



NOTICE OF MEETING

RESOURCE CONSENTS HEARINGS PANEL

TO: Chairperson John Childs
 Crs Grahame Powell
 Wayne Walker

A meeting of the Resource Consents Hearings Panel will take place in the Council Chamber, Rodney District Council, Centreway Road, Orewa on Friday, 13 March 2009 commencing at 9.00 a.m.

for: CHIEF EXECUTIVE
 Rodger Kerr-Newell

OREWA
5 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	1

AN APPLICATION FOR CONSENT TO CONSTRUCT TWO ADDITIONAL HOUSEHOLD UNITS ON A SITE WHERE THERE IS ONE EXISTING HOUSEHOLD UNIT LOCATED ON THE SITE. CONSENT IS REQUIRED AS STRICTLY TWO DWELLINGS ARE PERMITTED FOR A SITE OF THIS SIZE AND ZONING. FURTHERMORE, INFRINGEMENTS OF PRIVATE SPACE AND REAR YARD SETBACKS WILL RESULT FROM THE CONSTRUCTION IN ACCORDANCE WITH THE APPLICATION

Address: 56 Florence Avenue, Orewa

APPLICANTS: PANOS AND PATRICIA PANOUTSOS

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Address: 56 Florence Avenue, Orewa

APPLICANTS: PANOS AND PATRICIA PANOUTSOS

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ITEM NO: 1

APOLOGIES

ITEM NO: 2

REPORT



TO Resource Consents Hearings Panel
ON 13 March 2009
FROM Sarah Gardner – Reporting Planner

SIGNATURE

A handwritten signature in black ink, appearing to read "Sarah Gardner".

APPROVED FOR RELEASE BY Ian Dobson – Manager: Resource Consents

SIGNATURE

A handwritten signature in black ink, appearing to read "Ian Dobson".

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

AN APPLICATION FOR CONSENT TO CONSTRUCT TWO ADDITIONAL HOUSEHOLD UNITS ON A SITE WHERE THERE IS ONE EXISTING HOUSEHOLD UNIT LOCATED ON THE SITE. CONSENT IS REQUIRED AS STRICTLY TWO DWELLINGS ARE PERMITTED FOR A SITE OF THIS SIZE AND ZONING. FURTHERMORE, INFRINGEMENTS OF PRIVATE SPACE AND REAR YARD SETBACKS WILL RESULT FROM THE CONSTRUCTION IN ACCORDANCE WITH THE APPLICATION

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FILE REF L54528

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 subject to conditions. The reasons for this recommendation are set out in section 11 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: 56 Florence Avenue, Orewa

APPLICANT: Panos and Patricia Panoutsos

LEGAL DESCRIPTION: Lot 3 DP 63201
CT reference: NA129A/993

SITE AREA: 1265m²

**DISTRICT PLAN:
ZONING:** **Operative District Plan as** High Intensity Residential
amended by Plan Change 26: Activity Area

Proposed District Plan 2000: Residential High Intensity

**Other Notations:
Proposed Variation 58** Residential High Intensity

ACTIVITY STATUS: **Plan Change 26:** Discretionary

Proposed District Plan 2000: Non Complying

Overall: Non Complying

SNA: None

OTHER RELEVANT CONSENTS: TPA-1201 Lots 1-12 being Subdivision of Lots 1-5 DP 55721 (Granted 27/02/69)

BPA-95239 Erect Garage/Workshop (Granted 04/05/77)

BPA-27376 Dwelling (Granted 15/01/74)

Lift house and build block basement (Granted 28/11/84)

CONSENT NOTICES: BPA-122813
None

2.0 BACKGROUND

S93/94 Decision

2.1 This application was notified for the following reasons.

1. With regards to residential character, with three units proposed on one site, the proposed development is greater than the intensity permitted in the District Plan, however it is considered that the proposal is not unprecedented or entirely inconsistent with the established residential pattern, and thus residential character, in the surrounding area. It is considered that there will be no discernible effect on streetscape as the subject site is a rear site and the new units will not be readily visible from Florence Avenue and that the resulting appearance of the site will be of a scale and intensity which is generally expected in the high intensity zone.
2. In terms of amenity and privacy, the open space areas are not directly overlooked by neighbouring dwellings as there is reasonable screening provided by the boundary fences, and the adjacent properties are single storey. The open space areas will be directly adjacent to the commercial premises to the east of the site however the boundary fencing and wall will ensure that a certain level of privacy is maintained and the open spaces will not be overlooked to a greater extent than the open space currently provided for the existing dwelling. In terms of visual amenity, it is considered that the proposed materials for the units, namely block and weatherboard walls and Coloursteel roofing, and their design, will ensure that their external appearance will be similar to dwellings in the zone.
3. In terms of access and parking, provision for on-site manoeuvring is provided which will allow forward movement along the driveway and two car parking spaces are provided for each residential unit which will allow adequate parking for residents. In terms of impacts on the local road network, it is considered that the existing vehicle crossing is sufficiently remote from the intersection of Florence Avenue and Centreway Road and there are no known inherent traffic safety problems within the vicinity of the site. The capacity of Florence Avenue and the local road network is considered to be sufficient to accommodate the anticipated number of vehicle movements generated from the site.
4. The proposed development can be served by connecting to the existing reticulation on the site. A financial contribution under Plan Change 62 will be required to offset any adverse effects as the proposal is creating two additional household units on the site.
5. Although written approval from four neighbouring properties has been obtained, it is considered that some neighbouring properties to the north and south of the subject site and some properties which are in close proximity to the access to the site are potentially affected in terms of amenity, dominance and overlooking due to increased traffic movements and the fact the proposed units are two storeys. Although the proposal complies with all the relevant development controls in terms of height, height in relation to boundary and yards, the proposal is still a non-complying activity and all actual and potential effects must be considered.

Relevant Planning History

2.2 The previous building consents which have been granted have enabled the construction of a two level dwelling with detached garage/workshop on the site.

3.0 THE PROPOSAL AND REASONS FOR APPLICATION

3.1 The applicant proposes to construct two new two storey residential units at 56 Florence Avenue, Orewa, legally described as Lot 3 DP 63201. There is currently an existing two storey dwelling with detached garage on the site. The applicants propose to retain the existing dwelling which, with the addition of the two proposed units, would result in three units being located on the site.

The proposed units are attached by means of a common fire-rated wall. The ground floor level of each unit contains the living areas, kitchen, dining and lounge and the first floor level contains 3 bedrooms and a bathroom. An internally accessed single car garage with laundry facility is provided for each unit. The total floor area of each of the proposed units is 156.7m² with a height of 6.8m.

The existing driveway will serve the two new dwellings in addition to the existing dwelling. The access will be extended to serve the two proposed dwellings. Two parking spaces are provided for each unit, one in a garage and one uncovered. Private open space is provided to the north and east of Unit 1 and to the east and south of Unit 2. As the site is relatively level, only minimal earthworks (estimated to be around 82m³) are required and no vegetation is required to be removed as part of the proposal which would require consent.

The applicant eventually wishes to subdivide the site into three lots in order to create freehold titles for the proposed household units however subdivision is not being considered as part of this application.

3.2 Reason for Application.

Resource Consent is required for the following reason(s)

3.3 Operative District Plan as amended by Plan Change 26

The site is zoned 'High Intensity Residential Activity Area' under the Plan Change. Land use consent is required as the proposed activity is considered to be a **discretionary activity** for the following reasons:

- Rule 3.3 (Activity Table for the High Intensity Residential Activity area) denotes that Multiple Household units of 3 or more units per site and at a standard of at least 275m² of net site area per household unit in the Established area is a **Discretionary activity**.

An 'Established area' is defined as a site containing land area of 1 hectare or less where the land has had a residential zoning prior to 15 February 1994. The subject site is 1265m² and had a residential zoning from 1994 and it is therefore defined as an 'Established area'.

- Rule 3.6.1 prescribes the minimum rear yard setback to be 3 metres. The site is a rear site so that this setback is relevant on all boundaries.

The proposal includes allocation of a privacy screen of 2m in height to separate the private open space of the two new dwellings. This extends to the boundary and therefore requires consideration as a **Discretionary activity**.

- Rule 3.6.2 Rule 3.6.2 of the Private Open Space states that the useable private open space is to be a minimum of 80m² in area for each household unit on a site and where:
 - the private open space is located so as to receive a minimum of four hours direct sunshine on any day of the year;
 - the minimum dimensions of private open space is 2.5 metres;
 - the private open space is capable of containing a rectangle of 4 metres by 6 metres not steeper than 1 in 8 (12.5%) and is directly accessible from the main living room of the household unit.
 - private open space is located or screened to minimise direct overlooking from outside the boundaries of the site except in the case of reserves.

The useable private open space for proposed unit 1 does not meet the minimum requirement of 80m² and the open space areas of both units are not directly accessible from the main living room of the household units. As such this infringement requires consideration as a **Discretionary activity**.

3.4 Proposed District Plan 2000

The site is zoned 'Residential High Intensity' under the Proposed Plan. Land use consent is required as the proposed activity is considered to be a **non-complying activity** for the following reasons:

- Rule 8.9.2 (Activity table for Residential zones) prescribes multiple household units not exceeding 3 units per site at a standard of at least 275m² per household unit on sites that have a frontage (which for this purpose excludes frontage available by way of entrance strip, right of way or jointly owned access lot) of not less than 15 metres.

The proposed site is a rear site, with less than 15m of frontage to Florence Avenue. The site will therefore not meet the requirements of this rule. No other reference is made to Multiple Household units in this table. As a result the Plan prescribes that any activity not listed in the Activity table is a Non-Complying activity.

- Rule 8.10.6.1 states that a single area of open space shall be provided for each household unit that meets the following standards:
 - the minimum area of the open space shall be 30m²; and
 - the open space shall be directly accessible from the main living room of each household unit; and
 - the entire open space area required by this rule shall be located to the north, east or west of the household unit, but not south of east or west measured from the southern most part of the household unit; and
 - the minimum dimension of the open space shall be 4 metres and be capable of containing a rectangle of 4 metres by 6 metres; and
 - the open space shall not be obstructed by buildings, parking spaces or shared vehicle access and manoeuvring areas.

The private open space areas for both proposed units are not directly accessible from the main living room of each unit and part of the area of open space for proposed unit 2 is to the south of the household unit. In addition, the area of private open space remaining for the existing dwelling will be largely to the south of the dwelling.

- Rule 8.9.2 of the Activity Table provides that any Permitted Activity not complying with the Development Controls and Performance Standards that meet the circumstances set out in Rule 8.12.1, is a Restricted Discretionary Activity.
- Rule 8.10.5.5 prescribes the minimum rear yard setback to be 3 metres. The site is a rear site so that this setback is relevant on all boundaries.

The proposal includes allocation of a privacy screen of 2m in height to separate the private open space of the two new dwellings. This extends to the boundary and therefore requires consideration as a **Discretionary activity**.

Overall the application is a non-complying activity.

4.0 SITE DESCRIPTION

The subject site is 1265m² (approximately 1085m² net without the driveway) and is located on the southern side of Florence Avenue in central Orewa. The site is considered to be a rear site as it has less than 7.5m of frontage to an existing road.

The site lies within a well established area, being bounded on three sides by residential lots with multi-unit development and to the east by mixed-use business lots which include car repair/servicing premises and a dairy. The majority of residential dwellings in the immediate vicinity are single storey although there are some existing two storey dwellings.

The site is relatively level and is largely covered in grass, with there being only a few trees (under 6m in height). There are boundary fences to the north and south of the subject site and a combination of fencing and a block-work wall to the eastern boundary adjacent to the business premises.

5.0 WEIGHTING OF DISTRICT PLANS

5.1 Plan Change 26 was made operative in July 2005.

5.2 Proposed District Plan 2000 was publicly notified in November 2000. The Residential chapter was made operative on 30 January 2009 after this application was lodged.

5.3 Council has recently sought legal advice regarding the status of the District Plan 2000 which became operative in part on 30 January 2009. The legal opinion recommended a planner should have regard to the relevant earlier operative planning document and District Plan 2000 – Operative in part however should indicate that a significant amount of weight is given to District Plan 2000 – Operative in part as the relevant chapter is operative.

For this reason it is considered that the greater weight will be given to Chapter 8 of the District Plan 2000 – Operative in part and a limited amount to the equivalent provisions of Plan Change 26.

6.0 NOTIFICATION AND SUBMISSIONS

6.1 Notification

The application was limited notified on 2 December 2008 to nine neighbouring properties and submissions closed on 21 January 2009. A summary of the submissions is set out below. A full copy of the submissions is attached as **Attachment C**.

6.2 Submissions

A total of two submissions were received by the close of the submission period. Both submissions opposed the application.

GROUPS

Name	Address	Main Concerns	Relief Sought	Wish to be heard
M. D. L Gambrill	1/60 Florence Avenue, Orewa	<ul style="list-style-type: none"> • Additional traffic using the driveway and associated noise • Noise of construction • Stress on drainage systems 	Decline application	No
Patricia Anne Waterton	3/58 Florence Avenue, Orewa	<ul style="list-style-type: none"> • Traffic concerns and overuse of the driveway • Privacy of court yard and living area lost as a result of two storey units • Resale value • Sunlight and daylight loss 	Decline application	No

Written Consents

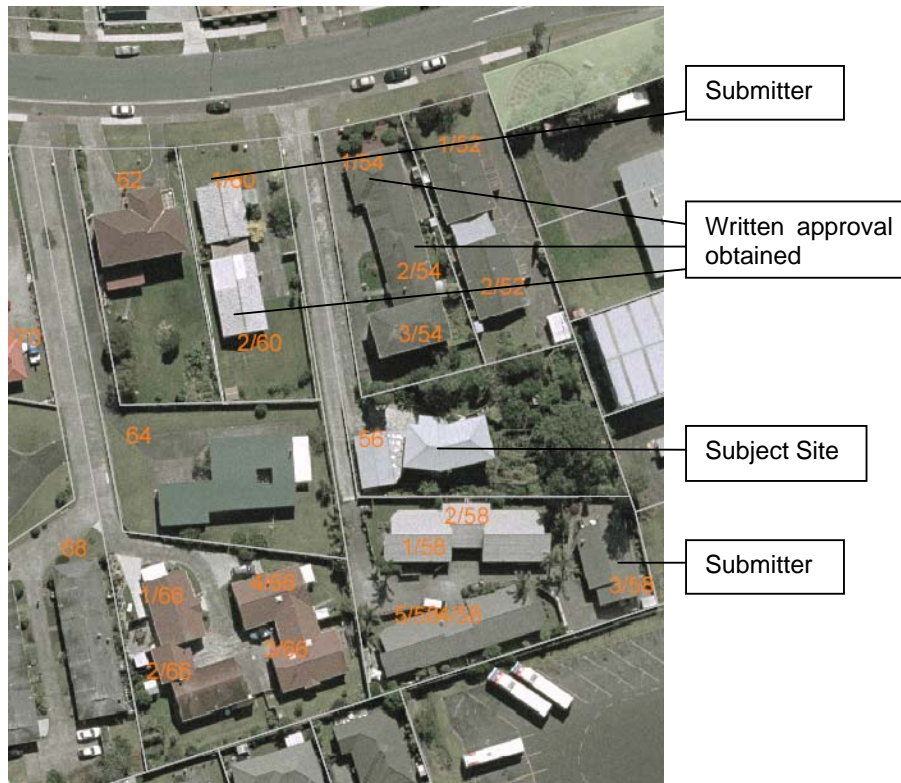
Section 104 (3) of the Act states that a consent authority must not have regard to any effect on a person who has given written approval to the application.

Written consents have been received from the following persons.

- Grimmer Investments Company Ltd – 2/54 Florence Ave, Orewa – (Lot 5 DP 63201, Flat 1 DP 66031)

As this is a Company we need written evidence that this person has signing authority on behalf of the Company before accepting the neighbouring property owner's approval.

- Edith Bristow – 1/54 Florence Avenue, Orewa (Lot 2 DP 63201, Flat 1 DP 96614)
- Helen Allen – 2/60 Florence Avenue, Orewa (Lot 5 DP 63201, Flat 2 DP 66031)



7.0 PRE HEARING MEETING

7.1 No pre-hearing meeting has taken place.

7.2 REPORTS FROM OTHER OFFICERS/DEPARTMENTS/CONSULTANTS

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

- (1) Development Engineer's report from Ray Smith (see **Attachment D**)
- (2) Comments from Traffic Engineer David Mitchell (see **Attachment E**)

8.0 STATUTORY ASSESSMENT

8.1 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.

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 sections 104 B and 104D, as applicable, and Part 2 of the Act.

9.0 SECTION 104 ASSESSMENT

Permitted Activities Assessment

9.1 The Existing Environment

The existing environment comprises one residential dwelling and a semi attached garage/workshop. The site has legal access with frontage 3.66m in width.

9.2 Unimplemented Consents

There are no unimplemented consents.

9.3 Activities Permitted by the Plan

Within the Residential High Intensity zone under the Proposed District Plan 2000, multiple household units not exceeding 3 units per site at a standard of at least 275m² per household unit on sites that have a frontage (which for this purpose excludes frontage available by way of entrance strip, right of way or jointly owned access lot) of not less than 15 metres was a permitted activity provided that the units complied with all the relevant development controls. However, Proposed Variation 58, which was notified in December 2006, proposes to change the number of permitted units to two per site. In terms of Plan Change 26 to the Operative District Plan, two units per site at a standard of 275m² of net site area is a permitted activity in the established area provided that they comply with all the relevant development controls and have 15m of frontage.

Hostels and private hotels 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, and childcare facilities for not more than 10 children at any one time based on an existing dwelling or existing accessory buildings are all permitted activities. These are anticipated to be relevant to the application in relation to traffic and people movement effects.

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

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.

(a) Character

The subject site is situated within the High Intensity Residential zone. The intended character of a High Intensity Residential zone prescribed by the District Planning documents is 'the concentration of compact residential development'. This nature of residential development intends to promote benefits in transport, concentration of local services, employment opportunities, coupled with general residential characteristics.

The surrounding environment to the north, south and west has a distinct residential character of particularly high intensity. Predominantly sites in the area contain two or more dwellings with some sites in the immediate vicinity having four or five dwellings contained within one site. The sites to the east of the subject site have a business zoning and contain a gymnasium, a mechanics garage and workshop, and a dairy.

It is concluded that the character of the subject site can be defined by its location on the fringe of the commercial zoned Orewa Town Centre and within a high intensity residential area. The sites in this area are intended to be a higher density to ensure benefits from concentration of services and transport are enabled.

This proposal is considered to be consistent within this established residential pattern. The consistency with minimum site size for subdivision, compliance with coverage controls and height controls are considered paramount to maintaining the character of the area.

The minimum site area for subdivision in the high intensity residential zone is 275m². The sites in the surrounding environment typically maintain an average density of between 275m² and 350m² per dwelling. The proposed units have site sizes of 280m² (Unit 1) and 298m² (Unit 2). These sizes are seen to be both consistent with the intentions of the Plan and the surrounding area. Whilst it is noted that subdivision is not a component of this application the applicant has indicated that they wish to subdivide the lot into three freehold titles in the future.

In terms of the development controls, the proposal will result in a total site coverage value of 29%, a figure which is significantly less than the permitted coverage in a High Intensity zone of 50%. Private open space, whilst not fully compliant with the development control requirement, is of a size and dimensions that will not appear out of character in the surrounding environment.

Overall it is considered that the proposal will not erode character of the area and will be of a scale and intensity that is anticipated in the zone.

(b) Cultural Heritage

As no items of cultural significance are recorded on the site it is considered that there will be no adverse effects on cultural heritage and that Tangata Whenua will not be adversely affected.

(c) Amenity

Privacy and Overbearing

The proposal will result in two units contained in a two storey building in an area of predominantly single storey dwellings. The addition of bulk will create some dominance effects that are inconsistent with the residential dwellings surrounding the site. However, the neighbouring mixed business zone exhibits a height similar to the proposal, as does the existing dwelling. It is anticipated that some dominance effects may be experienced by the neighbouring properties however they will be no more than minor.

The two adjoining units have been designed so that the majority of the main living areas are on the western side of the building facing out to the existing dwelling. Only a small number of windows are located on the northern and southern sides of the building, in particular only two windows are located at the upper floor of the building at these aspects. Additionally the dwelling is set back some three metres from the neighbouring boundaries. Screening has been provided to increase the visual and aural privacy of each unit. The open space areas are unlikely to be directly overlooked by neighbouring parties as a result of boundary fences enclosing the northern, eastern and southern sides of the site. As a result it is considered that the privacy and overbearing effects will be no more than minor.

The restriction of sunlight and daylight as a result of the building will be consistent with the district planning documents and therefore can not be considered to be more than minor.

Movement of People

The application will result in the addition of traffic and noise associated with the additional movement of people.

Primarily the effects will be of the greatest intensity during the construction of the buildings. The effects during construction will be short in duration and not unprecedented in terms of potential development in the area. The effects are anticipated to be restricted to typical working hours when an increased noise level is anticipated.

The site has frontage of 3.66m to Florence Avenue, a sufficient width to allow the units to be accessed from the street without causing adverse effects on neighbouring sites. It is considered that the proposal will result in similar traffic effects to permitted activities such as childcare facilities, hostels/private hotels and homes for the aged for up to ten people. Additionally, the subject right of way is located between an access way serving five household units and another access way serving three household units. It is considered the traffic and associated amenity currently derived in the vicinity of these access ways is not of high value and the proposal will exhibit similar effects.

The addition of the proposed units is therefore found not to have an adverse amenity effect in terms of the movement of people.

Earthworks

Approximately 82m² is required to establish the proposed building. This volume of earth movement will not create large volumes of dust, noise or vibration. The earthworks activity will be short in duration also. The site is well contained by screen fencing also limiting any material traversing site boundaries.

(d) Visual

The proposed materials for the units, namely weatherboard walls and Coloursteel roofing coupled with the design of the building will ensure an external appearance of the adjoining units being consistent with residential activities in the surrounding environment.

The adverse visual effects on the surrounding environment are no more than minor.

(e) Hazards

The site has not been identified as subject to instability or coastal inundation. Council's Development Engineer, Mr Smith, has indicated that the building platforms established are clear of flooding hazards.

The proposal is therefore found not to have potential to cause or exacerbate natural hazards.

(f) Service provisions

The proposed development can be served by connecting to the existing reticulation on the site. There is a public sewer main which runs just to the north of the subject site and a public stormwater drain is located to the east of the subject site. Two new sanitary sewer connections will be required along with two new stormwater connections. Given the applicants' intention to ultimately subdivide around the proposed units, all drainage is to be installed to subdivision standard with connections made available within the proposed future lot boundaries. Council's Development Engineer has no concerns with the availability and capacity of service provision.

(g) Transportation and traffic

The subject site has 3.66 metres of street frontage to Florence Avenue. Incorporated in this proposal is the use of the existing driveway which serves the existing dwelling to provide access to the proposed units.

On-site manoeuvring is provided which will allow forward movement along the driveway. Two car parking spaces are provided for each household unit which will allow adequate parking for all residents. The internal driveway and parking areas are to be formed and drained to an all-weather, dust free surface. A condition has been recommended to this effect should consent be granted.

The local roading network of Florence Ave is considered to have capacity to accommodate the anticipated vehicle movements. The exiting vehicle crossing is sufficiently remote from the intersection of Florence Avenue and Centreway Road and there are no known inherent traffic safety problems within the vicinity of the site.

The Council's Consultant Traffic Engineer has assessed the proposal and has no objections although a condition has been recommended with regards to the construction standard of the driveway and parking areas should consent be granted. It is considered that the proposal will have a no more than minor impact on the safe and efficient operation of the local road network

(h) Public Infrastructure

A financial contribution is required under Plan Change 62 as the proposal is creating two additional household units on the site. Council's Development Engineer has calculated the amount of financial contribution required to offset any adverse effects of the proposal on public infrastructure.

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

District Plan Provisions

Operative Plan as amended by Plan Change 26

9.5 Objectives and Policies

The proposal is considered to be **consistent with** the following objectives and policies.

- (a) 3.6.1 Objective O1 and O2 and performance criteria PC1 – PC6 on page 94.
- (b) 3.6.2 Objective O1 and performance criteria PC1 – PC4 on page 100.
- (c) 3E Objective O1 and policies (a) (i)-(vii).

The proposal is found to be consistent with these provisions as it will provide for higher intensity residential living in an area intended to be for higher density residential patterns.

It terms of building siting and design (3.6.1), the building proposed and all dwellings in the vicinity will be capable of receiving sufficient daylight to enable household activities to be undertaken. The building will comply with development controls in relation to height, height in relation to boundary and bulk in relation to boundary. There will not be a significant loss of visual and character amenity.

The proposal is consistent with objectives and policies pertaining to private open space (3.6.3) as the allocation of private open space, in particular the size, shape, dimensions and orientation, will meet the requirements of these units for the function of the household.

The proposal is not considered to be **contrary to** any objectives and policies.

9.6 Strategic Issues

The intended environmental outcomes considered relevant to this proposal are:

- 1. Residential Development
In terms of density, the criteria indicate that a density of one dwelling per 275m² net site area is anticipated in the zone. The proposal is consistent with this development density, allowing 280m² and 298m² for unit 1 and 2 respectively.
- 2. Character
The criteria pertaining to character intentions indicate the importance of 'compatibility' of existing and future foreseeable character of the local area. As discussed above the character of the Florence Ave neighbourhood will be maintained with the addition of the proposed household units.
- 3. Design and Layout
- 4. Layout and formation of entranceways and parking
The criteria relating to the design and layout of aspects of the development including the household unit, access and parking requires 'reasonable standards of amenity are retained'. As considered above, the on site and off site amenity of this high intensity residential neighbourhood is considered to be preserved.

These are considered relevant as they support the proposal and reinforce the objectives and performance criteria.

9.7 Assessment Criteria

The proposal is considered to be **consistent with** the following assessment criteria.

3.3.1 Assessment Criteria – Discretionary Activities

- (i) Building Location
The Council will discourage the location of buildings on predominant ridges, knolls or skylines where such buildings would dominate the natural landscape and detract from the amenities of an area.

- (ii) **Building Form**
Whether the proposal is sensitive in terms of scale and form with respect to adjoining sites. The Council will discourage designs where the bulk, height, unrelieved mass or repetitive nature of buildings will detract from adjoining sites.

The Council will also take into consideration whether or not there is other development on the same site which is not directly related to the residential development proposed. In any instance where this does occur, it will have to be demonstrated that the space available for residential purposes is sufficient to enable compatible development in terms of form and scale with that on adjacent sites, and the provision of compatible levels of open space about buildings.

- (iii) **Private Open Space**
Generally the development should comply with the deemed to comply standards for private open space set out in Rule 3.6.2 as appropriate, unless it can be demonstrated that the performance criteria for the abovementioned controls can be met by other means.
- (iv) **Service Courts**
The development should provide a service area for each household unit which:
- has a minimum area of 20 m²; and
 - is able to contain a square measuring 3 m x 3 m; and
 - is able to remain unobstructed by vehicle access, parking and manoeuvring areas.
- (v) **Overall Scale and Character of Development**
The scale and physical extent of any proposal should be such that the existing character of the street or streets on which a proposal is located is not markedly changed. The proposal should, 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 should not cause an uneconomic extension of services.**
- (vii) **Roading, Access, Vehicle Parking and Circulation**
Any road shall be of adequate standard to accommodate the levels of traffic generated by the proposed use, access points should provide safe entry/exit to the site and common parking areas should be sited so that adjoining sites are not detrimentally affected by noise, lighting or visual intrusion.
- (viii) **Landscaping and Screening**
The use of landscaping and screening to mitigate the impact of building height, bulk and mass, and effects such as lighting overspill.

3.6.1 Building Siting and Design - Allowable Encroachments into Yards

The effect on adjoining properties in terms of:

- shading of any dwelling living area or accessory building;
- loss of or reduction in visual and/or aural privacy;
- visual impact;
- change in the residential character of the area.

should not be appreciably different from a fully complying development.

3.6.2 Private Open Space

- The location of the private open space in relation to north, and the household unit(s) and significant features affecting sunlight e.g. fences, trees on the site.
- The proportion of the private open space area that does receive sunlight for at least 1 hour during midwinter, and the ease with which this area can be used for recreation and accessed from the household unit.
- The extent to which the location and design of the household unit and windows allow for inhabitants access to the sunlight inside the household unit.

- Where any application relates to the steepness of the land, the effect this has on the ability of the land to be used for both active and passive recreation.

Proposed District Plan 2000

9.8 Objectives and Policies

The proposal is considered to be **consistent with** the following objectives and policies.

- (a) Objectives 8.3.1 to 8.3.5
- (b) Policies 8.4.1 to 8.4.4 and 8.4.6 to 8.4.7
- (c) Objectives 8.6.6.1.1 to 8.6.6.1.2
- (d) Policies 8.6.6.2.1 to 8.6.6.2.3

The proposal is found to be consistent with these provisions as it will provide for higher intensity residential living maintaining amenity values.

The proposed high intensity development is located in an area that exhibits a high dwelling density with a mix of single and double storey dwellings and significant commercial buildings. These character traits are sufficiently separate from those appreciated in other zones in the District. The proposal will be consistent with the residential density of the area and will not result in significant local or wider ranging adverse effects.

Adequate outdoor living areas, appropriate privacy, drainage, and space for car parking and manoeuvring are provided for by this proposal. The level of amenity values is maintained consistent with the character of the surrounding environment.

The use and enjoyment of the neighbouring sites is maintained as overshadowing and privacy effects will be consistent with the traits prescribed and anticipated in the area. The proposed dwellings will be of a greater height than the single storey dwellings in the vicinity of the site however the effects on visual and aural privacy and daylight admission will be within the permitted levels.

The proposal is not considered to be **contrary to** any objectives and policies in the Proposed District Plan.

9.9 Strategic Issues

The intended environmental outcomes considered relevant to this proposal are:

- 8.2.1 Design and Location
- 8.2.2 Neighbouring effects and Amenity Values

The proposal minimises effects in relation to the strategic issues and does not erode the integrity of these matters in the surrounding environment. The private open space provided is proposed in an appropriate location with adequate accessibility, availability of sunlight and privacy. Visual and on-site amenity is maintained at a level anticipated in the zone with effects on neighbours minimised appropriately.

These matters are considered to support the proposal and reinforce the objectives and performance criteria.

9.10 Assessment Criteria

The proposal is considered to be **consistent with** the following assessment criteria.

- *8.12.1.6 Private Open Space*

Whether an alternative area of open space is suitable for use and outlook by the occupants of the subject site.

Whether any reduction in open space will adversely effect the sanitary or stormwater drainage system including receiving waters.

Whether the arrangement of buildings and spaces on the site is such that suitable spaces for the likely day to day outdoor activities of residents are available.

- *8.12.1.7 Yard Infringements*

Whether:

- (i) the effect of shading of any dwelling living area or accessory buildings; or
 - (ii) the loss of or reduction in visual and/ or aural privacy; or
 - (iii) the visual impact; or
 - (iv) change in the residential character of the area;
- is appreciably different from a fully complying development

Whether any encroachment into the yard will adversely affect the safe and efficient operation including maintenance, of any utility or network utility and whether access to such utilities can be maintained at no additional expense than would normally be the case.

Whether any encroachment into the yard will adversely affect safety and operation of the road including pedestrian safety.

- *8.13.1 General Assessment Criteria – All Discretionary Activities*

Effects on the Neighbourhood

- **Scale and design**
Whether the scale, design, layout, external appearance (including the quality of finish) and landscaping of buildings and sites are compatible with or will enhance the residential character and amenity values expected in each Residential Zone.
- **Character**
Whether the character of the activity and its effects are compatible with the residential character and amenity values expected in each Residential Zone.
- **Safety and community**
Whether safety and the sense of community within the neighbourhood are adversely affected by the establishment of the activity. For example this could occur by non-residential activities breaking up residential communities and leaving residents without close neighbours.
- **Efficiency of infrastructure**
Whether the activity will have adverse effects on the efficient provision of infrastructure.

Effects on Neighbouring Sites

- **Noise, vibration, electrical interference, visual intrusion, dust, smoke, fumes and light overspill**
Whether the activity is designed and carried out in a way that avoids or mitigates the adverse effects of noise, vibration, dust, smoke, fumes, electrical interference, visual intrusion and light overspill onto adjacent sites. Particular consideration will be given to maintaining a quiet night time environment, and to minimising risk to people's health and safety.
- **Privacy**
Whether the activity is designed and carried out in a way that preserves the privacy of adjacent residential sites.
- **Site frontage**
Whether the site has a frontage and access to a formed public road of sufficient width so that any activity can be accessed from the street without causing adverse effects on neighbouring sites.
- **Compliance with development controls**
Whether the activity generally complies with the Development Controls contained in Rule 8.10 so that the effects of buildings are similar to those of permitted buildings.

Effects on the Transportation Network

- **Effects on road network**
Whether the vehicular traffic generated by the activity, including cars parked on roads, can be accommodated without a loss of safety or efficiency of the road network, and without loss of residential amenity.
- **Ease of movement**
Whether the design of the proposal is such that ease of direct movement, by pedestrians, cyclists and vehicles is provided for.

Proposed Variation 58

The Proposed Variation is considered to be of relevance as the prescribed density for Multiple Household units is altered. The Proposed Variation restricts the permitted multiple household unit density to 2 household units per site at a standard of at least 275m² per household unit for sites that have a frontage of 15 metres.

Whilst the property in question does not have a frontage of 15 metres or greater the rule provides an indication as to the density which maybe appropriate in the zone. A decision on the Proposed Variation is not yet released and therefore more weight would be given to the Operative residential chapter of the Proposed District Plan with lesser weight being given to this Proposed Variation.

Florence Avenue has an established residential character which is deviates from the intensity prescribed in the planning documents. For that reason the character effects are considered in regard to the character of the site and surrounding environment. The site density prescribed by the Proposed Variation has a lesser effect on this proposal.

Any Relevant National Policy Statement or Regional Policy Statement

- 9.11** The Auckland Regional Policy Statement (hereafter referred to as RPS) sets in place the policy for promoting the sustainable management of the natural and physical resources of the Region. The RPS identifies significant matters of concern to Tangata Whenua and objectives, policies and methods are set out to achieve sustainable and integrated management of major natural and physical resources. The RPS recognises that the Auckland Region has a diverse natural and cultural environment with features such as intricate coast lines and bush clad slopes. The key strategic resource management issues in the Auckland region stem from the pressures and impacts of development on the region's natural and physical resources. The RPS promotes integrated management of development to ensure the protection of environmental quality.

Within 'Section 2.2.2.1 – Issues' of the Proposed Regional Policy Statement: Air, Land and Water the plan makes reference to controlling effects in the rural, coastal and urban areas. One of the principal components of the Regional Strategic Direction contained in the Regional Policy Statement and elaborated upon in the Regional Growth Strategy (RGS) is the containment of urban development within Urban Areas (that is within the Metropolitan Urban Limits and the defined boundaries of rural and coastal settlements). The Policy Statement aims to support future development within the Urban Areas by a more permissive rule regime, however, there is a direction to recognising that such development may result in environmental impacts. A management approach is recommended which primarily focuses on mitigating adverse environmental effects.

The proposal is consistent with the direction of this Policy Statement as the proposed development will instigate urban residential units in an area recognised as a high density urban area.

Section 104 (1) (c) Any other Matter

Relevant Council Documents

A number of non-statutory instruments are relevant in considering the proposal. It is noted by the writer that recent case law asserts that less emphasis ('weight') should be placed on non statutory documents.

9.12 Vision Rodney

Vision Rodney is a statement of the future that the 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.

The proposed development is considered to be consistent with the intentions of the document. The development is located in a high intensity residential zone, a zone intended to maximise the benefits of living near a township such as Orewa. The proposal will not result in urban sprawl or in any distinct changes to the identity of the area.

Overall, it is considered that the proposal is consistent with Vision Rodney.

9.13 Orewa East Structure Plans

The Structure Plan identified High Intensity Residential zoning surrounding the Orewa Township. The zoning in general is akin to the provisions of the Proposed District Plan 2000 with the addition of a building height adjustment to 11.5 metres under certain provisions.

The proposed development was considered above with thorough regard to the Proposed District Plan. As the Structure Plan predominantly reflects the same provisions the proposal is considered to remain consistent with the planning provisions of the document.

9.14 The Integrity and Consistent Administration of the Plan

This proposal constitutes a discretionary activity under the Operative Plan as amended by Plan Change 26 and a non-complying activity in the Proposed District Plan 2000.

Of relevance with all non complying applications is the integrity of 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 or site should portray distinguishable features.

The site itself is not unusual however the surrounding sites are considered to be of a high intensity prescribed by the provisions of the Operative District Plan. Plan Change 26 prescribes in the 'Intended Environmental Outcomes' that residential development in this zone will generally be of a higher intensity, that is, approximately 1 household unit for every 275m² of net site area. The additional household units bring the subject site more in line with the character of high intensity development exhibited on neighbouring sites. Additionally the layout of the existing site and the proposed development will provide the required on site and off site amenity anticipated in this zone.

As the reporting planner, I am of the opinion that features of the surrounding environment are sufficient to differentiate the subject property and therefore 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 be maintained by any approval.

9.15 Section 104 Assessment Conclusions

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

SECTION 104B AND 104D ASSESSMENT

10.0 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.

- 10.1** 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. These adverse effects are;
- Character
 - Cultural Heritage
 - Amenity
 - Visual
 - Hazards
 - Service provisions
 - Transportation and traffic
 - Public Infrastructure

The reasons for this conclusion are set out in the Section 9 assessment.

- 10.2** Based upon the section 104 assessment of the relevant objectives and policies of the plan in Section 9 of this report, it is considered that the proposed activity will be consistent with all objectives and policies. The reasons for this conclusion are set out in the Section 9 assessment.
- 10.3** Overall it is considered that the proposal meets both gateway tests and can be considered for the grant of consent.

PART II ASSESSMENT

- 11.0** 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 does promote sustainable management because give reasons based on section 5(2) matters.
- 11.1** There are no section 6 matters of national importance relevant to this application.
- 11.2** There are no section 7 matters relevant to this application.
- 11.3** There are no section 8 Treaty of Waitangi matters relevant to this application.
- 11.4** Overall it is considered this application is consistent with Part 2 matters. The matter of greatest concern relates to paragraph 9.4 above.

RECOMMENDATION

That, pursuant to Sections 104, 104B and 104D of the Resource Management Act 1991, the notified application for resource consent by Panos and Patricia Panoutsos to create two new household units in addition to the existing household unit at 56 Florence Avenue, Orewa (Lot 3 DP 63201) is granted consent.

REASONS FOR THE RECOMMENDATION

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

- (a) The effects of establishing two additional dwellings on the subject site in relation to amenity and character values will be no more than minor. The residential density proposed is not unprecedented in the subject area. It is considered that both character and amenity will be maintained at a level anticipated by the planning documents and the receiving environment and effects will be no more than minor.
- (b) The additional effects of traffic associated with safety and amenity are considered to be similar to that already in existence in the area. The density of residential development in the area has resulted in a number of high traffic access ways exhibiting similar characteristics to those proposed. The adverse effects of the increase in traffic are therefore no more than minor.

- (c) The proposal is considered consistent with the relevant objectives and policies for the High Intensity Zone contained in Plan Change 26 and the Proposed District Plan 2000 as they relate to development in the Residential zone. Noise, traffic generation and visual impacts will not create adverse effects on the surrounding neighbourhood which are more than minor. The proposal is consistent with the relevant provisions of the District Plan documents.
- (d) The proposal will meet the intentions of the relevant national and regional policy documents. The proposal will result in high intensity residential development in an areas defined by the Auckland Regional Policy Statement as the Metropolitan Urban Limits intended as an area for urban development to cater for an increased population in the area.
- (d) The application for consent is for a Non Complying Activity which satisfies the requirements of section 104D as the adverse effects of the activity are no more than minor particularly in terms of amenity, traffic and character and the application is considered to be consistent with the objectives and polices of the Operative Plan and the Proposed Plan.
- (e) The proposal is considered to be consistent with the sustainable management purpose and principles of Part II of the Act, as the intensity of the development will not create adverse effects on sustainable management and further potential development will potentially result in adverse amenity effects on neighbouring parties.

LAPSING OF CONSENT

Pursuant to Section 125 of the Resource Management Act 1991, this resource consent will expire 5 years after the date of commencement of consent unless, before the consent lapses;

- (a) the consent is given effect to; or
- (b) an application is made to the Council to extend the period of consent, and the Council decides to grant an extension after taking into account the statutory considerations, set out in section 125(1)(b) of the Resource Management Act 1991.

CONDITIONS OF CONSENT:

Pursuant to Section 108 of the Resource Management Act 1991, this consent is subject to the following conditions:

1. (general) The development shall proceed in general accordance with the application submitted, and the plans drawn by LTD Architectural, dated May 08, numbered 1-6 of 6 and signed by Processing Planner Sarah Gardner, dated 26 February 2009.

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. (resource consent and 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 initial charges for the following inspections:

Environmental protection 2 x site visit.

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 for this monitoring as set out in the Council's Schedule of Fees and Charges.

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. (construction of common area) The common area, all parking and manoeuvring areas and the vehicle crossing shall be constructed to the private way requirements of the Council's "Standards for Engineering Design and Construction".
5. (financial contributions) Pursuant to Operative Plan Change 62 (Chapter 22), the financial contributions as set out in the "Schedule of Financial Contributions", RMA 554528, Sequence 002, 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.
6. (reassessment of neighbourhood reserve contribution) The Neighbourhood Reserve Contribution (if any) in the Schedule of Financial Contributions is based on an estimated current market land value. Pursuant to Rule 22.8.3.1(b) the Neighbourhood Reserve contribution payable shall be reassessed on the basis of current market land values for all sites included in the consent, prepared by a Registered Valuer immediately prior to payment of the contribution.

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

7. (timing of payment) Pursuant to Rule 22.8.3.3, all contributions shall be paid in full prior to the commencement of the use, unless other arrangements satisfactory to the Council have been made pursuant to Rule 22.8.5.

Note: For the purposes of Rule 22.8.3.3, the issue of a building consent shall be deemed to be the commencement of the activity.

Advice notes.

(subdivision) With regard to the future subdivision application;

- (i) the right of way easements shown over Lots 1, 2 and 3 will need to be modified to also accommodate a 90 percentile truck tracking curve as well as forward and backing manoeuvring from the garages on Lots 2 and 3.
- (ii) It will be required that any infrastructure provided to serve the new Lots is installed to a public standard to the requirements of the Council's "Standards for Engineering Design and Construction."

It is therefore recommended that any infrastructure extensions within the site should be provided within each future Lot and any existing infrastructure rerouted where necessary to the new connections.

ATTACHMENTS

Attachment A	Section 93/94 Report
Attachment B	Copy of Application
Attachment C	Copy of Submissions
Attachment D	Development Engineer's Report
Attachment E	Traffic Engineer's Report