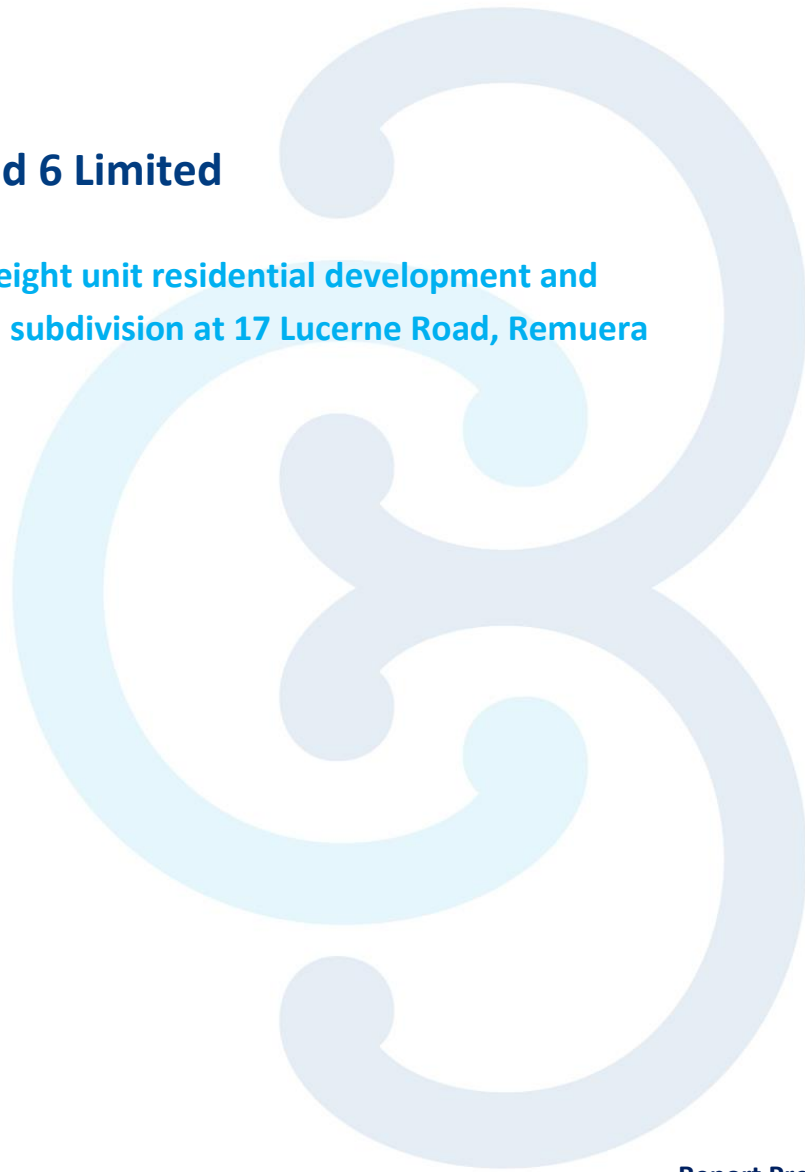


West End 6 Limited

**Proposed eight unit residential development and
associated subdivision at 17 Lucerne Road, Remuera**



Report Prepared by:

Jono Payne

Senior Planner, Campbell Brown Planning Limited

Report Reviewed by:

Michael Campbell

Director, Campbell Brown Planning Limited

Date of Issue: 15 October 2019

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1.0 Executive Summary

1.1 Proposal

This combined land use and subdivision resource consent application by West End 6 Limited ('the applicant') relates to land at 17 Lucerne Road, Remuera. It is proposed to construct eight new dwellings and to undertake an associated subdivision activity. Parking for 16 vehicles (two per dwelling), and common access areas are also proposed. The existing sites currently contain a single detached dwelling.

The development has been designed in a comprehensive manner to ensure the most efficient use of the land and minimise any adverse environmental effects, while providing a high-quality residential development for future residents. The following assessment concludes that, subject to conditions of consent, any adverse actual or potential environmental effects arising from the proposal would be less than minor. The proposal would be consistent with the objectives, policies, and assessment criteria of the Auckland Unitary Plan - Operative in Part ('AUP').

1.2 Activity Status

Overall, the application is a **restricted discretionary activity**, being development of a site with more than three houses, with several small infringements to the development standards and an associated subdivision activity.

1.3 Technical Assessments

This application is accompanied by a number of plans, specialist reports, and assessments that are referred to throughout the following sections of this assessment of environmental effects ('AEE') report. As such, regard needs to be given to this supporting documentation when considering the content of this AEE report.

Table 1 below sets out the technical assessments and inputs provided as part of this application for resource consent, and the company/persons that undertook the investigations:

Table 1: List of specialist inputs

Report Title	Author	Date
Architectural Drawings	MATZ Architects	Ref: 1226 Date: 15/10/19 Rev: -
Subdivision Scheme Plan (x3)	Tripp Andrews	Ref: 1911 Date: 15/10/2019 Rev: B
Civil Infrastructure Plans	Trip Andrews	Ref: 1911 Date: 26/09/19 Rev: A
Landscape Treatment Plans	SOLA Landscape Architects ('SOLA')	Ref: 113211 Date: September 2019 Rev: - Various
Civil Infrastructure Report	Engineering Design Consultants ('EDC')	Ref: 1911 Date: 26/09/19 Rev: A
Transport Assessment	Traffic Planning Consultants ('TPC')	Ref: 19358 Date: October 2019 Rev: Issue B
Geotechnical Report	Geostudio	Ref: 1539 Date: 10 October 2019 Rev: A

2.0 The Applicant and Property Details

Applicant:	West End 6 Limited
Address for Service:	C/- Campbell Brown Planning Limited P O Box 147001 Ponsonby AUCKLAND 1144 Attention: Jono Payne Email: jono@campbellbrown.co.nz (all written correspondence via email please)
Location:	17 Lucerne Road, Remuera
Legal Description:	Lot 114 DP 7525
Site Area:	1012m ²
Unitary Plan Zoning:	Mixed Housing Urban zone
Unitary Plan Overlays, Controls and Designations:	Macroinvertebrate Community Index Control – Urban
Appeals:	There are no appeals to the zoning of the site
Road Classification:	Local Road

3.0 Site Location



Figure 1: Aerial photo of site, 17 Lucerne Road, Remuera

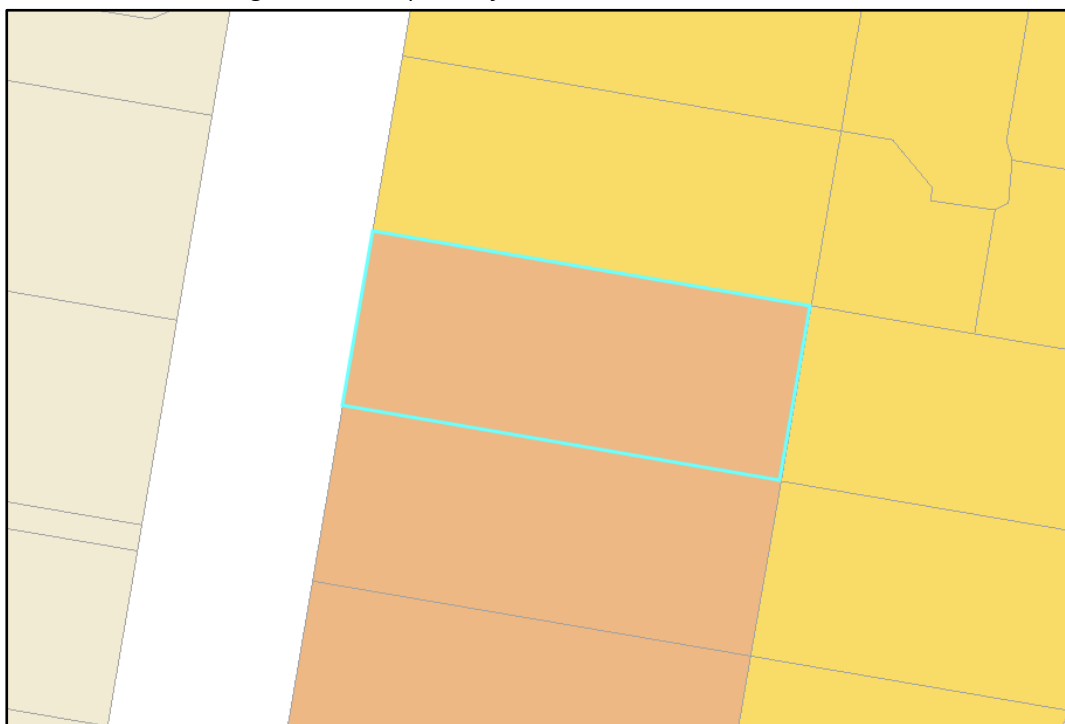


Figure 2: AUP planning map showing site zone at 17 Lucerne Road, Remuera

4.0 Description of the Existing Environment

4.1 The Site

The site comprises 17 Lucerne Road, Remuera. The Certificate of Title is attached at **Appendix A**.

The site is rectangular in shape with an area of 1,012m² and a frontage of approximately 20.1m in width onto Lucerne Road. The site steps down from the road frontage and slopes down toward the eastern (rear) boundary. The overall slope is approximately six metres, over a distance of 50 metres.

Existing development comprises a detached dwelling and a stand-alone garage. The existing dwelling is a single storey when viewed from the street, however due to the sloping nature of the site steps down towards the east. The garage is located within the sites north-western corner, on the road boundary. This existing house will be removed or demolished to facilitate the proposal.

There is a range of existing vegetation on the site comprising large and medium sized mature trees, as well as smaller shrubbery and hedging, none of which is protected. All vegetation on the site will be removed to facilitate the proposal.

There is a small street tree within the berm as well as a power pole adjacent the sites south western corner.

The site is within the Mixed Housing Urban zone.

The Infrastructure Report, prepared by Tripp Andrews (**Appendix E**) provides a description of the existing infrastructure serving the site. All reticulated infrastructure and utilities required to service the proposed development are located within close proximity of the site.

The site is clear of any known over land flow paths (OLFP's) and flood hazards, as defined by the AUP. There is a small OLFP within Lucerne Road which the Council GIS indicates may cross the sites north western corner, however with a catchment of less than 4,000m² this is not defined as an OLFP by the AUP.

There is an existing easement in gross in favour of the Inhabitants of the Remuera Road District which dates back to 1912 (transfer 66289). A copy of the easement instrument is attached at **Appendix A**. This easement is 'for the purpose of making, constructing, laying down, maintaining and repairing drains in through and under the property'. The easement is redundant and out of date as a result of the more recent underground infrastructure in the area and will need to be cancelled.

At the time of lodging this application, the applicant was not the registered owner of the property. The registered owner (Janice Marguerite Clarke) has provided her written approval. A copy of this is attached at **Appendix J**.

4.2 Surrounding Environment

The surrounding area comprises well-established residential development, most of which is made up of detached single or double storey dwellings. There is some evidence of infill and redevelopment in the area (including to properties adjoining the northern and southern boundaries) with a few more recent additions to the neighbourhood, particularly on the larger rear sites.

Surrounding sites to the south (fronting Lucerne Road) share a Residential – Mixed Housing Urban zoning with the site. Properties to the north and east are zoned Residential – Mixed Housing suburban (a lower density residential zone), while properties on the western side of Lucerne Road are zoned Residential – Single House Zone (these properties are also subject to a Special Character Overlay).

A small neighbourhood centre is located at walkable distance along Remuera Road, at the intersection of Upland Road (the 'Upland Road shops'). Regular bus services run along Remuera Road both to the city (west) and in toward Meadowbank / Glenn Innes (east), which is within walking distance of the site.

The following photos depict the site and surrounding development:



Figure 3: Photo from Lucerne Road, looking at application site (existing double width vehicle crossing shared with 19 Lucerne Road on the left).



Figure 4: Left: Photo of southern elevation of 19 Lucerne Road. Right: Looking east along the northern boundary at southern elevation of 19A Lucerne Road.



Figure 5: Photo looking east from within the site toward the rear boundary and 14 Ngapuhi Road beyond.



Figure 6: Looking south toward 3/15 Lucerne Road (the eastern most dwelling within this property)

5.0 Description of the Proposal

5.1 Proposed Dwellings

It is proposed to remove the existing residential dwelling and accessory building and establish eight new dwellings. Full details of the building design and site layout are contained in the

attached architectural drawings, at **Appendix B**. The site layout at first floor level is shown in **figure 7** below.

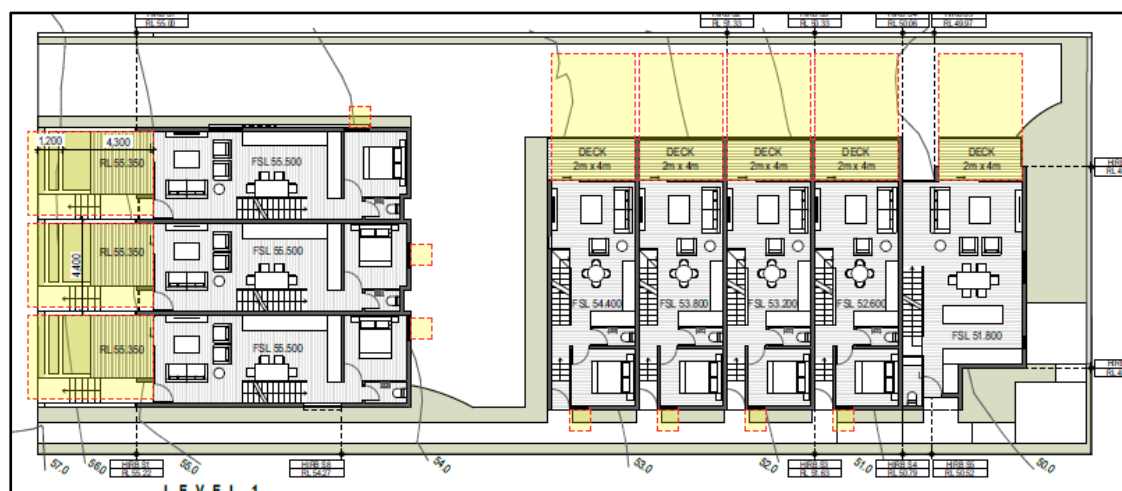


Figure 7: Proposed Site Layout (first floor level)

The proposed development will be formed with two blocks, comprising eight three storey terraced dwellings in total. Three terraced dwellings will be provided within the block fronting (and orientated toward) Lucerne Road (units 1-3). The second block (units 4-9) will be laid out perpendicularly to units 1-3, with these being orientated in a northerly direction.

Arranged over three floors, each dwelling will comprise a similar layout, with provision of internal garaging (access by way of a shared driveway) at ground floor level, open plan living, kitchen and dining with a bedroom/ media room and toilet at first floor level and bedroom (x2) and bathrooms (x2) at on the second floor. All units will provide for up to three bedrooms.

The proposed dwellings will be stepped to follow the sloping topography of the site. This is reflective in the proposed floor levels. The garage of each unit's 1-3 each have a finish floor level (FFL) of RL52.8m, with unit 4 stepping down to RL54.4m (this trend is continued for units 5-8).

The dwellings will have the following characteristics. Full details of the building design and site layout are contained in the attached architectural drawings, at **Appendix B**.

Unit 1

- Comprises a three-storey, three-bedroom unit with two car (stacked) internal car parking;
- This unit will infringe the HIRB standard (H5.6.7 - adjoining lower intensity zones) of 2.5m +45° adjacent the northern boundary.
- Primary outlook will be in a western direction (over Lucerne Road). All outlook will comply with standard H.5.6.12.

- Pedestrian access will be provided directly onto Lucerne Road with vehicular access via the proposed access way
- Outdoor living with an area of 24.2m² (total) will be provided. This will comprise a patio at first floor level (ground floor when view from the road) with dimensions of 5.5m by 4.4m.

Unit 2

- Comprises a three-storey, three-bedroom unit with two car (stacked) internal car parking;
- Primary outlook will be in a western direction (over Lucerne Road) with pedestrian access provided directly from Lucerne Road. All outlook will comply with standard H.5.6.12.
- Outdoor living with an area of 24.2m² (total) will be provided. This will comprise a patio at first floor level (ground floor when view from the road) with dimensions of 5.5m by 4.4m.

Unit 3

- Comprises a three-storey, three-bedroom unit with two car (stacked) internal car parking;
- This unit will infringe the HIRB standard (H5.6.5) of 3m + 45° adjacent the southern boundary.
- Primary outlook will be in a western direction (over Lucerne Road). All outlook will comply with standard H.5.6.12.
- Pedestrian access will be provided directly onto Lucerne Road with vehicular access via the proposed access way.
- Outdoor living with an area of 24.2m² (total) will be provided. This will comprise a patio at first floor level (ground floor when view from the road) with dimensions of 5.5m by 4.4m.

Unit 4

- Comprises a three-storey, three-bedroom unit with two car (stacked) internal car parking;
- This unit will comply with the HIRB standard H5.6.5 adjacent the southern boundary and HIRB standard H5.6.7 (adjoining lower intensity zones) against the northern boundary.
- Primary outlook will be in a northerly direction (over the proposed access way). All outlook will comply with standard H.5.6.12.
- Pedestrian access to the unit will be on the southern side, from a path providing access onto Lucerne Road with vehicular access via the proposed access way (on the northern side).
- Outdoor living will be provided in the form of a winter garden at first floor level comprising an area of 8m² and dimensions of 2m x 4m.

Unit 5

- Comprises a three-storey, three-bedroom unit with two car (stacked) internal car parking;
- This unit will comply with the HIRB standard (H5.6.5) adjacent the southern boundary but will infringe the HIRB standard H5.6.7 (adjoining lower intensity zones) against the northern boundary.
- Primary outlook will be in a northerly direction (over the proposed access way). All outlook will comply with standard H.5.6.12.
- Pedestrian access to the unit will be on the southern side, from a path providing access onto Lucerne Road with vehicular access via the proposed access way (on the northern side).
- Outdoor living will be provided in the form of a winter garden at first floor level comprising an area of 8m² and dimensions of 2m x 4m.

Unit 6

- Comprises a three-storey, three-bedroom unit with two car (stacked) internal car parking;
- This unit will comply with the HIRB standard (H5.6.5) adjacent the southern boundary but will infringe the HIRB standard H5.6.7 (adjoining lower intensity zones) against the northern boundary.
- Primary outlook will be in a northerly direction (over the proposed access way). All outlook will comply with standard H.5.6.12.
- Pedestrian access to the unit will be on the southern side, from a path providing access onto Lucerne Road with vehicular access via the proposed access way (on the northern side).
- Outdoor living will be provided in the form of a winter garden at first floor level comprising an area of 8m² and dimensions of 2m x 4m.

Unit 7

- Comprises a three-storey, three-bedroom unit with two car (stacked) internal car parking;
- This unit will comply with the HIRB standard (H5.6.5) adjacent the southern boundary (the protrusion will amount to a compliant roof protrusion) but will infringe the HIRB standard H5.6.7 (adjoining lower intensity zones) against the northern boundary.
- Primary outlook will be in a northerly direction (over the proposed access way). All outlook will comply with standard H.5.6.12.
- Pedestrian access to the unit will be on the southern side, from a path providing access onto Lucerne Road with vehicular access via the proposed access way (on the northern side).
- Outdoor living will be provided in the form of a winter garden at first floor level comprising an area of 8m² and dimensions of 2m x 4m.

Unit 8

- Comprises a three-storey, three-bedroom unit with two car internal car parking;
- This unit will infringe the HIRB standard (H5.6.5) adjacent the southern boundary and will infringe the HIRB standard H5.6.7 (adjoining lower intensity zones) against the northern and eastern boundary.
- Primary outlook will be in a northerly direction (over the proposed access way). All outlook will comply with standard H.5.6.12.
- Pedestrian access to the unit will be on the southern side, from a path providing access onto Lucerne Road with vehicular access via the proposed access way (on the northern side).
- Outdoor living with an area in excess of 20m² (total) will be provided. This will comprise:
 - A 53m² area at ground floor on the eastern side of the units; and
 - A deck at first floor level comprising an area of 8m² and dimensions of 2m x 4m.

Materials will comprise a combination of vertical timber cladding, concrete block wall and brick, with tray deck roofing. Fixed aluminium privacy louvres and an exposed plaster finish will also be utilised in places. All materials will be of a high quality.

Table 5.0, below provides a breakdown of the proposed coverage calculations and the proposals compliance (or otherwise) against the relevant Mixed Housing Urban coverage standards.

Table 5.0: Proposed Coverage Calculations		
Coverage Type	Proposed	Compliance
Building Coverage (45%)	453m ² (45%)	Complies
Impermeable Surfaces (60%)	615m ² (61%)	Infringes
Landscape Area (35%)	278m ² (28%).	Infringement
Front Yard Landscaping (50%)	41.6m ² (83%)	Complies

Full details of the building designs and site layout are contained in the attached architectural drawings, at **Appendix B**.

5.2 Landscape Treatment

Comprehensive landscape treatment plans have been prepared for the proposed development and are attached as **Appendix C**. The plans incorporate materials, fencing details, proposed planting and paving to all private and communal areas.

Plant species have been selected based on their suitability for use in a relatively intensive urban environment and visual/structural qualities, having particular regard to their proposed location.

Planting within the private outdoor areas to the front of units 1-3 comprises a single specimen tree with lush under planting to provide passive surveillance of the street. Planting along the

northern and southern boundaries comprises a dense hedge with palm trees planted in groups to provide a buffer between neighbouring properties. The communal pedestrian pathways will be planted with hedging and low planting to provide privacy to units while also 'greening' the access way and delineating the entrances (units 4-8). Planting along the eastern boundary will comprise a mixture of specimen trees, hedging and lower lying planting. A grouping of specimen trees will be located at the eastern end of the access way to provide height and anchor the built form and driveway.

Side and rear boundaries are proposed to be fenced with close-boarded timber fencing to a height of 1.8m. Front boundaries are proposed to be fenced with predominantly low and open style fencing to a height of 1.2m to maintain a spacious and open character. Immediately adjacent areas of private open space fencing is proposed to be 1.6m high and semi-transparent, to maintain a degree of privacy for the residents.

Lighting will be provided to both the pedestrian pathway and access way. The applicant would accept conditions of consent to this regard.

5.3 Infrastructure

An infrastructure report and civil engineering plans have been prepared by Tripp Andrews (refer **Appendix E**) to address infrastructure provision and earthworks required for the proposal. Specific details are outlined below (earthworks are discussed in **section 5.5**).

Stormwater

The existing site is located in an area served by an existing public stormwater network and is currently serviced by the public stormwater manhole system running across the rear of the site.

An extension to the existing public stormwater network is proposed to discharge stormwater from the site, with three new public manholes proposed as part of this extended network.

The site is not located within a SMAF area, and Tripp Andrews have confirmed that the existing public network has sufficient capacity to cope with the proposed stormwater discharge. Subsequently, no additional onsite mitigation of stormwater flows is required.

Wastewater

It is proposed to connect the existing development into the public network running across the rear of the site. A new public manhole will be constructed on the existing network and the public network will be extend into the site. New private connections will be made from this network to serve the proposed development.

Water Supply

Utilities

5.4 Traffic, Access and Parking

The general arrangement of the site is discussed in **section 5.1** above. **Figure 8** below outlines the proposed access arrangement.

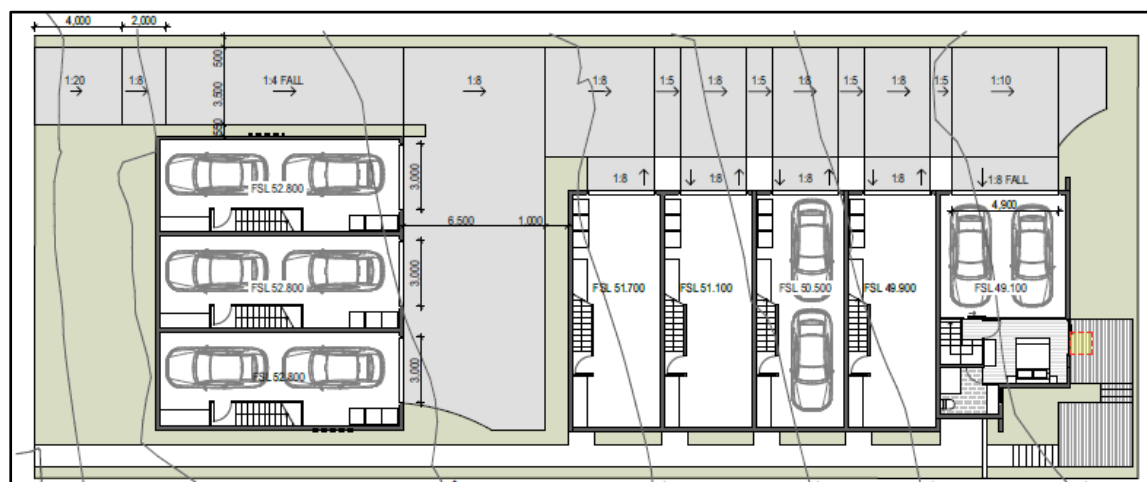


Figure 8: Proposed access arrangement

The dwellings will be accessed by an access way, extending along the site's northern boundary. Primary pedestrian access will be provided separately along the southern boundary, directly

from Lucerne Road for units 4-8 while units 1-3 will each benefit from their own pedestrian access from Lucerne Road.

Each dwelling will be provided with two car parking spaces (16 total) within an internally accessible garage located at ground floor level. Parking for all units will be stacked, with the exception of unit 8. This is an acceptable arrangement in a residential scenario. Dedicated bicycle parking will not be provided (nor is this required by the AUP), however there is sufficient space within each of the unit's garages to provide for the storage of bicycles.

Refuse and recycling storage will be located within each unit's garage. Bins will be wheeled to the road by each occupier for collection by the public service.

The existing vehicle crossing will be upgraded to serve the proposed development. The crossing will have a width of 3.5m and will be located closer than 2.0m to the existing crossing to 19 Lucerne Road (noting that this is an existing situation).

The access way will have a width of 3.5m for the first 17 metres before widening to provide access to units 1-3 (a 90 degree turn) and units 4-8 (continuing in the same direction). Adequate space for manoeuvring will be provided, ensuring that all vehicles can exit and enter the site in a forward gear.

All gradients will be compliant, with the exception of the 10.8m length of the access way adjacent unit 1 and a small section adjacent to unit 8, which will each have a gradient of 1:4 (25%), opposed to the permitted 20%. The effects of this infringement are discussed in the following sections of this report and the supporting traffic assessment.

5.5 Earthworks

Earthworks are proposed to form the building platforms and foundations, as well as the shared manoeuvring areas and access-ways. While the earthworks have been minimised as far as is practical, the earthworks reflect the sloping nature of the site and the scale of earthworks required to provide compliant gradients (as far as is practical) across the site.

The proposed earthworks are illustrated in the engineering drawings (**Appendix E**) and are summarised as follows:

Total area	932m ²
Cut volume	706.7m ³
Fill volume	19.5m ³
Net Total Volume	687.2m ³ (cut)

Due to the sloping nature of the site, retaining walls are proposed along the northern and eastern boundaries as well as adjacent the western boundary and at the end of the proposed access way (between units 3 and 4). All retaining walls no higher than 1.5m.

In addition, sediment and erosion control plans have been prepared to manage silt loss (refer Infrastructure Report at **Appendix E**). Measures to be adopted include the construction of stabilised entrances as well as silt fences around the site's perimeter and runoff diversion bunds. Dust will be managed during construction. Erosion and sediment control will be undertaken in general accordance with Auckland Council's Guideline Document 05 (GD05) and the applicant would accept conditions of consent to this regard.

A Geotechnical Investigation Report has been prepared by GeoStudio (**Appendix I**). As confirmed by GeoStudio, the site of the proposal is considered stable with a low risk of instability and is unlikely to accelerate, worsen or result in instability of the land of any other property. In addition to this, the report confirms that groundwater levels were not encountered, nor was volcanic rock. Rock breaking is not expected.

5.6 Subdivision

A subdivision is proposed in accordance with the land use consent, as set out within the scheme plan attached at **Appendix D**.

The proposed subdivision of the site will create eight freehold titles with access being secured over the access way by easements. Party wall easements will also be provided between units and easements will be provides for services and telecommunications also.

6.0 Resource Consents Required

Resource consents are being sought to enable the proposal (as described in this report) and the application intends to include all necessary consents for those activities to occur. The list of reasons for consent may not be an exhaustive list and if further consent matters are identified post lodgement of the application, these should also be considered as forming part of this application.

6.1 Status of the Planning Documents

All of the relevant provisions of the AUP, including the zoning, are operative in relation to this site.

6.2 Auckland Unitary Plan (Operative in Part)

To enable this development, resource consent is required under the Auckland Unitary Plan (Operative in Part). Resource consent is required for the following reasons (a comprehensive assessment of the relevant AUP rules and associated standards included the permitted activities is attached as **Appendix G**):

E12. Land Disturbance – District

Activity Table E12.4.1 – Earthworks

- (A4) Earthworks over an area of 932m² are proposed. General earthworks greater than 500m² up to 1,000m² within a residential zone is a **restricted discretionary activity**.
- (A8) General earthworks greater than 250m³ up to 1,000m³ within a residential zone is a **restricted discretionary activity**. The proposal involves earthworks with a volumes of 687.2m³ (this comprising cut of 706.7m³ and fill of 19.5m³).

E27. Transport

Activity Table E27.4.1 - Transport

- (A2) The proposal will be in full compliance with all of the relevant standards of E27 with the exception of the following infringements:
 - The separation of the proposed vehicle crossing (from the adjoining crossing to the north) will be less than the required 2.0m;
 - The width of the crossing at the boundary will be 3.5m where 6.0m is required for a crossing serving 10 or more car parking spaces; and
 - The maximum vehicle access gradient for part of the access way adjacent Unit 1 will have a gradient of 1 in 4 (25%) where a maximum of gradient of 1 in 20 (5%) is required.

Parking loading and access which is an accessory activity but does not comply with the standards for access is a **restricted discretionary activity**.

E38. Subdivision – Urban

Activity table E38.4.2 - Subdivision in residential zones

- (A14) Subdivision in accordance with an approved land use resource consent complying with Standard E38.8.2.1 is a **restricted discretionary activity**. The proposed development is for a combined land use and subdivision consent for eight residential lots.

H6. Residential – Mixed Housing Urban Zone

Activity Table H5.4.1 - Activity Table

- (A4) The proposed development seeks to establish eight new dwellings. Four or more dwellings per site is a **restricted discretionary activity**.

C1.9(2) – Infringement of Standards

The proposal infringes the following standards, all of which require resource consent as a **restricted discretionary activity**:

- **H5.6.5 'HIRB'**: The proposal will infringe the HIRB standard against the southern boundary. Due to the sloping nature of the site and the stepped nature of the design, the infringement will be broken into three parts, each being limited to a small section of units 3 (x2 places) and 8. The infringements are illustrated in the plans in **Appendix B** and are as follows:

- **Unit 3**: The southern eastern corner of unit 3 will infringe the HIRB with the infringement having a maximum height of 0.325m reducing to 0m over a length of 3.212m. In addition to this, the projecting window will infringe the HIRB plane with the infringement having a maximum height of 1.126m for a length of 1.99m.
- **Unit 8**: This unit would infringe the HIRB plane with the infringement having a maximum height of 1.456m reducing to 0m over a length of 2.144m.

Note: Unit 7 will also extend into the HIRB, however, having a height less than 1m and being less than 2.5m² in area with a total length of less than 2.5m this is considered to be a compliant roof protrusion.

- **Unit 7**: The southern eastern corner of unit 7 will extend into the HIRB plane with the protrusion having a maximum height of 0.183m reducing to 0m over a length of 1.317metres.
- **H5.6.7 'HIRB adjoining lower intensity zones'**: The proposal will infringe the HIRB standard adjoining lower intensity zones against the northern and eastern boundary. A portion of units 1, 5, 6, 7 and 8 will each infringe this standard. The infringements are as follows:
 - **Unit 1**: The maximum height of the infringement would be 0.366m, reducing to 0m over a length of 4.82m.
 - **Unit 5**: The maximum height of the infringement would be 0.069m reducing to 0m over a length of 0.634m.
 - **Unit 6**: The maximum height of the infringement would be 0.252m reducing to 0 over a length of 1.61m.

- **Unit 7:** The maximum height of the infringement would be 0.207m, reducing to 0m over a length of 2.749m.
- **Unit 8:** The maximum height of the infringement would be 0.108m over a length of 9.624m.
- **H5.6.8 'Yard'** The portions of the proposed retaining walls along the northern boundary and within the front gardens of Units 1-3 which are located within 1.5m of the road frontage are considered buildings and will subsequently infringe the 2.5m yard standard.

6.3 Compliances – Auckland Unitary Plan

A comprehensive review of the proposal against the relevant standards of the AUP is attached at **Appendix J**. This assessment incorporates the relevant permitted aspects of the proposal. Of particular note, the following compliances are acknowledged:

- **H5.4.1(A29):** The demolition to the existing dwellings and accessory buildings is a **permitted activity**.
- **H5.6.10:** The proposal will have a building coverage of 45% which complies with the 45% maximum. This is a **permitted activity**.
- **E8.4.1(A1):** The proposal will capture and direct stormwater into an existing authorised stormwater network (to be extended by the development) and would comply with standard E8.6.2.1. This is a **permitted activity**.
- The proposed carpark layout will comply with the minimum car parking numbers, space and manoeuvring dimensions for regular users, as set out in Table E27.6.3.1.1.

6.4 Proposed Plan Changes

There are a number of proposed plan changes (PPC's) that have been recently notified by the Council. Those PPC's of potential applicability to the current application, and their relevance are detailed below.

1. **PPC 14: Improving consistency of provision for Auckland-wide provisions and Overlays.**

PPC 14 proposed a number of changes to rules and standards for a number of chapters which are applicable to the proposal. These chapters include E12. Land Disturbance – District, E8. Stormwater discharge and diversion, E27. Transport and E38. Subdivision- Urban.

A decision to approve the plan change has been made, with this been notified on the 22nd of August 2019. The changes made by PPC 14 either; do not introduce any additional or new reasons for resource consent; or do not impact provisions which relate to the proposed works.

2. PPC 16: Improving consistency of provisions for zones.

PPC 16 applies to parts of H5. Residential – Mixed Housing Urban zone. A decision to approve the plan change has been made, with this been notified on the 22nd of August 2019.

The changes made by PPC 16 have no implications for the application of the rules of standards as of the Residential – Mixed Housing Urban zone as they relate to the proposal.

3. PPC 17: Improving consistency of provisions for the GIS Viewer.

A decision to approve proposed PPC 17 was made on the 27th of June 2019. The proposed changes approved as part of PPC 17 do not affect the application property.

6.5 Overall Activity Status of the Application

Overall, the application falls to be considered as a **restricted discretionary activity**.

7.0 Consultation

It is considered that any potential adverse effects associated with this proposal would generate less than minor adverse effects to surrounding neighbouring properties. For this reason, consultation with surrounding property owners or other parties has not been undertaken.

A pre-application meeting was held on 1 August 2019. Minutes are attached at **Appendix H**. The design has been further developed since this meeting. Recommendations provided during this pre-application phase have been adopted into the final design, including the introduction of different paving materials to the access way to break up the hard landscaping and mitigate the extent of impermeable surfaces.

The application has not triggered a requirement to consult with Mana Whenua under the AUP and no consultation with Mana Whenua has occurred. The site is not recognised as being a site and/or place of value or significance to Mana Whenua nor are there any statutory acknowledgements that relate to the land.

8.0 Section 104 Assessment

A consent authority must have regard to a number of matters under section 104 of the Resource Management Act 1991 when considering an application for resource consent. These matters include the actual and potential effects of an activity on the environment, any measure

proposed or agreed by the applicant for the purpose of providing positive effects on the environment to offset any potential adverse effects, the relevant provisions of a district plan, regional policy statement or other relevant statutory document, and any other matter the consent authority considers relevant and reasonably necessary to determine the application.

In the case of the subject application and in accordance with section 104C of the RMA, the above considerations are limited to only those matters to which the Council has restricted its discretion.

The following assessment addresses all relevant considerations under s104 of the RMA.

8.1 Actual and Potential Effects on the Environment

8.1.1 Effects on Neighbourhood Character

The visual catchment and the potential viewing audience is limited to the immediate area, including the adjoining residential properties and the road reserve. In this context, it is not considered that the proposed dwellings will be out of place within the surrounding environment, nor the planned built character of the zone as outlined in the AUP.

While the three-storey nature of the proposed terraced development is not entirely consistent with most of the existing residential development in this location given the area is characterised by a large number of spacious sites occupied by single 1-2 storey dwellings, there is evidence of a transition to a higher density through recent infill housing development in the vicinity including a range of 'infill' development, and evidence of terraced houses (15 Lucerne Road and 20 Lucerne Road being examples). Despite this, the proposed development is entirely aligned with the planned character that is anticipated under the Mixed Housing Urban zone, as confirmed by the 'Zone Description' (H5.1) of the Mixed Housing Urban Zone which states:

"Over time, the appearance of neighbourhoods within this zone will change, with development typically up to three storeys in a variety of sizes and forms, including detached dwellings, terrace housing and low-rise apartments. This supports increasing the capacity and choice of housing within neighbourhoods as well as promoting walkable neighbourhoods, fostering a sense of community and increasing the vitality of centres."

Also of relevance when considering the neighbouring character effects is the relevant policy background. Objective H5.2(2) seeks the following:

"Development is in keeping with the neighbourhood's planned urban built character of predominantly three-storey buildings, in a variety of forms and surrounded by open space."

The effects of the proposal on neighbourhood character should be considered in this context. In this context, the provision of a three storey terraced dwellings such as the proposed is considered entirely appropriate.

The proposed redevelopment of the existing site will give rise to additional dwellings in this location. This is a key objective of the underlying zone and is a reasonable expectation in the Mixed Housing Urban context. Neighbourhood character related effects arising from an increase in housing are therefore considered acceptable. Also, the nature of the proposal will result in a development that has been designed to be sympathetic to the existing environment.

The proposed buildings will be of a size and scale commensurate with the character of either the existing surrounding or the planned residential neighbourhood, despite the small scale development standard infringements. While the density of the site will increase, the residential amenity of the site will remain (refer to **section 8.1.2** below). The proposed design successfully follows the existing contour of the land and has been purposefully located along the road boundaries as far as is practical, set back appropriately from neighbouring properties to the north, south and east.

The design will provide an appropriate transition between the lower density Mixed Housing Suburban properties to the north and east and the higher density Mixed Housing Urban properties to the south. While each of the properties will be three storeys, when viewed from the street and the southern boundary the proposal will have the appearance of a two storey development. This also applied to the eastern most unit (unit 8) which, when viewed from the east will have the appearance of a two storey unit, with the second floor being contained within the mono-pitched roof. This, coupled with the proposed layout (being set back from 'lower intensity' northern boundary) will ensure a successful transition between the two zones, while still providing an appropriate development within the Mixed Housing Urban Zone.

The proposal will provide for an attractive and safe streetscape. As detailed in **figure 9** below, the buildings are well articulated with a varied and interesting roof form. The will be further enhanced by the proposed use of high quality materials in the external finishing.



Figure 9: 3D View of Proposed street frontage

The proposal complies with and optimises front yard landscaping requirements and fencing along the front boundary will be low level. Coupled with the provision of doors and windows which face the street, a high level of passive surveillance will be provided. Pedestrian access is provided directly from the street for each of units 1-3, with a fourth pedestrian entrance provides for units 4-8. Vehicles access is limited to one location, and garage doors will not have a presence on the street, with all garage doors being set back, and orientated away, from the street frontage.

The small front yard infringements are limited to the proposed retaining walls, and are a result of the sites challenging (existing) topography which steps immediately down from the road more than 1m. The infringements are not significant, and the proposed retaining will have overall positive impacts without harming the character of the area. The retaining within the front yard will enable the provision of a level transition platform for vehicles at the sites entrance and also provide compliant outdoor living areas to the front of units 1-3. An open and urban streetscape character will be retained, this being consistent with the purpose of H5.6.8.

While not a 'standard to be complied with', the proposals compliance with the building coverage area is a relevant consideration. It is clear that the proposed development is of an appropriate bulk and will not amount to over development of the site. While an infringement to the landscaped coverage standard is proposed, this is offset by the high quality scheme of planting that is proposed. The infringement to the impermeable surfaces coverage figures is negligible, being less than 1% and will not be discernible from a compliant situation. The high quality scheme of hard and soft landscaping elements will mitigate this infringement. Site boundaries (including the frontage), access ways and entry and exit points to the site will be well planted. The proposal will achieve a landscaped urban street character, as sought by the Mixed Housing Urban Zone.

Given the carefully designed and integrated nature of the proposed residential development, it is considered that the potential visual impacts of the proposal on the surrounding residential area and wider visual catchment will be less than minor. It is considered appropriate that conditions of consent are attached that ensure that the outcomes sought above are achieved, including requiring the works to be undertaken in accordance with the approved plans. In terms of the wider residential area, it is considered that the general scale of the development and the bulk of building will be consistent with the planned built character of the zone and in this context, will not dominate surrounding sites.

Overall, it is concluded that the proposal is in keeping with the existing or planned character of the surrounding residential environment, and any actual or potential adverse neighbour character related effects will be less than minor.

8.1.2 Effects on Residential Amenity

The construction of any proposed dwelling has the potential to create adverse effects on both the surrounding properties and the future residents of the proposed dwellings. Both of these issues are considered, below.

Neighbours Amenity

In considering the actual or potential effects arising from a proposal of this scale, the context provided for by the AUP is relevant, noting that a development of this type (i.e. three storey terraced dwellings) is envisaged in the Mixed Housing Urban zone. As detailed in **section 8.1.1** above, the proposed buildings will be of a size and scale commensurate this planned residential character, despite the small scale infringements. The proposal has been design to be sympathetic with development that exists on all surrounding properties.

As far as is practical (noting the elongated layout of the property), the proposed dwellings have been orientated toward the road and away from neighbouring properties (units 1-3). Where this is not practical, the layout has been carefully designed to provide 'breathing space' toward surrounding properties. The layout locates units 4-8 (those not fronting Lucerne Road) along the southern side of the proposed access way, setting the dwellings back from the lower density zoned residential properties to the north and east. This design enables the dwellings to be orientated to the north and to maximise outlook and sunlight access, while at the same time avoiding unacceptable impacts of overlooking and dominance to properties to the north, east and south.

To protect the amenities of the neighbours to the south, the dwellings are stepped in along the southern boundary at first floor level and above, with the roof being pitched to broadly fall beneath the HIRB plane and provide relief to this neighbouring property. This design, when coupled with the orientation of the units (to the north) avoids adverse amenity impacts toward

the neighbouring properties to the south including those of shading, dominance and overlooking.

Where infringements to the relevant standards are proposed, these are of a small scale and will not impact the amenity of adjoining residential properties to an unacceptable degree. This includes the HIRB infringements which, for the most part are limited to isolated sections of the proposed eaves. The negligible scale of the majority of these infringements will barely be discernible when compared to a 'compliant bulk' (if at all) and are not uncommon on sloping sites such as the proposed. The infringements are small scale, being limited to corners of roofs and protruding windows (in the case of unit 03) and will not extent the full length of the block. When compared to a 'compliant' building bulk, any adverse amenity related effects, including those of shading and dominance will be insignificant.

Further mitigating factors are the well-articulated design of the proposal, stepped design (which follows the existing contours of the site and its surrounds) and the varied roof form. Likewise, the breaking of the building into two is also a mitigating factor. When viewed in combination, all of these aspects break the development up and avoid long, monotonous building bulk. This successfully mitigates against any adverse amenity effects.

The proposal complies with all relevant outlook requirements. Units 1-3 will be orientated in a westerly direction (over the road), while the orientation of units 3-8 will be to the north, over the access way. While the separation provided by the access way and the compliant outlook will ensure that adverse outlook impacts will not be generated toward properties to the north, the orientation and layout of these dwellings to the north provides further mitigation - both 19 and 19A Lucerne Road do not have primary outlook nor outdoor living areas along their southern boundaries. Likewise, while the compliant outlook will ensure any overlooking is not unreasonable, the orientation of the proposed dwellings (which sees only secondary windows within the southern elevation) will ensure unacceptable impacts of overlooking toward the dwellings at 15 Lucerne Road will be avoided. Unacceptable impacts of overlooking toward the east (14 Ngapuhi Road) will not be generated either, given the orientation of the proposed dwellings and the compliant outlook.

In general, the proposed retaining walls will retain the land outside of the site, and are not expected to be dominant nor create shading toward neighbouring properties despite their location along the site boundaries. Where these will extend above the existing ground level this will not impact the amenity of neighbouring properties with the proposed combination of wall and fence being no higher than 2.0m above the existing ground level. Compliance with standard H5.6.15 for side and rear boundary fencing will be achieved. In contrast, the proposed retaining walls will generally have the impact of reducing any visual impact of the proposal and increasing the feeling of spaciousness, by enabling the lowering of the site in places. Notwithstanding this, the proposal will be landscaped to a high quality, thus mitigating any visual impact.

The effects of the proposed construction and earthworks are considered to be temporary in nature. Appropriate conditions of consent can be imposed to control the effects of the implementation of the development, including construction noise and dust controls.

In terms of the wider residential area, it is considered that the general scale of the development and the bulk of building will be consistent with the planned built character of the zone and in this context, will not dominate surrounding sites. Overall, any actual and potential adverse amenity related effects arising from the proposed development, including those relating to sunlight access, visual dominance, overlooking and privacy will be less than minor.

Onsite Amenity

The proposal will provide a high standard of onsite amenity for future occupants.

Each of the proposed units will be generously sized, with all of the units being provided with internal storages areas and garaging, including space for refuse storage and the parking of two cars. Spaces for amenities such as bike parking, while not required by the AUP, will be provided within the internal garages.

Each of the proposed units will be provided with appropriately sized and useable outdoor living areas, all of which will be immediately accessible from the internal living areas and orientated in a way which will ensure excellent levels of natural light. The smaller outdoor living areas to units 4-7 will provide a high level of amenity for these occupiers with generous internal living areas and a high quality of outlook proposed. Each of the units will be provided with multiple directions of outlook, ensuring outlook is of a high level and maximising access to daylight.

The high quality scheme of landscaping will also ensure a high level of amenity if achieved onsite, despite the landscape area shortfall. Landscaping has been focused alongside areas of paving and access as well as along site boundaries and the road frontage. Combined with the variety of hard landscape material and paving proposed, the location of the proposed landscaping will effectively mitigate the landscape area shortfall.

The proposed fencing along the road will achieve an acceptable balance between providing opportunities for passive surveillance of the road and privacy while ensuring that a well landscaped, urban streetscape character environment will be achieved. Pedestrian entrances to and through the site will be legible and safe.

The level of amenity proposed onsite will be high, with no adverse onsite amenity effects anticipated. Overall, it is considered that any adverse effects on the amenity of the future residents, the immediate neighbours, and the surrounding area will be less than minor.

8.1.3 Effects of Earthworks

Potential adverse effects arising from the proposed earthworks include those on water quality that may arise from sedimentation during the earthworks phase of site development, as well as stability. Visual impacts are also relevant.

The application site is located within a highly urbanised environment and is isolated from water bodies. As such, the potential for adverse effects upon the water quality of the receiving environment is low. Appropriate erosion and sediment controls will be employed during the earthworks activity, including measures to manage dust. This includes the use of stabilised construction access and perimeter controls. These measures are detailed the civil plans and Infrastructure Assessment that has been prepared by Tripp Andrews (**Appendix E**).

The general sloping landform of the site will be retained and any visual effects arising from the construction activity will be temporary.

The earthworks are not anticipated to create any issues with regard to site stability. Geotechnical investigations have been undertaken (**Appendix I**) which have confirmed that the site has a low risk of slope instability. The proposed construction works will be undertaken in accordance with recommendations (foundation design and retaining wall design and construction) contained within the Geotechnical Investigation Report, with details to be confirmed at the time of building consent.

The site is not within a known archaeological priority area and it is not expected that any archaeological deposits will be uncovered given the modified nature of the site. Despite this, the proposed earthworks activity will be undertaken in accordance with the accidental discovery protocols of the AUP.

Overall, it is considered any actual or potential effects arising from the proposed earthworks will be less than minor effects upon the receiving environment.

8.1.3 Transport Effects

The proposed access and parking areas have been designed to provide safe and efficient vehicle manoeuvring both within the site and on the surrounding streets. The site layout provides for defined pedestrian access. Each dwelling will be provided with two off street, internal carpark spaces in compliance with the AUP standards. Also of note, there are a number of readily access (walkable) amenities are located in close proximity to the site, including bus routes, local shops and parks.

Gradients of the parking and access areas have been designed, as far as is practical, to be compliant with the standards of the AUP. While there will be a minor infringement to the gradient of the access way adjacent unit 1, this is a result of the sloping topography of the site.

An appropriate balance has been struck between providing useable and safe access and manoeuvring areas adjacent the vehicle entrances to the units, and providing safe and efficient access (while at the same time reducing the size of retaining walls on the site). The infringing gradient of the access way enables the access and manoeuvring areas adjacent the garages to be compliant. Also of note, a compliant platform will be provided at the entrance to the site at street level. TPC have reviewed the adverse effects of this infringement and consider these to be acceptable.

The infringement to the width and separation of the vehicle crossing has also been reviewed by TPC who consider that the vehicle access design is appropriate. Of note, the proposed separation width is comparable to the existing situation which operates as a combined crossing (with 19 Lucerne Road), albeit it is acknowledged that the proposal will generate additional traffic movements when compared to the existing situation. Vehicles leaving the site will have appropriate sight line distances as confirmed by TPC. The provision of onsite vehicle turning means vehicles will enter and exit the site in a forward direction which will mitigate potential safety impacts. While the probability of vehicles entering and existing the site at the same time is low, there is adequate space for vehicles to wait and pass each other adjacent units 4-8 (i.e. within the site). In addition to this, the double width vehicle crossing (shared with 19 Lucerne Road) provides the ability for vehicles to wait off the road when entering the site, should it be required.

Overall, it is considered that the proposal will provide for safe movements of both pedestrians and vehicles while providing an efficient use of the finite resources of the site.

The additional vehicle activity and movements generated by the increase in density are considered to be negligible in the context of the existing flows within the area and can be easily accommodated on the road network.

With regards to the construction activity, TPC have confirmed that the level of truck traffic can be accommodated in this location with little or no effect. A Traffic Management Plan (TMP) will be prepared prior to construction commencing, and the applicant would agree to conditions of consent to this regard. The TMP is expected to include details of advance warning signage, management of trucks (including their routes), protection of services, hours and work and anticipated numbers of deliveries. The TMP will mitigate any potential adverse traffic effects during construction, ensuring that these will be managed to a less than minor degree.

Overall, it is considered that any traffic effects from the proposal will be less than minor.

8.1.4 Infrastructure and Servicing Effects

Tripp Andrews have prepared a design of reticulated services to ensure each site will be served with suitable infrastructure, including wastewater, stormwater, water supply, power and telecommunications. Details of the design are attached in **Appendix E**.

Connections to the public stormwater, wastewater, water supply and general utility networks within and around the vicinity of the site can be provided in accordance with the relevant Council standards. The existing public networks have sufficient capacity, and no mitigation of flows is required. Tripp Andrews are satisfied that the proposed new infrastructure design will be suitable for the site and it will not compromise the upstream or downstream catchments.

It is considered, subject to conditions and engineering plan approval being obtained, that any effects on infrastructure will be less than minor.

8.1.5 Positive Effects

This proposal will have positive effects that should be recognised and considered in the overall assessment.

The proposal will deliver eight dwellings that will provide additional high quality housing within the existing Auckland urban area. The proposed development includes dwelling types and sizes that are not readily available in the area.

The design and layout of the proposal seeks to maximise on-site residential amenity including access to sunlight, privacy, private open space and car parking while at the same time protecting the amenities of neighbouring residential properties.

The overall design and external appearance of each of the housing typologies has been designed to a high standard which will provide visual interest, enhance and contribute positively to the Lucerne Street streetscape, as well as the surrounding residential area.

The proposed landscape treatment plan includes a comprehensive planting plan that will positively contribute to the visual character and amenity of the site and the surrounding neighbourhood.

8.1.6 Cumulative Effects

It is also appropriate for the Council to consider whether the proposal may create any cumulative effects that might arise over time or in combination with other effects. It is considered that there are no such effects in this instance that have not already formed part of the preceding assessment.

8.1.7 Overall Conclusion in Relation to Effects

Overall, and based on the above assessment, it is considered that subject to conditions of consent, the actual or potential adverse effects of the proposal on the environment will be less than minor.

8.2 Relevant Provisions of a Plan or Proposed Plan

8.2.1 Objectives and Policies

There are a number of objectives and policies from the AUP that are particularly relevant to this application. An assessment of these is undertaken below.

This assessment has been undertaken in the context of the overall development proposal for the site, particularly in relation to the residential development and urban design outcomes sought. Overall, the development proposal for the site seeks to achieve a high quality urban design outcome that responds to the local urban environment. It will result in a well-designed residential development that is integrated with the surrounding existing and planned neighbourhood and provides quality on-site amenity for residents.

With respect to the relevant objectives and policies, the proposal seeks to:

Residential – Mixed Housing Urban Zone

- Increase housing capacity, intensity and choice in the zone and provide development that is in keeping with the neighbourhood's planned urban built character of predominantly three storey buildings in a variety of forms (three storey terraced dwellings being the proposed typology on the application site), as well as providing quality on and off-site amenity (Objectives H5.2(1), (2) and (3)). The development proposes terraced dwellings in a comprehensive site design, with sufficient set-backs, landscaping and an overall form which will achieve an urban built character of three storeys (Policy H5.3(1) and (2));
- The proposal will contribute positively to the visual quality and safety of the local neighbourhood and streets through the use of extensive landscaping and planting on site and the high-quality design and materials of the proposed dwellings. Low level front boundary fencing is proposed, in a semi-permeable format, to balance the need for on-site privacy and passive surveillance over the street. Windows and outdoor living areas will be orientated towards the street, with no garage doors proposed along the street frontage and car parking located to the rear (Policy H5.3(3));
- Visibility between the proposed units and the street will create visual interest and passive surveillance through the orientation of dwellings over the road reserve, landscaping and use of semi-permeable fencing;
- The proposed development is of a height, bulk, form and appearance that positively responds to the residential character of the area and allows immediate neighbours to have a reasonable standard of sunlight access and privacy. The articulated design and built form, being broken into two distinct buildings will avoid excessive dominance effects. Where practical, development has been located along the road boundaries which with the contours of the land being respected across the site, this being reflected by the stepped nature of the proposal. When coupled with the reasonable (compliant)

building coverage (44%), this will ensure a feeling of spaciousness for adjoining properties which is consistent with the planned urban setting (Policy H5.3(4) and (5));

- Dwellings will have useable outdoor living space, privacy and have access to sunlight and amenities necessary to meet the day to day needs of residents through careful placement of buildings and facilities on site and through the use of appropriate screening and planting (Policy H5.3(6));
- The site will be connected to the existing public stormwater network of which it has been confirmed has adequate capacity to cater for the proposed development (Policy H5.3(7)).

Subdivision

- The subdivision will reflect the intended outcomes of the zone and provide for the long-term needs of the community through a comprehensive and well-designed development that meets the desired density and urban design outcomes of the Mixed Housing Urban zone, and provides a safe and efficient layout (Subdivision Objectives E38.2(1), (2) and (6));
- Infrastructure is planned in an integrated manner and will be in place at the time of subdivision, with subdivision in accordance with an approved land use consent and infrastructure being proposed to appropriately provide for the proposed land use (Subdivision Objective E38.2(4));
- The subdivision and resulting development will avoid the risk of natural hazards as it is not proposed within an area known to be subject to natural hazards (Subdivision Objective E38.2(10));
- Subdivision will be around a development that is in accordance with an approved land use consent, and that delivers sites that are of an appropriate size and shape for the development intended by the zone, contributing to the provision of a range of sizes (Subdivision Policy E38.3(6) and (13));
- The subdivision provides for a liveable, walkable and connected neighbourhood. Vehicle crossings and site access is located in a way which is efficient and practical, while at the same time securing safe and efficient movement and minimising potential conflict between pedestrians and the adjacent road network (Subdivision Policy E38.3(10)(b)).
- Where practical residential development has been laid out fronting the road. While rear sites are proposed, these are a result of the existing property boundaries and the restricted width of the site (Subdivision Policy E38.3(12));
- The site layout utilises shared vehicle access and minimises the number of vehicle crossings. Separate pedestrian and vehicle access is proposed to each of the units, albeit the access way is of a sufficient width to provide for pedestrians and vehicles (Subdivision Policy E38.3(15) and (16));
- All sites are capable of being serviced with infrastructure that is compatible and integrated with the existing network. The development will be connected to public networks including potable water, wastewater and stormwater in a manner that creates

no significant adverse effects with Tripp Andrews confirming that the existing networks have adequate capacity to cater for the proposed development (Policy E38.3(20), (21) and (22)).

Earthworks

- Earthworks to form the building platforms, parking and access way areas and for landscaping will be undertaken with the correct erosion and sediment control protocols in place, and geotechnical investigations have revealed that the site is suitable for residential development. Accidental discovery protocols will be adhered to. While a reasonable expectation in an urban environment, construction effects will be temporary and managed to avoid adverse effects. Earthworks overall are not significant and will create suitable building platforms and access to enable development as is envisaged in the Mixed Housing Urban zone (Policy E12.3(1)-(6)).

Transport

- Residential parking and access has been designed to ensure safety of pedestrians and vehicles, avoid adverse visual effects on the street and provide for safe access and exit for vehicles, pedestrians and cyclists (Transport Objective E27.2(3), (4) and (5)).
- The minimum onsite car parking requirements are met (Transport Policy E27.3(8)).
- The design of the parking and loading areas avoid the requirement for reverse manoeuvring with all vehicles able to enter and exit the site in a forward gear (Transport Policy E27.3(17) and (18)).
- Vehicle crossings and site access and access gradients will provide for safe and efficient movement and minimise potential conflict between pedestrians and the adjacent road network. Where infringements of the standards are proposed the scale is negligible and will not generate adverse transport related effects (Transport Policy E27.3(20)).

Overall, it is considered that the proposed development achieves the relevant objectives and policies of the AUP.

8.2.2 Assessment Criteria

The relevant assessment criteria as sourced from the AUP largely cover the same matters that have been discussed previously in the sections of this report that address environmental effects and the objectives and policies of the Plan. However, for completeness, it is noted that the proposed development and subdivision:

- Provides for development and sites that are large enough to contain residential dwellings, that not only meet the purpose of the development standards of the Mixed Housing Urban zone and the relevant policies and objectives but also achieve a quality and comprehensively designed development with high amenity both on site and off;

- Will protect the residential amenity of neighbouring properties including those immediately adjoining the site;
- Provides for the efficient provision of infrastructure;
- Enables the safe and efficient disposal of wastewater and stormwater;
- Ensures that any adverse effect in relation to earthworks and construction will be avoided or mitigated; and
- Provides for the safe and efficient movement of vehicles and pedestrians with minimal impact on the transport network.

Overall, it is considered that the proposal will satisfy the assessment criteria of the AUP.

8.3 Relevant Provisions of Other Statutory Documents

The Regional Policy Statement ('RPS') provides a policy overview to guide the content of all district planning documents within the region. The proposed development would be consistent with Chapter B2 of the RPS – Urban Growth and Form as it provides for a quality compact development that is an efficient use of a site and that provides a high quality urban environment for residents and the neighbourhood.

8.4 Any Other Matters

Section 104(1)(c) requires Council to have regard to any other matter that it considers relevant and reasonably necessary to determine an application.

8.4.1 Auckland Plan

The Auckland Plan provides a 30-year vision and strategy for the Auckland area. The purpose of the Plan is to provide for better co-ordination and investment and address a broader range of issues than land use matters. The Plan seeks to address a range of matters including:

- The role of Auckland in New Zealand;
- The social, economic, environmental and cultural objectives for Auckland and its communities;
- Existing and future land use patterns (residential, business, rural and industrial use) including the sequencing of growth and provision of infrastructure;
- Existing and future location of critical infrastructure such as transport, water supply, wastewater and stormwater, other network utilities, open space and cultural and social infrastructure;
- Policies, priorities, programmes, and land allocations to implement the strategic direction, and
- Nationally and regionally significant areas (ecological, recreation and open space, environmental constraints, landscape, historic heritage and natural features).

The Auckland Plan confirms the continued need to deliver a quality compact city which meets housing demand and keeps pace with growth.

It is considered that the proposal supports the strategic direction of the Auckland Plan by providing for eight high quality, well designed dwellings in an area where supporting infrastructure is available.

There are no 'other matters' that are considered to be of relevance in this instance.

9.0 Part 2 Matters

Section 104 is expressly subject to Part 2 of the RMA. Part 2 sets out the purpose and principles of the Act, with a focus on promoting sustainable management of natural and physical resources (s5); recognising and providing for matters of national importance (s6); having particular regard to other significant resource management matters (s7); and taking into account the principles of the Treaty of Waitangi (Te Tiriti O Waitangi) (s8). Overall, it is considered that the application would be in accordance with the relevant matters contained within Part 2.

The Court of Appeal has recently confirmed (in the *R J Davidson Family Trust v Marlborough District Council* decision) that when undertaking the section 104 evaluation the Council "must have regard to the provisions of Part 2 when it is appropriate to do so". In this situation, given that the Unitary Plan has only recently been made operative (so it contains provisions prepared having regard to Part 2 and a coherent set of policies to achieve clear environmental outcomes) and does not add anything to the evaluative exercise, it is not considered necessary to undertake an assessment of the proposal against Part 2. However, for completeness, this AEE provides a brief assessment which concludes that the application will be consistent with the purpose of the RMA, this being to 'promote the sustainable management of natural and physical resources'.

The proposal is not considered to offend any of the matters of national importance, contained within section 6. The application would sit comfortably with the 'other matters' contained in section 7. The proposal would maintain existing amenity values of neighbouring properties and enhance amenity values of future occupants, while enabling the efficient use of the physical resources of the site. Likewise, the proposal would not offend any section 8 requirements, this being that those exercising powers or functions under the RMA to take into account the principles of the Treaty of Waitangi.

Overall, it is considered that the proposed residential development is in consistent with purpose and principle, Part 2, of the RMA. The proposal would enable the applicant to provide for the wellbeing of the future occupiers of the dwelling while avoiding, remedying and / or mitigating any adverse effects on the environment.

With regard to the matters contained in Part 2, it is considered that the proposal will promote sustainable management of natural and physical resources. The proposal will deliver much needed housing into the Auckland community. The proposal is a sustainable and efficient use of land resources within existing urban limits and will enable positive social, economic and cultural outcomes not only for future residents but the community as a whole. The proposal would maintain existing amenity values of neighbouring properties and enhance amenity values of future occupants. Adverse effects of the proposal have been adequately avoided, remedied and mitigated.

It is considered that the proposed residential development is in consistent with purpose and principle, Part 2, of the RMA.

10.0 Section 106 RMA

The RMA sets out additional circumstances when a consent authority may refuse subdivision consent. The provisions of section 106 state as follows:

- “(1) A consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that—*
 - (a) there is a significant risk from natural hazards; or*
 - (b) [repealed]*
 - (c) sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.*
- (1A) For the purpose of subsection (1)(a), an assessment of the risk from natural hazards requires a combined assessment of—*
 - (a) the likelihood of natural hazards occurring (whether individually or in combination); and*
 - (b) the material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards; and*
 - (c) any likely subsequent use of the land in respect of which the consent is sought that would accelerate, worsen, or result in material damage of the kind referred to in paragraph (b).*
- (2) Conditions under subsection (1) must be—*
 - (a) for the purposes of avoiding, remedying, or mitigating the effects referred to in subsection (1); and*
 - (b) of a type that could be imposed under section 108.”*

The site is clear of any known over land flow paths (OLFP's) and flood hazards. The Infrastructure Report at **Appendix E** and Geotechnical Investigation Report at **Appendix I** make specific recommendations regarding the development of the site which will minimise any potential for

land instability or flooding (with regards to stormwater disposal and the earthworks activity). Sufficient provision has been made for access.

As such, there is no reason for Council to refuse subdivision consent under section 106 as there is not a significant risk from natural hazards and sufficient provision has been made for access.

11.0 Section 95A Assessment

The Council will need to determine the basis on which the application will be processed. The options available are public notification, limited notification, or non-notification.

The Resource Legislation Amendment Act (2017) has introduced a number of changes to the question of notification. More specifically, sections 95A and 95B have been amended to introduce a new 'step by step' process that Council must follow when determining whether to publicly or limited notify an application. These steps are addressed below.

On the basis of the following assessment, it is considered that the application should be processed on a non-notified basis without the need for any written approvals.

11.1 Public Notification (s95A)

Section 95A now sets out a number of steps that must be followed to determine whether an application should be publicly notified.

Step 1 - Details requirements for mandatory public notification.

None of these apply to the proposal.

Step 2 – Sets out situations where public notification is precluded (if not required under step 1). Section 95A(5)(b)(ii) precludes public notification if the activity is a restricted discretionary or discretionary activity but only if the activity is a *subdivision of land* or a *residential activity*¹.

The application is a restricted discretionary activity overall for both a *residential activity* and a *subdivision* and, as a consequence, public notification is precluded.

Step 3 - Is not relevant given notification is precluded by step 2.

¹ A *residential activity* means an activity that requires resource consent under a regional or district plan and that is associated with the construction, alteration or use of 1 or more dwelling houses on land that, under a district plan, is intended to be used solely or principally for residential purposes.

Step 4 - Is the last step and relates to the consideration of special circumstances and whether these would warrant notification.

It is considered that there are no special circumstances in this instance to suggest that public notification is appropriate. Case law has established that a “special circumstance” is something outside of the common run of things which is exceptional, abnormal, or unusual but less than extraordinary or unique. There is nothing exceptional, abnormal or unusual about this application. The proposal is for a residential development of a residential zoned site. In the absence of any demonstrable adverse effects on either the environment or on any person, it would be difficult to sustain an argument for public notification on the basis of special circumstances. The AUP fully anticipates proposals of this nature in the Mixed Housing Urban zone (and provides for that outcome as a restricted discretionary activity).

As a result of the above assessment, public notification of the proposal is not appropriate in accordance with section 95A of the RMA (as amended).

11.2 Limited Notification (S95B)

As with the amendments to section 95A, section 95B also establishes a number of steps that must be followed to determine whether an application should be subject to limited notification.

Step 1 - Relates to the consideration of certain affected groups and affected persons’ customary rights, marine title and statutory acknowledgment.

There are no such groups or persons who would be affected by the proposal.

Step 2 – Sets out situations where limited notification is precluded (if not required under step 1).

The application is not a controlled or prescribed activity and there is no rule or environmental standard that precludes limited notification.

Step 3 - Outlines situations where affected persons must be notified if such notification is not precluded under step 2.

As discussed in the environmental effects section of this report (**section 8.1**) and in **section 11.3** below, it is considered that the effects of the proposal on any adjoining property owners or other persons will be less than minor.

Step 4 - Is the last step and again relates to the consideration of special circumstances and whether these would warrant notification to persons not already determined to be eligible for limited notification.

It is not considered that there are any special circumstances that would warrant such an approach.

As discussed in **section 8.1** above, it is considered that the proposed development will result in less than minor effects upon neighbouring properties and there are no special circumstances that would warrant notification. It is therefore considered that there is no basis to serve any person with notice of this application under section 95B.

11.3 Are there any Affected Persons? (S95E)

Section 95E of the RMA provides guidance to consent authorities when attempting to reach a view on this question. Under Section 95E(2) a consent authority must disregard an adverse effect of an activity if a rule permits an activity with that effect or if the effect does not relate to a criteria for which discretion has been restricted (in the case of a restricted discretionary activity such as the proposed).

To confirm, those properties considered to be 'adjacent' to the application property for the purposes of section 95E are:

- 19 and 19A Lucerne Road (adjoining the sites northern boundary);
- 16A Ngapuhi Road (adjoining the site's eastern boundary);
- 15 Lucerne Road (3 units - adjoining the sites southern boundary); and
- 12, 10A Lucerne Road (to west, across Lucerne Road).

The considerations that were relevant in determining whether the activity would give rise to adverse environmental effects are also applicable to the identification of affected persons. These have largely been considered within **section 8.1**, in particular within **section 8.1.2**, where it has been demonstrated that potential adverse effects towards amenity values of adjoining properties, including those toward neighbours immediately adjoining the application property, will be less than minor. As such, it is considered that there is no requirement to serve any person with notice of the application under s95B(2).

12.0 Conclusion

This resource consent application by West End 6 Ltd relates to land at 17 Lucerne Road, Remuera. It is proposed to construct eight new dwellings and to undertake an associated subdivision activity. The application is a **restricted discretionary activity** under the AUP due to the fact that it involves the establishment of more than three dwellings on a site and minor non-compliances with some of the AUP standards.

The site and proposal has been reviewed by a range of technical specialists and is deemed to be a suitable development, subject to conditions.

It is considered the proposal results in a high quality residential development that introduces an attractive and well-designed architectural form as well as a range of housing typologies into the neighbourhood. The proposal will be entirely consistent with the planned form of the Residential – Mixed Housing Urban Zone, while at the same time providing an appropriate transition with the lower intensity Mixed Housing Suburban zones properties to the north and east, and protecting the amenities of neighbouring occupiers.

Having assessed the actual and potential effects of the proposal, it is considered that the proposal will not generate any significant adverse effects that cannot be avoided or potentially mitigated through conditions of resource consent. The proposal is considered to be consistent with the relevant objectives and policies and assessment criteria of the AUP.

Overall, it is concluded that granting consent to the proposal on a non-notified basis is appropriate, subject to conditions.

Report prepared by:



Jono Payne
Senior Planner
Campbell Brown Planning Limited

(For and on behalf of West End 6 Ltd)



Campbell Brown Planning Limited

Level 1, 56 Brown Street, Ponsonby | PO Box 147001, Auckland 1144

Ph 09 378 4936 | info@campbellbrown.co.nz | www.campbellbrown.co.nz