OF THE PROPOSED DISTRICT PLAN 2000

Address: 3 Alice Avenue, Orewa

APPLICANT: LARMAN CONSTRUCTION LIMITED

FILE REF L 54682
WARD Hibiscus Coast

Having considered the proposal against all the relevant statutory criteria it is recommended by the reporting planner that the application be granted consent. The reasons for this recommendation are set out in section 17 of this report.

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

SITE ADDRESS: 3 Alice Avenue, Orewa

APPLICANT: Larman Construction Limited

LEGAL DESCRIPTION: Lot 154 DP 38916 - CT NA1075/256

SITE AREA: 809m²

DISTRICT PLAN

ZONING:

Operative Plan as amended by Plan Change 26:	High Intensity Residential Activity Area
Proposed District Plan 2000:	Residential High Intensity

ACTIVITY STATUS:

Operative Plan as amended by Plan Change 26:	Non-complying
Proposed District Plan 2000:	Discretionary

SNA: None

2.0 BACKGROUND

S93/94 Decision

2.1 This application was notified for the following reasons:

- 1 The owners of the adjoining properties are considered to be potentially affected by the proposal, particularly as the proposed office building does not look like the traditional dwellings located in the area and the proposed building infringes the front yard setback. In addition the two Pohutukawa trees are located on the adjacent property and the written approval has not been obtained from this landowner. Therefore it is recommended that the proposal be limited notified as the applicant has not obtained these written approvals.
- 2 The proposal requires works to be undertaken within the dripline of two Pohutukawa trees. The Applicant has provided an Arboricultural Report, which includes recommendations for the works to ensure that the effects to the trees are no more than minor and that the contractors know when to seek resource consent for any damage to the trees. It is considered that any adverse effects to these trees can be adequately mitigated through adherence to the aforementioned Arboricultural Report.
- 3 The proposed three-level office building, with associated parking, is located in a Residential High Intensity zone. As stated in the above report, the proposal has the potential to affect the character and amenity of the neighbourhood as such activities are not anticipated by the Plans. It is noted that the proposed site is directly adjacent to the Retail Service zone where such activities are anticipated. Any potential affect that may result from the appearance of the proposed building can be mitigated by the proposed landscaping and overall design of the building.
- 4 The proposal has the potential to generate adverse effects relating to traffic, access and parking. Council's Consultant Transportation Engineer has reviewed the proposal and considers that the proposal has been adequately designed to reduce adverse transport effects. In particular, the provision of a two-way vehicle entrance, parking signage and a mirror located at the rear of the site, will help increase the safety of manoeuvring into, out of and around the site. Overall it is considered that the adverse traffic, access and parking effects will be no more than minor.

- 5 Overall, it is considered that the potential adverse effects of the proposal on the environment will be no more than minor.

Relevant Planning History

- 2.2 The current application which is the subject of this hearing was submitted by the applicant on 15 October 2008.
- 2.3 The reporting officer recommended Limited Notification on 27 January 2009 and the application was subsequently notified on 09 February 2009 and submissions closed on 10 March 2009.

3.0 THE PROPOSAL AND REASONS FOR APPLICATION

- 3.1 The proposal is to remove the existing two dwellings and garaging from the site. Then it is proposed to construct a 3 level office building with associated parking.
- 3.2 The proposed building is 3 levels, with brick cladding and a flat roof. A covered pedestrian entry extends towards Alice Avenue. The building will be a maximum height of 8.7m. Each floor will be accessed by internal stairs and a lift. A set of stairs to the north of the building (along the side) will provide an alternative means of access, required for emergency exit purposes. A small deck (3.2 x 5.8m) is proposed off the northern side of level two and a larger deck (10m x 3.5m) is proposed off the rear of level three.
- 3.3 A setback of 1.7 metres is proposed from the road boundary, 2 metres from the northern side boundary, 5.5 metres from the southern boundary and 11 metres from the rear boundary (from the second level which overhangs part of the carpark area).
- 3.4 180m² of earthworks are required to establish a suitable building platform.
- 3.5 The existing access to the site is to be removed (and edging reinstated) and a new crossing is to be created at the southern end of the site, off Alice Avenue. At the road boundary, the access will provide for two-way traffic, however this will be restricted along the side of the building due to staff parking.
- 3.6 Parking for 15 vehicles (including 2 disabled parks) is to be provided to the rear of the building; seven of which will be covered by the overhang of level 2 of the office building. In addition 2 further parks are proposed along the southern side of the building.
- 3.7 It is noted that there are two large Pohutukawa trees (approximately 9m high) along the northern boundary (located on the adjacent site, but overhanging the subject site). The applicant has provided an arboricultural report (ArbSolutions dated 19 November 2008) following a section 92 request relating to potential damage to the Pohutukawa trees during the construction works. This report provides recommendations for protection of the trees during the works.
- 3.8 Gobi blocks are to be laid in the north east corner of the site to provide parking under the dripline of the trees. A new wooden fence will be constructed along this boundary.
- 3.9 A copy of the application as notified is annexed as **Attachment A**.

Reason for Application

- 3.10 Resource Consent is required for the following reason(s):

Operative District Plan, as amended by Plan Change 26

- 3.11 The site is zoned High Intensity Residential Activity Area under this Plan.

Office building

- 3.12** Offices are not provided for in the activity table under Rule 3.3 on pages 39 to 41 of Plan Change 26. In addition, non residential activities that are not consistent with the intended environmental outcomes are deemed to be discretionary activities. It is considered that the proposed offices comply with all of the intended environmental outcomes, except it is considered that the proposed building is not in keeping with the residential character in which it is sited. The activity is therefore a non-complying activity under this Plan (Rule 3.3), as it is not provided for in the schedule.
- 3.13** The proposed building also infringes the six metre front yard setback (Rule 3.6.1), as the building is only 3.5 metres from the front boundary, with entry canopy which is setback 1.7 metres. This infringement is assessed as a discretionary activity under this Plan. It is noted that the proposal complies with all other relevant Development Controls.

Earthworks

- 3.14** To provide a suitable building platform, approximately 180m³ of earthworks is required. This meets the permitted level of 200m³ in this Plan (Rule 3.7).

Vegetation

- 3.15** The proposal also involves works within the dripline of two Pohutukawa trees that are over 6 metres in height, thus requiring consent as a discretionary activity under Rule 3.7.

Access & Parking

- 3.16** In terms of access and parking, Rule 13.7(a)(v) states that access within any “Defined Road Boundary” (“DRB”) shall be located to the satisfaction of the Council’s Engineering Manager. In this case Florence Avenue is a collector road, therefore the DRB extends for 30m. The proposed crossing is located 28m from the intersection, therefore falls within the DRB and infringes this Rule.
- 3.17** Rule 13.8(b) requires that for all activities other than residential, an unobstructed carriageway of not less than 6m wide, or ingress and egress carriageways, each not less than 3m wide is required. The proposed access is 5.5m wide, however it is obstructed with the 2.5m wide parking spaces, leaving only 3m of clear access to the parking area at the rear of the site, therefore infringing this Rule.
- 3.18** The minimum parking requirement for the offices, with a gross floor area of 621m², is 18 parks (Rule 13.3, 1 space for every 36m² of GFA, Operative Plan). The proposal only provides for 17 on-site parks, therefore does not meet this rule.
- 3.19** The above three parking and access infringements are assessed as discretionary activities in accordance with section 77(c) of the RMA, as the Plan does not provide an activity status for infringements.

Summary

- 3.20** Overall, the subdivision proposed is non-complying under this Plan. It is noted that financial contributions will be payable in terms of Plan Change 62.

Proposed District Plan 2000

- 3.21** The site is zoned Residential High Intensity under this Plan. It is noted that the site has been identified as high Intensity residential under the proposed Orewa East Structure Plan.

Office Building

- 3.22** The proposal to construct an office building on the site is not provided for in the activity table. It is noted that the activity table (Rule 8.9.2) states that any activity that meets the standards in Rule 8.9.4 is assessed as a discretionary activity. It is considered that the proposed office building will comply with the aforementioned standards, therefore is assessed as a discretionary activity under this Plan.

- 3.23** As with the Operative Plan, the proposed building infringes the six metre front yard setback by 2.5 metres, therefore requiring a resource consent as a restricted discretionary activity. It is noted that the proposal complies with all other relevant Development Controls.

Earthworks

- 3.24** To provide a suitable building platform, approximately 180m³ of earthworks is required. This meets the permitted level of 200m³ and/or less than 1000m² in this Plan (Rule 18.9.2).

Vegetation

- 3.25** The proposed carparking area is also located within the dripline of a large Pohutukawa tree. For this reason the applicant has proposed to construct parks numbered 8 and 9 from 'Gobi Blocks' to avoid damaging the Pohutukawa, being over 6m in height (greater than 200m from MHWS). However, Rule 18.9.3 requires consent as a restricted discretionary activity for cutting/damaging trees over 6m in height.

Parking & Access

- 3.26** The minimum parking requirement for the offices, with a gross floor area of 621m², is 18 parks (1 for every 35m² of GFA, Rule 21.10.2.2). The proposal only provides for 17 on-site parks, therefore does not meet this rule and is assessed as a restricted discretionary activity.
- 3.27** The proposed crossing place is located within the defined road boundary (within 30m from the intersection of Alice Avenue and Florence Avenue) (Rule 21.9.2.4), therefore does not meet this rule and is assessed as a restricted discretionary activity.
- 3.28** In addition, other development controls in relation to parking and access that the proposal does not meet include:
- 1 loading space is required by Rule 21.10.3 (GFA is less than 10,000m²) – infringement, the proposal does not provide for a loading space.
 - Access serving 10 or more parking spaces, shall be two lanes wide (Rule 21.10.4.1(c)) – Infringement, only 3.5m wide beyond parking strip
- 3.29** The above access and parking infringements are also deemed to be restricted discretionary activities under Rule 21.9.2.1.

Summary

- 3.30** Overall the proposal is assessed as a discretionary activity under this Plan, being an activity that meets the standards in Rule 8.9.4.

4.0 SITE DESCRIPTION

- 4.1** The site (shown below) is legally described as Lot 154 DP 38916, is 809m² in area and is located at 3 Alice Avenue, Orewa.
- 4.2** The site is located on the eastern side of Alice Ave, approximately 22 metres from the intersection with Florence Ave. The topography of the land is generally flat and there are no significant trees located on the site, however a large Pohutukawa tree overhangs the northern boundary.
- 4.3** There is an existing building line restriction on the site, which requires all buildings to be at least 33 feet from the middle line of Alice Ave. In addition there is an existing drainage easement in gross on the Title, in favour of Council. This is an historical easement for the drainage of water from the roads.
- 4.4** The site currently has an established dwelling and minor household unit as well as garages. These buildings are to be removed as part of this proposal.



4.5 As shown on the above aerial photograph, the site to the east is a motel complex, with a swimming pool and shed adjacent to the common boundary. The site is screened with an existing wooden fence. The site to the north-east also contains residential dwellings, however it is screened by a similar fence to the motel units. The adjoining property to the north contains a single two-storey residential dwelling centrally located on the site. There is an existing large Pohutukawa tree that screens the residential site from the subject site.

4.6 The site to the south is a two-storied building consisting of 11 shops. The area to the rear of this building, which adjoins the subject site, is used for carparking.

4.7 To the west of the subject site, across Alice Ave, is an office building with a paved area for parking. To the north of this site, also across from the subject site, are residential units.

5.0 WEIGHTING OF DISTRICT PLANS

5.1 The weighting of District Plans is determined by how far advanced the Proposed Plan has gone through the plan formulation process. The Proposed District Plan 2000 was publicly notified in November 2000. This Plan has been through the submission process and largely through the appeal process, with a number of Chapters now being Operative (as of the 31 January 2009). On this basis, a greater weight should be applied to the Proposed Plan.

5.2 It is noted that many of the objectives, policies, rules and assessment criteria of both Plans are similar and therefore the weighting of the Plans will not significantly alter the decision process.

6.0 NOTIFICATION AND SUBMISSIONS

Notification

6.1 The application was notified on 09 February 2009 and submissions closed on 10 March 2009. A summary of the submissions is set out below. A full copy of the submissions is attached as **Attachment C**.

Submissions

- 6.2 One submission was received by the close of the submission period, which sought that the application was declined in part, see table below.

#	Name	Address	Main Concerns	Relief Sought	Wish to be heard
1	Rodney Times (Maria Matussevich)	1 Alice Avenue	Use of adjoining parking areas and roadside parking	Address parking issues	No

Relief Sought

- 6.3 The above submission which sought the proposal be declined in part is listed above. The main concerns of the submitter was the existing 12 parking spaces opposite used by the submitter (The Rodney Times, Comm & Accountancy) and safety concerns with extra traffic use of roadside parking.

Written Consents

- 6.4 Section 104 (3) of the Act states that a consent authority must not have regard to any effect on a person who has given written approval to the application. The applicant's representative carried out any consultation with the surrounding neighbours and obtained the following written approvals:

- Lot 155 DP 38916 (1 Alice Avenue) – S.E.K. Morris Ltd (Shirley Morris)
- Lot 94 DP 38916 – Flat 1 DP 131552 – FT, JL & MP Norton
- Lot 94 DP 38916 – Flats 2 & 3 DP 131552 – Moore Investment Properties Ltd (Christopher Moore)
- Lot 1 DP 62035 – 378-380 Hibiscus Coast Highway, Orewa – NZ Railways Staff Welfare Society (Chris Ball – Manager NZR Welfare Trust)
- Lot 131 DP 12795 – Flats 1 & 2 DP 141347 – JE Watson & KS McNabb

7.0 PRE HEARING MEETING

- 7.1 No pre hearing meeting has been held.

REPORTS FROM OTHER OFFICERS/DEPARTMENTS/CONSULTANTS

- 7.2 Reports and/or comments have been received from the persons with respect to this application:

- Comments from Ecology Adviser, Rue Statham (see **Attachment D**)
- Report from Council's Development Engineer, Ray Smith (see **Attachment E**)
- Comments from Council's Transportation Engineer, David Mitchell (see **Attachment F**)
- Comments from Council's Senior Policy Planner, Jason Evans (see **Attachment G**)

8.0 STATUTORY ASSESSMENT

- 8.1 The Act requires for all applications for resource consent subject to Part 2 of the Act, the Council must have regard to the matters set out in section 104 of the Act.
- 8.2 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.
- 8.3 Following the section 104 (1) assessment an assessment will be made in terms of section 104 B, and Part 2 of the Act.

9.0 SECTION 104 ASSESSMENT

Permitted Activities Assessment

The Existing Environment

- 9.1** In terms of development the site is 809m² in area and contains two dwellings. It is proposed that both dwellings will be removed as part of this application and replaced by the office building.
- 9.2** The site is located on the eastern side of Alice Ave, approximately 22 metres from the intersection with Florence Ave. The topography of the land is generally flat and there are no significant trees located on the site, however there are two large Pohutukawa trees that overhang the northern boundary.
- 9.3** There is an existing building line restriction on the site, which requires all buildings to be at least 33 feet from the middle line of Alice Ave. In addition there is an existing drainage easement in gross on the Title, in favour of Council. This is an historical easement for the drainage of water from the roads.

Unimplemented Consents

- 9.4** There are no unimplemented consents for this site.

Activities Permitted by the Plan

- 9.5** In term of both Plans, it is permitted to remove exotic and native trees that are less than or equal to 6 metres in height (Rule 18.9.3 Proposed District Plan 2000, and Rule 3.7 of the Operative Plan as amended by Plan Change 26).
- 9.6** In terms of earthworks, it is permitted to undertake up to 200m³ of earthworks, at a distance greater than 10m from a water body/Mean High Water Springs (MHWS) under both Plans.
- 9.7** The site is zoned Residential High Intensity under both Plans. Office buildings are not provided for in this zone. However, under these Plans, as a permitted activity, the site can have 2 dwellings at a standard of at least 275m² per household unit, provided the dwellings meet the development controls.
- 9.8** In addition the following activities may be undertaken on the site as of right:
- Boarding house, homestay, hostel or private hotel accommodating not more than 10 persons (inclusive of owner, family and staff).
 - Homes for the aged and day-care facilities for the elderly and disabled accommodating not more than 10 persons (inclusive of owner, family and staff).
 - Home occupation subordinate to the residential activity.

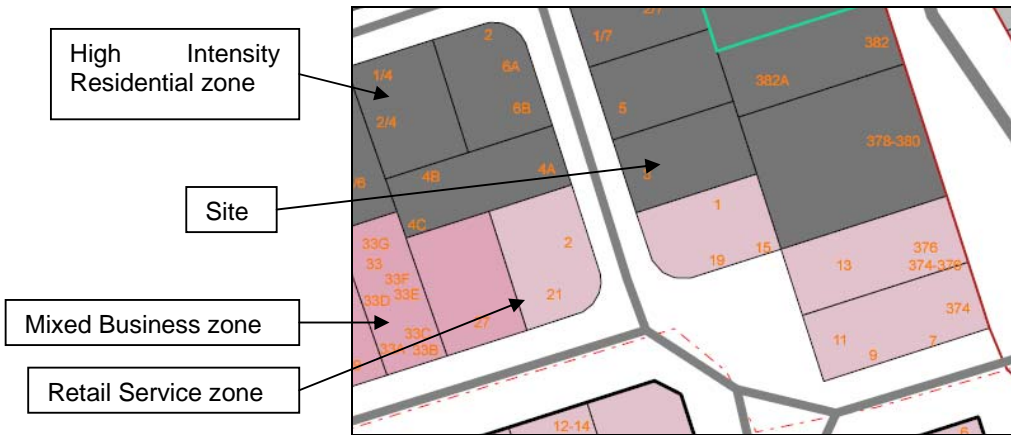
- 9.9** Therefore, any effects such as noise, traffic movements, visual effects and the level of activity reasonably associated with these activities form the permitted baseline for the site. It is noted that the site is directly adjacent to both the Retail Service zone and Mixed Business zones, where office buildings and activities are provided for as permitted activities.

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

- 9.10** Section 3 of the Act states that the term “effect” includes any positive or adverse effect; temporary or permanent effect; past, present, or future effect; any cumulative effect and potential effects.

Character of the area

9.11 The proposal is to construct a three-level office building on the site with a carparking area for 17 vehicles. The applicant provided updated plans following concerns expressed by Jason Evans (Senior Policy Planner – Orewa Structure Plan).



9.12 As shown above, the site is zoned Residential High Intensity (under both Plans). However, it is directly adjacent to the Retail Service zone (to the south and west of the site). The adjacent site consists of the three level retail building containing two levels of shops:



9.13 To the north of the site, zoned Residential High Intensity, is a single level dwelling.



9.14 Opposite the site, is another office block in the retail service zone:

Office block across from site, viewed from subject site



9.15 Residential units are directly across from the subject site:

Residential dwellings opposite site, viewed from subject site



9.16 To the east (rear) of the site is a motel accommodation:

Motel Units – viewed from rear of subject site



9.17 It is considered that the proposed development is consistent with the surrounding Retail Service zone, however is not consistent with the character of the High Intensity Residential zone.

9.18 The Proposed District Plan states that non-residential activities that do not adversely affect the amenity of residential sites and that contribute to the direct needs of residents, are appropriate in the High Intensity zone.

9.19 The appearance of the building is not residential in character, however it can be considered similar to other office buildings in the adjacent Retail Service zone. The exterior construction of the building consists mostly of brick and large glass windows. Landscaping in front of the building (and the existing Pohutukawa trees along the northern boundary) will help to integrate the building into the residential zone.

- 9.20** When assessing whether adverse effects are no more than minor, section 94 of the Act states that any effects that are permitted under the Plans may be disregarded. Therefore, it is worth noting that a three level residential dwelling of a similar scale could be constructed on the subject site. In addition a building on this site could be used as a permitted activity for the purposes of a childcare facility for not more than 10 children at any one time, for a boarding house/homestay/hostel/private hotel, accommodating not more than 10 persons (inclusive of the owner, family and staff), or as a home for the aged (accommodating not more than 10 persons inclusive of owner, family and staff). Or alternately the site could be used to contain two residential dwellings.
- 9.21** Any effects such as noise, traffic movements, visual effects and level of activity reasonably associated with these activities form the permitted baseline of effects for the site. It is also relevant to note that there are no design guidelines to dictate the appearance of dwellings to be constructed within this zone.
- 9.22** It is considered that the type and level of activity on the site as a result of the proposal will not be significantly greater than what is reasonably expected from the permitted activities listed above. The building complies with the bulk and location controls (except for the front yard requirement) and is not considered to be excessive in scale. The reduction in the required front yard setback will not result in significant effects on character as the infringement is not large and the front of the site is to be landscaped, thus reducing the dominance of the building.
- 9.23** It is considered that the office building will not break up communities as it is located directly adjacent to the retail service zone and thus forms a continuation of this zone. In addition financial contributions can mitigate the effect on public infrastructure.
- 9.24** Overall, it is considered that the proposal is in keeping with the residential and retail character of the area and it will not adversely affect the amenity enjoyed by the surrounding residential sites.

Streetscape

- 9.25** The proposed office building infringes the 6m yard setback. The entry canopy is setback from the road boundary by 1.7 metres and the rest of level 1 and 2 are set back 3.5 metres from the road boundary. The third level is stepped back by a further 2.5 metres from the front of the first and second levels. This reduces the bulk of the building when viewed from Alice Avenue:



- 9.26** Elements of the building include tinted glazing, block work and a glass balustrade along the handrail of the steps.
- 9.27** The applicant has proposed to landscape the front yard, rather than using this area for carparking. The landscaping will help to soften the effects of the building when viewed from Alice Avenue. This landscaping will consist of two Corynocarpus Karaka and two Sophora Tetraptera Kowhai.
- 9.28** Overall it is considered that the effects of the proposal on the streetscape will be no more than minor.

Landscape and amenity values

- 9.29** The proposal is for an office building and activity in a residential zone. Such an activity is highly unlikely to result in vibration, dust, smoke, fumes, and electrical interference effects onto adjacent residential sites.
- 9.30** Effects generated by the proposal could be caused by the quantity and timing of people movement, activity and noise. These effects will be mainly during the day, where people and associated noise are expected.
- 9.31** The permitted baseline is relevant in this assessment of effects on amenity. As previously discussed, the permitted baseline for the site is two residential units, or accommodation and car activities (such as boarding house, hostels, private hotel, home for the aged or day-car facilities and child care, accommodating not more than 10 persons including owner, family and staff).
- 9.32** The application has not stated the hours of operation, however being an office activity, it is likely that the hours of people being on-site will be 8am to 5pm Monday to Friday. People and traffic movements will typically be heaviest in the mornings, with people arriving at work, and in the evenings, with people leaving from work. It is considered that such an activity is compatible with the surrounding residential and retail area.
- 9.33** The existing Pohutukawa trees along the northern boundary, between the site and adjacent residential site, effectively screen the proposed building from the adjacent residential dwellings. These trees would require resource consent if they were to be removed as they are over 6 metres in height. It is therefore considered that the privacy of the adjacent residential dwelling will not be adversely affected by this proposal. A deck is proposed to the rear of the building on the third level, which will not overlook any residential sites.
- 9.34** Overall it is considered that the existing amenity level currently enjoyed by the adjacent and surrounding residential sites will not be adversely affected by this proposal and that noise effects and traffic movements are similar to what is expected from the permitted baseline.

Visual

- 9.35** The building complies with the height and bulk development controls and will not appear to be overly dominant from any adjoining sites. The applicant has advised that the stairs on the northern side of the building are for fire escape purposes. The visual effect of these stairs is minimised due to the stand of trees along the northern boundary and proposed planting in front of the building. In addition the use of a glass balustrade along the stairs reduces their bulk.
- 9.36** As previously discussed, landscaping will consist of two Corynocarpus Karaka and two Sophora Tetraptera Kowhai. The rear boundary of the site will be planted with assorted grasses and flaxes. There is existing vegetation along the northern boundary of the site, consisting of two Pohutukawa trees and other vegetation. This planting will help to soften the hard structure of the building namely from the street and from the northern adjoining site.
- 9.37** In addition the development complies with all of the development controls, except for the 6m front yard setback. Overall it is considered that the effects of the development will be no more than minor.

Privacy

- 9.38** The first floor plans (level 2) indicate that there is an existing deck measuring approximately 3.2m by 5.8m, 2.7m above ground level, setback 2.5m from the boundary, overlooking the adjoining residential dwelling located at 5 Alice Ave (Lot 153 DP 38916).
- 9.39** In addition, a deck located at the second floor (level 3) measuring 10m by 3.5m, approximately 5.8m above the ground level, setback 10m from the boundary, overlooks the pool located as part of the motel complex at 378 to 380 Hibiscus Coast Highway (Lot1 DP 62035).

Ecological values

- 9.40** The two 9 metre high Pohutukawa trees are located on the adjoining site, but overhang the subject site by approximately 2 metres. The applicant has provided an Arboricultural Report, which proposes methods to avoid, remedy and mitigate adverse effects from the development to these trees. The report concludes that the effects on the vegetation will be no more than minor, provided the methods in the report are adhered to.
- 9.41** The applicant has also proposes to use 'gobi-blocks' for the two parking spaces which are located under the dripline of the trees.
- 9.42** Council's Ecological Advisor, Rue Statham, has reviewed the application. He has advised that he supports the arborist's report with a few changes relating to the need to obtain a resource consent if any branch greater than 25mm needs to be cut, which is the limit to which hand held secateurs can cut, as stated in the District Plan. ArbSolutions has now provided an amended report (received 12 January 2009) to take into account the above point.
- 9.43** Council's Ecologist has also suggested that a detailed landscape plan be required as a condition of consent.
- 9.44** It is therefore concluded that the adverse effects to the trees can be avoided, remedied or mitigated in this instance; though compliance with the measures set out in the Arboricultural report (ArbSolutions stamped 'Amendment' dated 19 November 2008).

Hazards/ Site suitability

- 9.45** Council's planning maps indicate that the site is a flood prone area. The proposed floor levels need to take this into account.
- 9.46** Council's Development Engineer has reviewed the proposal and considered that potential adverse flooding effects can be mitigating by controlling the floor levels of the building. He has also obtained confirmation from the applicant that there will be no loss of stormwater flood storage on the site (which may have led to flooding effects to adjoining properties).
- 9.47** Sanitary sewer – there is an existing public sanitary sewer line across the rear of the property with an existing connection to the site.
- 9.48** Stormwater – there is an existing 375mm diameter public stormwater pipe across the rear of the site, it is proposed to install a connection into this line.
- 9.49** Power/telephone – there is currently overhead lines to the existing dwellings and it is proposed that these services will be provided underground to the new building.
- 9.50** Water supply – there is an existing water main in Alice Ave which is already connected to the site.
- 9.51** Taking into account the above information, it is considered that the proposed office building can be adequately serviced, therefore it is considered to be suitable for the proposed purpose.

Transportation and traffic

- 9.52** Access to the site is via a formed crossing from Alice Ave. The existing crossing is at the northern end of the property and is to be removed. The proposed crossing is at the southern end of the property, 28 metres from the intersection of Alice and Florence Roads. The 'defined road boundary' is up to 30 metres from the intersection and as such the proposed crossing is partly within this area.
- 9.53** The proposed crossing is designed at 5.2 metres wide to allow for passing vehicles at the entrance and therefore safer entry and exit from the property.
- 9.54** The eastern side of Alice Ave is 'no parking' (yellow lines).
- 9.55** The one submission received raised concerns regarding the use of adjoining parking areas and roadside parking.

- 9.56** As previously discussed the 621m² of GFA requires 18 carparks, however the proposal only incorporates 17. The applicant has advised that another possible carpark could have been located in front of the building, however they considered this space better utilised for landscaping and visual amenity.
- 9.57** Council's Transportation Manager (David Mitchell) has advised that the effect of the parking shortfall is not considered to impact negatively on the operation of the site since sufficient on-street and public parking areas exist within the general vicinity of the site.
- 9.58** Mr Mitchell has also noted that parallel parks numbered 15, 16 and 17 on the plans do not meet the manoeuvring space of 3.7m, having only 3.0m, he has therefore recommended that these parks be reserved for staff parking only. Staff members would be able to arrange themselves so that those leaving the site last would park in space 16, thereby enabling parks 15 and 17 as an additional manoeuvring area.
- 9.59** To enhance the safe operation of the site, Mr Mitchell has also advised that a mirror is required at the rear of the site to let exiting vehicles see any inbound vehicles. A white painted hold line should be marked on the pavement to advise traffic of a suitable location to wait and view if the exit land is clear.
- 9.60** Rule 21.10.3.1 of the Proposed Plan requires one loading space for the size of the office. No loading space is proposed, therefore does not comply with this Rule. Mr Mitchell has advised that:

most deliveries to the office will occur by van or light commercial truck, which is able to use one of the designated parking spaces. Most deliveries are likely to occur outside the peak periods when there is likely to be a free parking space. The non-provision of a loading space is therefore considered acceptable.

- 9.61** In terms of traffic generation, Mr Mitchell advised:

The New South Wales Road and Traffic Authority's 'Guide to Traffic Generating Development' suggests that offices are likely to generate 10 trips daily per 100m² gross floor area and 2 trips during the evening peak period per 100m² gross floor area. With a total floor area of 621m² the proposal is likely to generate 62 trips per day and 12 trips during the evening peak period. It is considered that the additional traffic volumes can be accommodated within the road network and the one way section of accessway.

- 9.62** In addition he has advised that "overall it is considered that the proposal will not have an adverse effect on the safety and efficiency of the operation of the surrounding road network".
- 9.63** The applicant has also proposed to use 'gobi-blocks' or similar on a sand base to allow water seepage and protection of the Pohutukawa tree roots. Council's Ecological Advisor has stated that this is suitable mitigation for carparking over the root zone of trees.
- 9.64** The applicant has advised that onsite manoeuvring can be provided to ensure that no reverse manoeuvring is required onto Alice Avenue.
- 9.65** In terms of screening from the adjoining residential sites, there is an existing closed panel fence along the eastern boundary (screening the motel and residential units) and it is also proposed to establish a 1.8m high wooden board fence along the northern boundary (screening the residential dwelling). However this proposed fence is in close proximity to the Pohutukawa tree. As previously stated, any branches that require cutting greater than 25mm will require a resource consent, as set out in the Arborist's report.
- 9.66** Overall it is considered that any effects to the safe and efficient functioning of the site and the surrounding road network will be no more than minor for the reasons stated above.

Public Infrastructure

- 9.67** Plan Change 62 requires the effects of the office building to be mitigated through financial contributions. However as there are two existing units on the site, no financial contributions are required in this instance.

Section 104(1) (b) Any Relevant Plan Provisions

District Plan Provisions

10.0 Operative District Plan (as amended by Plan Change 26) Provisions

Objectives and Policies

- 10.1** The proposal is non-complying in terms of the Operative District Plan (as amended by Plan Change 26). The following policies are considered to be relevant to this proposal:

Policy 3H 2.(c)(iv)

Provide for a range of non-residential activities at a level which recognises that the environment in which they will occur is intensively developed, with high degrees of general activity occurring over long periods of a day, and in areas which are heavily trafficked and/or close proximity to visitor/worker destinations 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 so that a range of mitigation measures may be employed to remedy these effects.

Objective 3I1.

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.

Objective O1 (Pg 94)

To site buildings to meet projected user requirements for privacy and daylighting.

Objective O2 (pg 94)

To ensure scale, heights and length of a building and walls relative to side and rear boundaries are of appropriate residential character.

Objective O1 (Pg 103)

To provide attractive streetscapes which reinforce the functions of a street and enhance the amenity of dwellings.

Objective O1 (pg109)

To protect and enhance those features of the natural environment that contribute significantly to the amenities of the residential areas of the district as a whole, and which assist in preventing land instability and erosion.

- 10.2** The proposed office building is located within close proximity to the centre of Orewa town centre. As stated above in the assessment of effects, it is considered that the effects resulting from the activities undertaken in association with the office activity can be mitigated in this instance. It is also considered that the scale of the building is consistent with the Residential High Intensity zone, at the building is less than the maximum height and it also meets the bulk permitted by the Plans.

- 10.3** The applicant has agreed to provide and implement a landscaping plan, which will provide amenity to the site, in particular when viewed from Alice Avenue. In addition the applicant has provided as Arborist's report which includes measures to protect the existing Pohutukawa trees from significant damage during the construction works.

- 10.4** Overall, it is considered that the proposal is consistent with the above objectives and policies.

11.0 Proposed District Plan 2000

Objectives and Policies

- 11.1** The following sections of the report describe the relevant provisions contained within the Proposed District Plan (PDP).

Chapter 6 – Residential

11.2 The following Policies are relevant to this proposal:

Policy 8.4.1

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

- *The admission of daylight and direct sunlight into buildings and outdoor living areas; and*
- *Privacy, both inside the dwellings and in outdoor living area; and*
- *Vehicle movement and parking; and*
- *The ability of the site to provide for adequate stormwater and waste water drainage.*

Policy 8.4.4

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.

Policy 8.4.5

Non-residential activities should be located, designed and operated so that adverse effects that are incompatible with the environment of a residential area, such as interrupting the sense of community and cohesion within neighbourhoods, noise, traffic generation and visual impact, are avoided, mitigated or remedied. If this is not possible, then these activities should not be located in residential areas.

- 11.3 The location, design, number and size of buildings on a residential site can cause adverse effects for occupiers of that site. However, as discussed above in the assessment of effects, it is considered that the on-site amenity, the safe and efficient manoeuvring around the site and ability to drain stormwater and wastewater will not be adversely affected by the proposal.
- 11.4 The effect of noise on residential areas is a significant issue because of the potential health effects. It is therefore important to ensure that the level of noise emitted, and the hours during which it is emitted, do not adversely affect the health and amenity values of people in the surrounding environment. The applicant has not advised the hours that the office will operate.
- 11.5 Being an office activity, it is likely that the hours of people being on-site, and associated noise, will be during the hours of 8am to 5pm Monday to Friday. People and traffic movements will be typically heaviest in the morning and evenings with people arriving and leaving work. It is also noted that the proposed office and driveway is directly adjacent to an existing retail area, therefore there is already an existing level of activity during these hours.
- 11.6 In terms of parking, Council's Transportation Engineer (David Mitchell) has advised that the number of spaces proposed is sufficient to meet the needs of the activity and is also located at the rear of the site, thereby minimising the visual appearance of the parking area. For these reasons it is considered that the proposed use of the office building will not adversely affect the health, safety or amenity values of people in the surrounding environment.
- 11.7 Policy 8.4.5 above, acknowledges that some non-residential activities are appropriate in residential areas. However, should the activities generate adverse effects such as noise or large numbers of people and traffic, they may not be appropriate. As stated above, by the virtue of being an office building it is considered that the majority of traffic movement associated with the activity will be limited to the office workers and will occur namely in the morning and evening, in accordance with normal office hours.
- 11.8 In terms of visual impact, the building has been designed with input from Council's Orewa Policy Planner (Jason Evans) and it is considered that the building is appropriate for the subject site.
- 11.9 Overall it is considered that the proposed development and office operation is consistent with the above policies.

Chapter 18 – Urban Land Modification and Vegetation Protection

11.10 The following policies are relevant to the consideration of the proposal:

Policy 18.4.2:

Native trees and bush, significant exotic trees, significant landforms, and watercourses and waterbodies, including wetlands, should be retained. Where this is not possible, mitigation measures should be undertaken

11.11 This Policy acknowledges that trees and bush are important components in urban areas as they provide amenity and landscape values, as well as habitat. Therefore it is important that, where natural features in urban areas enhance landscapes, that they are retained through appropriate siting of structures and works, which avoid or minimise that effects on these features. In this instance, this means avoiding works within the root zone of the two Pohutukawa trees.

11.12 The applicant has advised that the carparking area within the root zone will be constructed from 'gobi-blocks' (parks 8 and 9), which will ensure that the root system of the trees is not adversely affected from the impermeable parking area. In addition, Council's Ecological Advisor (Rue Statham) has provided advice on constructing the office building within close proximity to the trees, noting that a resource consent is required should any branch greater than 25mm need to be cut, this has been included in the Arboricultural Report, which the building contractors need to comply with.

11.13 Overall it is considered that the proposed development will be consistent with the above policy.

Chapter 21 – Transportation and Access

11.14 The following policies are relevant to the proposal:

Policy 21.4.6

The safe and efficient operation of the transport network should not be adversely affected by land use activities. In particular:

- *Access to and from sites adjacent to the roading network should be consistent with the function of the road;*
- *Access points should be designed to ensure that vehicles enter and leave the roading network safely;*
- *Changes in the volume and type of traffic from changes in land use activity should not have an adverse effect on the safe and efficient operation of the roading network...*

Policy 21.4.8

Parking should be provided on-site or in centralised parking areas, and be located and designed so that adverse effects on the roading network and land use activities are minimised. In particular

- *Parking areas should be adequate to meet present and future vehicle demands generated by the activity, including parking for the disabled;*
- *There should be safe and convenient parking and vehicle circulation, including manoeuvring areas, and access to and from the site;*
- *Parking areas should access roads with sufficient capacity to carry the vehicle using those areas;*
- *Parking should be conveniently located in relation to the activities on the site;*
- *Multiple use and joint development of parking should be encouraged when peak parking demands of the various activities do not coincide;*
- *The amenity values of adjacent areas should be maintained, including minimising visual impacts, noise and dust; and*
- *People's safety should be maintained and enhanced.*

Policy 21.4.9

Access points and loading areas should be sited and designed so that adverse effects on the roading network and land use activities are minimised. In particular:

- *There should be safe and convenient parking and manoeuvring areas, and access to and from the site for service vehicles;*
- *The service traffic generated by the site should be able to access roads with sufficient capacity to carry that traffic;*

- *The amenity values of adjacent areas should be maintained, including minimising visual impacts, noise and dust; and*
- *People's safety should be maintained and enhanced.*

- 11.15** Land use activities adjacent to the roading network have the potential to impact on the safe and efficient operation of it. The office activity is required to provide on-site parking to avoid adverse effects to on-street parking needs.
- 11.16** The above policies also recognise that parking areas can affect the amenities of the adjoining sites, therefore effects such as visual impact and noise need to be minimised.
- 11.17** The above Policy also recognises that it is necessary to ensure that sufficient area is available for loading and unloading vehicles, and for the manoeuvring on the site. In addition access and loading areas are frequently located at the rear of the premises and should not adversely affect the amenity values of the adjacent residential sites.
- 11.18** Following written advice from Council's Transportation Engineer (David Mitchell) it is considered that measures can be put in place to ensure that access around and to and from the site functions efficiently and safely.

Chapter 22 – Financial Contributions and Works

- 11.19** The following policies are relevant to the consideration of the entire application:

Policy 22.4.1 of the PDP states that:

Avoid, remedy or mitigate adverse effects generated by land subdivision, development and building beyond the site of the subdivision, development and building site by requiring subdividers, developers and building owners to make a financial contribution towards the capital cost of specified public services – in particular:

- the public roading network*
- public sewerage collection, treatment and disposal facilities*
- public water supplies*
- public stormwater collection, treatment and disposal facilities*
- publicly owned neighbourhood reserves*
- publicly owned sportsfields*
- publicly owned community facilities*

...

- 11.20** Council's Development Engineer – Ray Smith, has advised that in this instance development contributions are not required as there are two existing household units on the site which have already met the above financial contribution requirements. It is therefore considered that the proposal is consistent with the above Policy.

12.0 Section 104 (1)(b)

(iii) Any relevant provisions of a Regional Policy Statement

- 12.1** Pursuant to section 104(1)(b)(iii) regard must also be had to any relevant provisions of a regional policy statement, in this case being the Auckland Regional Policy Statement (ARPS). The ARPS sets out the broad resource management issues, objectives and policies for the Auckland Region to achieve the integrated management of its natural and physical resources.
- 12.2** Various key issue areas such as transport, energy, heritage, matters of significance to iwi, coastal environment, water quality, conservation and allocation, and air quality are discussed. It is considered the proposal is not inconsistent with the Auckland Regional Policy Statement as it will not adversely affect any of the key issue areas contained within this document, namely for the reasons previously discussed in this report.

13.0 Section 104 (1) (c) Any other Matter

Hauraki Gulf Marine Park Act (2001)

- 13.1** The Hauraki Gulf Marine Park Act 2000 (HGMPA) considers the establishment and management of the Hauraki Gulf Marine Park, as demarcated in Schedule 3 of the Act. This is generally recognised as the open sea, islands, coast and catchment surrounding the Hauraki Gulf. The purpose of this Act, as stated in Sections 7 and 8, is to recognise the natural significance, interrelationships and life-supporting capacity of the Hauraki Gulf and the objectives of the management of the Hauraki Gulf, its islands and catchments. Sections 32 and 33 are also relevant to achieving the purpose of the Act, through defining purposes and establishment of the Hauraki Gulf Marine Park.
- 13.2** Sections 7 and 8 of the HGMPA apply as if they were a national policy statement and Council must have regard to these matters when considering an application such as this.
- 13.3** The subject site lies inside the Hauraki Gulf Marine Park catchment, and for reasons detailed in the Assessment of Environment Effects, the proposal is considered to be consistent with the management objectives legislated in the HGMPA.

Relevant Council Documents

- 13.4** Vision Rodney is a document incorporating the statements of the future that people and communities of Rodney want for the District. It sets out the following 6 key intent statements:
- We will keep our country look and feel
 - We will not let our towns and villages sprawl
 - We will maintain our lifestyle and look after the environment
 - We will take care of ourselves while working with others
 - We will be able to make our living in Rodney
 - We will determine the future of our District
- 13.5** The statements that are relevant to the proposal is “we will not let our towns and villages sprawl” and “we will maintain our lifestyle and look after the environment”. The first statement seeks to create quality urban environments that are built for people and nature and the community’s values are expressed. The second value recognises that tree planting and general landscaping contributes not only to a healthier environment, but also to the look of the District and the quality of life.
- 13.6** The proposal seeks to undertake landscaping to integrate the proposed office building into the urban residential environment. In addition there are Pohutukawa trees along the boundary that will remain and will be protected during the construction works. In terms of maintaining the existing urban environment, the proposed office building is located directly adjacent to the existing retail service and mixed business zones. It is considered that the office building will not diminish the existing urban environment in which the site is situated.

Orewa Growth Strategy

- 13.7** The proposal has been reviewed by Jason Evans from Council's Forward Planning Department. Mr Evans reviewed the proposal and provided comments with regards to the suitability of an office building on the site, with respect to the future vision for the Orewa area, particularly the Orewa Community Masterplan. It is recognised that the Masterplan is not a statutory document, however it is relevant to put the proposal in context with forward planning for Orewa. Little weight is therefore assigned to this document.

The Integrity and Consistent Administration of the Plan

- 13.8** Of relevance with all non-complying activities is the integrity of the District Plans and community expectations in this regard. In order to allow the integrity of district planning documents to remain it is generally accepted that a proposal should possess some distinguishing features.

- 13.9** A distinguishing feature of the proposal is that the site is located directly adjacent to both the mixed business and retail service zones as per the Proposed Plan. In addition the site is currently used informally for parking from the adjoining block of shops.
- 13.10** Should Council grant this consent the integrity and consistent administration of the Plan will not be undermined, as the proposal is consistent with the objectives and policies and assessment criteria for the reasons given above.

Section 104 Assessment Conclusions

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

14.0 SECTION 104D ASSESSMENT

- 14.1** As a non-complying activity section 104D of the Act states the Council may grant a resource consent for such an activity only if it is satisfied that either the adverse effects on the environment will be minor or if the application is for an activity that will not be contrary to the objectives and policies of both the relevant plan and relevant proposed plan. For all the reasons contained in this report it is recommended that consent be granted.
- 14.2** Based upon the section 104 assessment of actual and potential effects in Section 9 of this report, it is considered that the adverse effects on the environment will be no more than minor.
- 14.3** 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 be consistent with the objectives and policies of both Plans.

15.0 PART II ASSESSMENT

- 15.1** The purpose of the Act is to promote the sustainable management of natural and physical resources. In terms of section 5 of the Act it is considered that this application promotes sustainable management for the reasons discussed in the evaluation section above. It is considered that the proposed design of the proposed office building is in general accordance with the Residential High Intensity zone. It has been demonstrated that any adverse effects, in particular character, amenity and transportation, will be no more than minor and that the proposed activity represents sustainable management of resources. It is considered that the proposal therefore complies with the provisions of Section 5 of the Act.
- 15.2** Section 6 sets out matters of national importance. None of these matters are relevant to this proposal.
- 15.3** Section 7 sets out 'other matters', such as kaitiakitanga, maintenance and enhancement of natural and physical resources, intrinsic values of ecosystems, and the maintenance of amenity values and the quality of the environment. The adverse effects on the landscape and visual amenity values of the proposal have been discussed above. It is therefore considered that the application is consistent with Section 7 of the Act.
- 15.4** There are no section 8 Treaty of Waitangi matters relevant to this application.
- 15.5** Overall it is considered this application is in accordance with Part 2 matters.

16.0 RECOMMENDATION

That, pursuant to Sections 104 [104B, D] of the Resource Management Act 1991, the notified application for resource consent by Larman Construction Limited for the removal of the existing dwellings/sheds on the site and for the construction of a three level office building with an associated carparking area on a residential site, is granted consent.

17.0 REASONS FOR THE RECOMMENDATION

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

- (a) The actual and potential environmental effects of the activity have been assessed and found to be no more than minor in terms of character and amenity values of the site. The application is therefore considered to meet the 104D 'Gateway Test'.
- (b) The proposed development is in accordance with the relevant objectives and policies of the Plans. In particular, effects are minimised and the natural values of the site are enhanced through landscaping plans. As such it is considered that the impacts on landscape and amenity values will be no more than minor.
- (c) The proposal is consistent with the management objectives legislated in the Hauraki Gulf Marine Park Act, and is not inconsistent with the Auckland Regional Policy Statement.
- (d) The proposal is consistent with Vision Rodney as the proposal maintains the current urban environment and enhances the amenity of the site as the proposal incorporates landscaping.
- (e) The proposal is consistent with Part II of the Resource Management Act 1991, with particular regard to s.5, s.6 and s.7 of the Act. Overall, it is considered that the proposed development of the site promotes the efficient use of resources.

CONDITIONS OF CONSENT

Pursuant to section 108 of the Resource Management Act 1991, this consent be granted, subject to the conditions attached, to the application for a non-complying activity for the reasons stated.

- 1) (general) The development shall proceed in general accordance with the application submitted, the plans drawn by Plan :IT2000 Limited, dated November 2008, and the plans by Fluker Surveying Limited, dated 20/11/08, numbered L54682 and signed by Processing Planner Laura Christian, dated 16/03/09.

Note: (building consent) The granting of this resource consent does not preclude the consent holder from the need to obtain a building consent prior to construction commencing.

- 2) (landscape plan) A detailed landscape plan, including an implementation and maintenance programme shall be submitted to and approved by the Team Leader – Resource Consents prior to any works commencing on the site:
 - (i) The plan shall include details of the plant sizes at the time of planting and intended species. Such a plan shall include appropriate measures to provide amenity and integrate the office building into the existing residential/urban environment.
 - (ii) The landscaping shall be implemented and maintained in accordance with the approved landscaping plan within the first planting season (May to October) following the completion of the works on the site. The landscaping shall be maintained thereafter.
- 3) (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.
- 4) (stormwater) All stormwater discharges from roofs and paved areas shall be controlled and discharged through an approved system such that there is no adverse affect on adjoining public or private lands. Discharge to open channels shall be limited by appropriate detention systems to the existing discharge in all events up to and including a 10 year return storm.

- 5) (earthworks design/limitation) All earthworks shall be carried out to the "Standards for Engineering Design and Construction" and NZS 4431. The earth and site works shall be carried out in such a manner that there is no decrease in potential flood storage on the site compared to that which exists presently.
- 6) (earthworks certification) On completion of earth and site works, an Earthworks Completion Report shall be provided and signed by a Chartered Professional Engineer confirming that the final site levels and stormwater attenuation methods have resulted in no adverse effects to surrounding properties.
- 7) (silt retention) Before the commencement of any work on site, 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 established or re-established over the site.
- 8) (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 and vegetation;
 - The installation and maintenance of wind fences and vegetated strips;
 - Spraying of load dumping operations;
 - Suspension of all operations if necessitated by the prevailing conditions.

The site, or parts thereof as appropriate, shall be re-grassed or otherwise protected from wind and water erosion immediately on the completion of bulk earthworks whether or not other works are completed.

- 9) (access/parking) All access, parking and manoeuvring areas shall be formed and paved in a permanent dust free (not metal) surface and marked, to the Council's "Standards for Engineering Design and Construction", prior to the commencement of the activity,
- 10) (parking) Parking and on site manoeuvring for 17 vehicles shall be provided as detailed in the application plans drawn by Fluker Surveying Ltd and endorsed by Council's Traffic Engineer and to the minimum dimensions required by the Council's "Standards for Engineering Design and Construction", which shall take precedence should conflict arise.
- 11) (parking) Car parks numbered 15, 16 and 17 on the scheme plan, shall be reserved for staff parking only. These parks shall be clearly identified for this purpose. (NB: Those staff members leaving the site last would park in parking space 16 thereby enabling the use of parks 15 and 17 as additional area in which to manoeuvre.)
- 12) (access) A mirror shall be installed and maintained at the applicant's cost, as shown on plan 7693 PK, appended to the letter of 20 November 2008 from Fluker Surveying Ltd. A sign shall also be installed adjacent to the mirror identifying that existing vehicles should give way to inbound vehicles. A white hold line should be painted on the carpark, before the mirror to indicate a point at which vehicles should stop and wait for inbound vehicles, if required. These works shall be completed to the satisfaction of Council's Transportation Manager.
- 13) (remove crossings) The surplus vehicle crossing to the site shall be removed and the fences, kerb and channel, footpath, and berm made good to the "Standards for Engineering Design and Construction".
- 14) (protection of services) The existing public drains on site shall be videoed twice, first prior to earthworks and secondly following the completion of these activities. The first video tape shall be supplied to the Consent Engineer prior to construction commencing and the second tape shall be supplied on the completion of all earthworks. Any defects in the drains caused by these works or activities, in the opinion of the Consents Engineer, shall be repaired at the full cost of the consent holder. Such repair works shall be completed to the satisfaction of the Consents Engineer, within one month of the completion of the earthworks or earlier as directed.

Advice Notes

1. (Archaeology Discovery) If any artefacts, including Ko Iwi (Human remains) are exposed during site works, ALL WORK must cease immediately and the area secured to ensure the safety of both workers and artefacts.

Ngati Manuhiri Resource Management Unit should be contacted on (09) 422 6548, along with the NZ Historic Places Trust, the Department of Conservation and the RMA/TLA Compliance Administration Officer (0800 426 5169). In the case of human remains, Police should also be contacted.

ATTACHMENTS

Attachment A:	Copy of Section 93/94 Report & Decision
Attachment B:	Copy of the application
Attachment C:	Submissions received
Attachment D:	Ecology Advisor's Report
Attachment E:	Development Engineer's Report
Attachment F:	Transportation Engineer's Report
Attachment G:	Comments from Policy Planner

**ATTACHMENT A:
SECTION 93/94 REPORT & DECISION**

**ATTACHMENT B:
COPY OF THE APPLICATION**

**ATTACHMENT C:
COPY OF SUBMISSIONS**

**ATTACHEMNT D:
COMMENTS FROM
ECOLOGY ADVISOR
(RUE STATHAM)**

**ATTACHMENT E:
COMMENTS FROM
DEVELOPMENT ENGINEER
(RAY SMITH)**

**ATTACHMENT F:
COMMENTS FROM
TRANSPORTATION ENGINEER
(DAVID MITCHELL)**

**ATTACHMENT G:
COMMENTS FROM
POLICY PLANNER
(JASON EVANS)**

