



**Resource consent for the redevelopment of
403-409 and 415 Remuera Road, Remuera**

**RESOURCE CONSENT APPLICATION AND
ASSESSMENT OF EFFECTS ON THE ENVIRONMENT**

November 2019

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1.0 APPLICATION DESCRIPTION

1.1 Introduction

“Guardian Retail Holdings Limited” seeks to undertake a comprehensive redevelopment of their sites at 403-409 and 415 Remuera Road, Remuera to establish the ‘Village Green’, a restaurant, office and retail precinct.

The site redevelopment will improve the courtyard facilities including the construction of five pavilion dining areas, construction of a new four-storey building to allow for high quality gathering of food and beverage, retail and commercial activities centred around the courtyard; the proposal will also involve alterations to the shop frontage of 405 Remuera Road to enhance access to the rear of the site and courtyard area with a thoroughfare arcade.

Overall, the proposal requires consent as a **restricted discretionary** activity. The reasons for the application are set out fully within this report.

1.2 Application details

Site Addresses:	403, 405, 407, 409, 415 Remuera Road, Remuera
Legal Descriptions:	Pt Lot 1 DP 20189 Lot 1 DP 22168 Lot 2 DP 22168 Lot 3 DP 22168 Lot 6 DP 22168
Zoning:	Business – Town Centre Zone
Modification:	Notice of Requirements, NoR 7: Proposed Northern Runway, Airspace Restricted Designations, Notified 15/02/2018.
Overlays:	Natural Heritage: Regionally Significant Volcanic Viewshafts And Height Sensitive Areas Overlay [rcp/dp] - W26, Mount Wellington, Viewshafts
Controls:	Building Frontage Control - Key Retail Frontage Height Variation Control - Remuera, 18m Macroinvertebrate Community Index - Urban
Address for Service:	C/- Code Planning 39 Anzac Road, Browns Bay Auckland mills@codeplanning.co.nz
Appendix 1:	Computer Register (Certificate of Title)
Appendix 2:	Architectural Plans by Bureaux
Appendix 3:	Acoustic Report by Marshall Day Acoustics
Appendix 4:	Traffic Impact Assessment by TEAM
Appendix 5:	Waste Management Plan by Rubbish Direct Ltd
Appendix 6:	Infrastructure Report by MSC
Appendix 7:	Pre-application meeting minutes

2.0 THE PROPOSAL, SITE AND LOCALITY DESCRIPTION

2.1 Proposal

Building and Use

The proposal is to redevelop the existing Village Green precinct at 403-415 Remuera Road. This includes the redevelopment of the existing courtyard area with the construction of five dining pavilions, changes to the existing retail/dining facilities along the southern aspect of the site to rearrange the tenancies and provide additional bathroom facilities and changes to the façade of the building frontage of 405 Remuera Road to modify the existing retail and establish a more attractive arcade link to the rear courtyard area to be known as the 'Village Green'. The proposal also involves the construction of a four-storey building for a mixed commercial and retail development, including the lower ground and mezzanine floors which will contain dining establishments, a new office area on level 1 and an office and terrace on level 2.

The development is explained in detail on the architectural plans contained within Appendix 2 of this application.

The buildings/ spaces will be occupied by retail (including food and beverage retailers), offices and commercial services.

Signage

Signage is proposed on the front of each of the pavilions to announce the restaurant/use of the building. The proposed signage is to be confirmed when the tenancies have been confirmed/established. A further consent application and assessment will be made once the signage has been confirmed for the buildings.

Landscaping

Landscaping is proposed around the proposed pavilion dining areas. This has been shown on the architectural plans.

Earthworks

A small level of earthworks will be required to establish building footings and re-establish the courtyard/paving where required. A total area of 1,000m² with a volume of 50m³ is proposed on site. The earthworks plan shows the required works as well as the proposed erosion and sediment controls.

Access and Parking

Currently there is limited vehicular access to the site with private access via the service lane off Clonbern Road which provides 7 onsite carparks on #403 and #405; and a shared pedestrian/vehicle access off Remuera Road on #415 with limited parking available. The proposal will remove all onsite carparks with the establishment of the new building and will redevelop the laneway off Remuera Road for pedestrian movements only. Access via the service lane for loading, deliveries and waste management will be maintained.

Pedestrian access to the site is currently provided via the service lane, through the arcade within #405 and a shared vehicle/pedestrian space off Remuera Road. These pedestrian access points will be maintained and enhanced as part of the proposal.

Services

Service connections to wastewater, water and stormwater will be provided to the new buildings/areas of the site. The existing buildings all have suitable service connections with these to be extended where relevant. This has been discussed in further detail in the Infrastructure report prepared by MSC.

Waste Management

A waste management plan has been prepared for the site. Waste will be stored within a designated area on the site for suitable collection from a private contractor. An area of 13.8m² is required to store and manoeuvre the bins and placement of this on the site has been confirmed on the architectural plans.

Building over site boundaries

The proposal involves the construction of buildings over legal site boundaries. While these titles are currently independent of each other, as part of the proposal appropriate legal mechanisms will be adopted to ensure that the land parcels are held together as far as they relate to building over the site boundaries. We accept an appropriate advice note to be included in any consent conditions to reflect this.

2.2 Sites and Surrounding Environment

Application Sites

The subject sites are located on the southern side of Remuera Road, which is a busy six lane road. Each has existing buildings with the properties at 403, 405, 407 and 409 having direct frontage to Remuera Road, with these being two storey in height (at Remuera Road level). The site at 415 has a number of buildings located behind 403-411 Remuera Road, with the buildings themselves having no direct frontage to Remuera Road. The site is within an area of the Business Town Centre zone, which forms the main section of the Remuera shops and exhibits a mixed business/commercial area.

The site has a sloping topography from Remuera Road, down in a southerly direction with the site at 415 being lower than Remuera Road.

Vehicular access is currently available to the sites at 403, and 415 by a small service lane which runs along the rear (southern side) of the buildings and is accessed from Clonbern Road. The site at 415 also has a 7.37m road frontage to Remuera Road which is a shared vehicle/pedestrian space.

Remuera Road is identified on the AUP-OIP planning maps as an arterial road.

The existing buildings and sites are connected to the existing water, wastewater and stormwater reticulation services.



Figure 1: Subject Sites

Surrounding Environment

The sites are located within the Remuera Town Centre. The character of the area is generally retail, services and café/restaurant businesses orientated towards Remuera Road with direct frontage onto the footpath. Vehicles and parking are either in the on-street parallel carparks along both Remuera Road and adjoining side roads, or within the Council owned carparking facility at the rear of the building off Clonbern Road.

There are existing residential houses/apartments to the north of the sites, being Eppinghurst apartments (on the opposite side of Remuera Road), and to the south of the sites, being 7-19 St Vincent Street – a retirement apartment complex. As well as an existing carparking facility to the west (being 6 Clonbern Road)

The site is well serviced by public transport with Remuera Road being a main bus route for a number of bus connections to different areas of Auckland.

The Immediate Environment

The immediate environment is a mix of the Remuera Town Centre and residential in nature and includes the following properties:

- 399, 411, 413, 417, 398-404, 406 and 416 Remuera Road.
- 1, 7-19 St Vincent Street.
- 6 Clonbern Road.

2.3 Pre-application Meeting

A pre-application meeting was held on 10th September 2018 for a proposal similar to this application. A significant number of changes to the proposal have occurred since this meeting, mainly in the form of changes to the proposed office/residential tower, and the proposed pavilions. As such, a number

of comments within the pre-application meeting minutes are now no longer relevant and have not been incorporated into this proposal.

3.0 REASONS FOR THE APPLICATION

The proposal requires consent under the AUP - OIP for the following reasons:

3.1 Business – Town Centre

Activity Table H10.4 (A40) classifies alterations and additions to an existing building which is not otherwise provided for within the plan as a **restricted discretionary** activity. In this instance, the proposal will result in façade alterations to 405 Remuera Road which exceed 25m² in size.

Activity Table H10.4 (A35) classifies any new building development as a **restricted discretionary** activity. The proposal includes five new dining pavilions and a four-storey retail/office building.

The AUP – OIP adopts the Auckland Council and Auckland Transport Signage Bylaw 2015 definition of comprehensive development signage meaning ‘signage relating to a new building or the alteration of an existing building where the building or alteration requires a resource consent and/or building work to the value of at least \$100,000’. In this instance the proposal will exceed \$100,000 in value and as the proposed site signage can be considered ‘comprehensive development signage’.

Activity Table H10.4 (A35) classifies any new building development as a **restricted discretionary** activity. The proposal includes five new dining pavilions and a four-storey retail/office building.

All permitted and restricted discretionary activities must comply with standards H10.6. Activities within 30m of a residential zone including (c) outdoor eating areas accessory to restaurants are considered a **restricted discretionary** activity. As such, pursuant to C1.9(2) Restricted Discretionary Activity consent is required for an infringement of standard H10.6.0

3.2 Transport

Rule 27.4.1 (A2) requires any activity which does not comply with the parking, loading or access requirements as a **restricted discretionary** activity. In this instance, the proposal will increase the parking demand for the site under E27.6.2.3(T19) and (T20) by 18 carparks as 1 carpark is required for every 30m² of GFA for food and beverage establishments and all other retail. The total GFA for the proposal will increase by 786m², being 65m² general retail, 246m² of office and terracing, and 475m² of dining.

Rule 27.4.1 (A3) specifies any activity which exceeds the trip generation standards are a restricted discretionary activity. The proposal will involve the potential to generate more than 100 vehicle movements per hour as detailed by standard E27.6.1(b).

3.3 Overall Activity Status

Overall resource consent is required as a **Restricted Discretionary** activity.

3.4 Compliance notes

Site/Building Uses

The proposal involves the establishment of new buildings/spaces and as such tenancies. The proposed uses within these buildings and spaces will be retail (which includes food and beverage) and offices. These uses are permitted under activity table H10.4.1.

The hours of operation for each of the tenancies will be set by the individual operators in conjunction with lease agreements and licencing provisions. The acoustic report provides recommendations and guidelines around the use of buildings particular with regards to open windows and outdoor

dining. This report and recommendations will be adopted as conditions and we are happy for conditions to be included regarding the recommendations in this report.

Vehicle Access Restriction

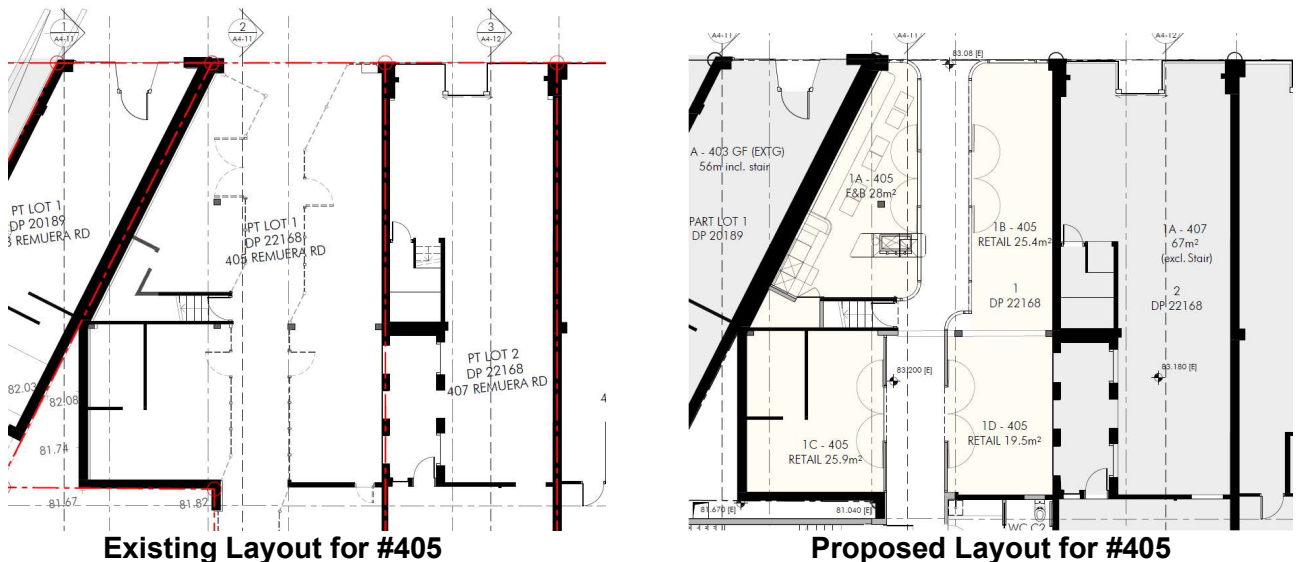
The site is subject to a vehicle access restriction as it relates to Remuera Road. The existing vehicle crossing at 415 Remuera Road will no longer be used for vehicular movements and as such assessment of this access point is not required.

Earthworks

The proposal involves a cumulative volume of 50m³ of earthworks over an area of 1,000m² to facilitate the construction of the new building and changes to the courtyard areas. The volume and area is under the AUP-OiP threshold for permitted activities.

Building Frontage Control – Key Retail

The building frontage along Remuera Road will be slightly altered to allow for a change to enhance the access point and arcade thoroughfare to the rear of the buildings, new block and pavilion courtyard area. While this will slightly change the retail frontage of the existing retail shops within #405, maximum street activation is still achieved and will be further enhanced for the building to continue to provide building continuity along the frontage of Remuera Road.



Lighting

Appropriate levels of lighting will be provided within the laneway and walkway areas for safety. Lighting will also be provided around each pavilion and courtyard areas for use by the tenancies/operators. Any lighting proposed for the site will comply with the provisions of the AUP-OiP.

Construction Noise

The proposed construction will comply with the construction noise levels and will be under 75 Leq dBA between 7.30am and 6.00pm and 80 Leq dBA between 6:00pm – 7.30am when measured 1m from the façade of any other occupied building. This complies with the construction noise requirements of the AUP-OiP.

Height Variation Control – Remuera 18m

The proposal will not alter the height of the existing buildings on the site. The new office building will be 13.6m in height from the current ground level and will therefore comply with this height requirement. The 18m height control line has been shown on the architectural plans.

Natural Heritage – Viewshafts

The proposed building will not exceed a height of 13.6m. As such, this is well within the viewshaft overlay for the site where the lowest contour is 22.5m which is within the southern aspect of the site.

4.0 NOTIFICATION ASSESSMENT

The Resource Management Act essentially establishes three forms of processing an application:

- Notified – The project is open public submissions
- Limited Notified – Only identified affected parties may submit on an application; and
- Non- Notified – where there are no affected parties or the only affected parties have given their consent to the proposal as an ‘affected party’.

Sections 95A – 95G manage the assessment of which method is to be used for each application in the effort to create a transparent and consistent assessment process. It follows that this section of the report will assess the relevant criteria and recommend the appropriate method.

4.1 Public Notification Assessment

Step 1: mandatory public notification in certain circumstances

No mandatory notification is required as:

- the applicant has not requested that the application is publicly notified (s95A(3)(a))
- there are no outstanding or refused requests for further information/reports (s95C and s95A(3)(b)), and
- the application does not involve any exchange of recreation reserve land under s15AA of the Reserves Act 1977 (s95A(3)(c)).

Step 2: if not required by step 1, public notification precluded in certain circumstances

The application is not precluded from public notification as:

- The activities are not subject to a rule or national environment standard (NES) which precludes public notification (s95A(5)(a)), but
- The application does not involve one or more of the following exclusively: a controlled activity, a restricted discretionary activity or discretionary activity for residential activity (as defined in s95A of the RMA) or subdivision, a boundary activity, or a prescribed activity (s95(5)(b)).

The proposal does not include any residential components. A full assessment follows.

Step 3: if not precluded by step 2, public notification required in certain circumstances

The following assessment addresses the adverse effects of the activity on the environment, as public notification is required if the activity will have or is likely to have adverse effects on the environment that are more than minor (S95A(8)(b)).

Permitted baseline and existing environment

Within the Business – Town Centre zone, any new buildings cannot be established without resource consent; as such, no development can occur as of right. However, activities that are permitted include restaurant, café and eating places as well as a wide range of other activities including retail. As such, the actual use of the existing and proposed buildings is considered permitted.

Whilst no building can be constructed as of right under the AUP -OiP there is no baseline. As a restricted discretionary activity, the matters of discretion centre on the design and appearance of buildings in so far as it affects the existing and future amenity values of public streets and spaces used by significant numbers of people and the effects of the activity on the streetscape and special character context. The plan, as expressed by the standards, provides for an anticipated building

envelope. Standards cover height and height in relation to boundary. These standards have been met and will help to reiterate the appropriateness of the proposal within this area.

Adverse effects assessment (sections 95A)(8)(b) and 95D)

Pursuant to Section 88(2)(c) of the Resource Management Act 1991, an application for resource consent shall include the information relating to the activity – including an assessment of the activity's effects on the environment – required by Schedule 4 of the Resource Management Act 1991. Schedule 4 of the Act specifies that an assessment of effects shall (among other things) include such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.

Under s104 of the Resource Management Act 1991, when considering an application for a resource consent the council must, subject to Part 2, have regard to any actual or potential effects on the environment and any relevant provisions of a Plan or Proposed Plan.

Business – Town Centre zone.

The existing character and development pattern of the area is defined by a mix of business and community uses with retail, services and café/restaurants being dominant in this area of Remuera Road. The built form is primarily defined by one and two storey buildings (as viewed from Remuera Road), with direct frontages aligned and directly accessible with the footpath on Remuera Road. There are also two larger residential apartment complexes which are located on the northern side of Remuera Road and are multiple stories high. Together these uses promote an interactive use of Remuera town centre. This existing pattern of development is not wholly consistent with the current planning framework for the area as more intensive opportunities have arisen under the AUP-OiP to promote the Remuera Town Centre growth.

The zone encourages the provision of a wide range of activities including commercial, leisure, residential, education, care, community and residential, providing a focus for commercial activities and growth. Overall, this planning framework provides for, growth and intensification for the area which facilitates development, redevelopment and changes to existing sites. Overall the proposal will further develop the sites, and further establish the 'Village Green' as a business and dining hub within the Remuera Town Centre.

The Building frontage control for Key Retail requirement along the Remuera Road frontage of the site promotes a connection to the footpath to provide for pedestrian activity along. The proposal will further enhance the existing pedestrian connection with the establishment of the laneway which will remove vehicles from within this space, and also the redevelopment of the frontage of #405 to promote access through the arcade to the Village Green courtyard.

The use of the site is already well-established for retail and restaurant purposes and the extended pavilions will provide greater variety and enhanced facilities within the town centre, which is consistent with the established character and land use on the site.

Reverse sensitivity effects are not anticipated as the existing buildings provide retail and office spaces with a suitable interface between the spaces.

Taking into consideration the nature of the site and the nature of the proposal within the existing building footprint, and the receiving environment; any potential adverse effects resulting from the proposed extension will be less than minor.

Streetscape and amenity effects

The proposal will have limited viewing audience from the streetscape of Remuera Road, as it will be set within the landscape of the site and will be located behind existing buildings. The new four storey retail and office block will be set immediately behind #403 and #405 Remuera Road which are two-stories at the road frontage. The proposed building will adopt a design strategy, which includes

various architectural screening and visual relief treatments to help assimilate the building within the existing built environment. It will result in a positive building form that contributes positively to the character of the area.

The proposed building is of a scale and form that is not beyond what could be reasonably expected on the site, while it will be larger than many existing buildings in the local area and will represent a change to the appearance from the street (mainly Clonbern Road) the overall height of the building is not beyond what could be reasonably expected in this area and therefore this height and scale of development will not be uncommon in the future. This in itself is not an adverse effect, and has been designed to enhance the site and overall support the newly zoned Town centre of Remuera.

Furthermore, the overall proposal will not adversely affect the continuity or coherence of the immediate surrounds in terms of disruption to the cohesiveness of the streetscape, nor adversely impact upon the overall amenity of the area.

Acoustic effects

Noise matters are discussed in the attached Acoustic Report. The Acoustic Report finds, that the proposal will comply with the noise requirements of the AUP-OiP and has further suggested mitigation measures to ensure compliance with the noise levels. These measures include closing windows in the restaurants and pavilions after 10pm to retain any noise within the building, as well as controlled use of amplified music.

Overall, the character of noise associated with the proposal is compatible with the environment, and an assessment by an independent acoustic specialist has shown that the levels of noise produced by the proposal will be appropriate. Given this, we consider that noise emitted from the site will have no effect on the wider environment.

Traffic and access

Traffic matters are discussed in the attached Traffic Report. The traffic engineer has discussed the existing parking and vehicle access to the site as well as the changes to this as a result of the proposal. The report concludes that the additional demand for carparking can be provided within the existing on-street carparks and within the parking building adjacent to the site. Furthermore, the traffic engineer considers that the proposal will not adversely impact the overall roading network as a result.

While parking does not comply with the AUP-OiP, the sites are located in the centre of the existing Remuera Town Centre where there are a number of suitable public transport options to access the site, provision of onsite cycle parking, and with the physical constraints meaning it is not physically possible to provide any parking spaces on the site. There are ample of public off-street parking facilities within close proximity of the site, including the Council parking facility to the south-west of the site which can be access from the service lane. Furthermore, during normal business hours, cafés/restaurants are generally ancillary to other retail/commercial activities with most custom drawn from people who are already in the area for other shopping and /or other business reasons. Those patrons who have driven to the Remuera shops will already be parked in the area. Any independent dining of this type would normally generate their peak demand for parking after 6pm when most other retail activities have closed or are in the process of shutting for the day.

As a result, any cumulative adverse traffic related effects from not providing for parking on the site, will be less than minor. On this basis it is concluded that the traffic and carparking effects of the proposal will be no more than minor.

Infrastructure services

Servicing can be provided to the development in line with the AUP-OiP expectations. This includes power, water, telephone, electricity, and sanitary sewer. There are existing public stormwater and wastewater lines which run to the rear of the existing buildings fronting Remuera Road, as such,

connections to the new pavilions and new office/retail block will be provided in suitable locations. Potable water connections will be provided from Remuera Road. Due to the existing public lines we have no reason to doubt that the development will not be adequately serviced within the capacity of the surrounding network. The proposal will have a less than minor effect on the existing services within the wider area.

Summary of assessment of environmental effects

The proposal is suitable on the subject site and will result in environmental outcomes that can be reasonably anticipated within the Business – Town Centre Zone. Therefore, with regard to the above assessment, any effects on the wider environment associated with the proposed development are deemed to be acceptable and appropriate. The adverse effects will be less than minor.

Step 4: public notification in special circumstances

If an application has not been publicly notified as a result of any of the previous steps, then the council is required to determine whether special circumstances exist that warrant it being publicly notified (s95A(9)).

Special circumstances are those that are:

- exceptional or unusual
- outside of the common run of applications of this nature, and/or
- circumstances which make notification desirable, notwithstanding that public notification would not otherwise be required.

“Special circumstances” have been defined by the court of Appeal as those that are unusual or exceptional, but they may be less than extraordinary or unique (*Peninsula Watchdog Group (Inc) v Minister of Energy* [1996] 2 NZLR 529). With regards to what may constitute an unusual or exceptional circumstance, Salmon J commented in *Bayley v Manukau CC* [1998] NZRMA 396 that if the district plan specifically envisages what is proposed, it cannot be described as being out of the ordinary and giving rise to special circumstances.

In *Murray v Whakatane DC* [1997] NZRMA 433, Elias J stated that circumstances which are “special” will be those which make notification desirable, notwithstanding the general provisions excluding the need for notification. In determining what may amount to “special circumstances” it is necessary to consider the matters relevant to the merits of the application as a whole, not merely those considerations stipulated in the tests for notification and service.

In this instance there is nothing exceptional or unusual about the application, and the proposal has nothing out of the ordinary to suggest that public notification should occur. Therefore, I consider that making of an application for an activity cannot be described as out of the ordinary and giving rise to special circumstances.

Public Notification Conclusion

Having undertaken the s95A public notification tests, the following conclusions are reached:

- Under step 1, public notification is not mandatory.
- Under step 2, there is no rule or NES that specifically precludes public notification of the activities, and the application is for an activity other than those specified in s95A(5)(b).
- Under step 3, public notification is not required as the application is for an activity that is not subject to a rule that specifically requires it, and it is considered that the activity will have or is likely to have adverse effects on the environment that are less than minor.
- Under step 4, there are no special circumstances that warrant the application being

publically notified.

Accordingly, I consider this application can be processed without public notification.

4.2 Limited Notification Assessment (Sections 95B, 95E-95G)

If the application is not publicly notified under s95A, the council must follow the steps set out in s95B to determine whether to limited notify the application. These steps are addressed in the statutory order below.

Step 1: certain affected protected customary rights groups must be notified

There are no protected customary rights groups or customary marine title groups affected by the proposed activity (s95B(2)).

In addition, the council must determine whether the proposed activity is on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement under schedule 11, and whether the person to whom the statutory acknowledgement is made is an affected person (s95B(3)).

In this instance, the proposal is not on or adjacent to land that is subject to a statutory acknowledgement and will not result in adversely affected persons in this regard.

Step 2: if not required by step 1, limited notification precluded in certain circumstances

The application is not precluded from limited notification as:

- the application is not for one or more activities that are exclusively subject to a rule or NES which preclude limited notification (s95B(6)(a)), and
- the application is not exclusively for one or both of the following: a controlled activity, other than a subdivision, that requires consent under a district plan; or a prescribed activity (s95B(6)(b)).

Step 3: if not precluded by step 2, certain other affected persons must be notified

As this application is not for a boundary activity or a prescribed activity, there are no affected persons related to those types of activities (s95B(7)).

The following assessment addresses whether there are any affected persons that the application is required to be limited notified to (s95B(8)).

In determining whether a person is an affected person (s95E):

- a person is an affected person if the activity's adverse effects on that person are minor or more than minor (but not less than minor);
- adverse effects permitted by a rule in a plan or NES (the permitted baseline) may be disregarded; and
- as a restricted discretionary activity only those effects on persons that fall within the matters of discretion restricted under the plan can be considered.
- the adverse effects on those persons who have provided their written approval must be disregarded.

Affected persons assessment (sections 95B(8) and 95E)

Effects on persons who are owners and occupiers of the land in, on or over which the application relates, or of land adjacent to that land

The council must disregard any effects on the land in, on, or over which the activity will occur, and on persons who own or occupy any adjacent land (s95D(a)). In this case, it is considered that adjacent land includes the following properties because these sites are adjoining the subject site, directly across the road or are close by such that they are considered to form part of the context of the subject site.

Address	Occupation	Orientation to Site
398-404 Remuera Road	Retail	North (opposite side)

		of Remuera Road)
399 Remuera Road	Retail	West
411 and 413 Remuera Road	Retail	East/North
417 Remuera Road	Retail	East
406 and 416 Remuera Road	Residential apartment block	North (opposite side of Remuera Road)
1 St Vincent Street	Retail/office	East
7-19 St Vincent Street	Retirement complex	South
6 Clonbern Road	Carparking facility	South-west



Figure 2: Showing location of subject land (☆) and adjacent land (X).

Persons who have given their written approval

No persons have provided their written approval as none are considered necessary.

Adjacent Land

Effects common to owners and occupiers of all adjacent properties and on any other persons:

Character and amenity effects

Any adverse effects on the adjacent property owners/occupiers and persons in relation to character and amenity matters will be less than minor for similar reasons to those listed in the above Section

95A Assessment as the proposal will be established on a suitably zoned site with permitted uses. Furthermore, the proposed buildings are of a scale and intensity that is provided for by the plan and has been designed to comply with the zone provisions for height, bulk and location on the site.

It is considered that the proposal will not appear to be visually dominant or beyond what could be anticipated in this commercial area when viewed from the adjoining properties, particularly as the additional built form from the proposed development is of a suitable height and location within the site. Any shadowing from the proposed building is anticipated to fall within the site boundaries due to the location of the building on the site and proximity of the building to adjoining sites. Due to the layout and design of the proposed development, there will be no outlooking to adjoining residential properties.

Taking into consideration the nature of the site, the proposed built form, and the receiving environment; any potential adverse effects resulting the development will have less than minor character and amenity effects on any persons at the adjoining properties.

Noise

Any adverse effects on the adjacent property owners/occupiers and persons in relation to noise will be less than minor for similar reasons to those listed in the above Section 95A Assessment as an acoustic report has been prepared for the site and any potential noise effects associated with the use of the site including for outdoor dining will be managed through onsite practices and further mitigated by the existing buildings acting as a sound barrier and distance to any residential activities. The proposal will comply with the noise standards for the zoning.

In terms of the most proximate residential neighbours, being those in the retirement apartments at 7-19 St Vincent Street to the south of the site, it is considered that the proposal will have less than minor effects on the owners and occupiers of this land for several reasons. The outdoor dining areas are well screened from the neighbouring property by existing buildings. The siting of the existing buildings on the site provide a physical and visual buffering and these factors ensure the proposal will not detract from the neighbour's amenity and privacy. All of the dining areas will be established on the ground/first floor level and as such, it is considered that suitable noise levels will be maintained. In terms of the residential apartments on the northern side of Remuera Road, no effects are anticipated on these persons due to the distance from the proposal and the existing buildings will provide a barrier between.

Traffic effects

Any adverse effects on the adjacent property owners/occupiers and persons in relation to traffic matters will be less than minor for similar reasons to those listed in the above Section 95A Assessment. While the proposal will result in an overall shortfall of carparks, it is considered that with the use of existing carparking facilities within the immediate surrounds and alternative transport options, any potential adverse effects relating to parking and traffic safety will be less than minor.

Overall, for the reasons outlined above, it is considered that adverse effects on any persons will be less than minor.

Step 4: further notification in special circumstances

In addition to the findings of the previous steps, the council is also required to determine whether special circumstances exist in relation to the application that warrant it being notified to any other persons.

Special circumstances are those that are:

- exceptional or unusual;
- outside of the common run of applications of this nature; or
- circumstances which make limited notification to any other person desirable, notwithstanding that limited notification would not otherwise be required.

There is nothing exceptional or unusual about the application, and the proposal has nothing out of the ordinary run of things to suggest that notification to any other persons should occur.

Limited notification conclusion

Having undertaken the s95B limited notification tests, the following conclusions are reached:

- Under step 1, limited notification is not mandatory.
- Under step 2, there is no rule or NES that specifically precludes limited notification of the activities, and the application is for an activity other than those specified in s95B(6)(b).
- Under step 3, limited notification is not required as it is considered that the activity will not result in any adversely affected persons.
- Under step 4, there are no special circumstances that warrant the application being limited notified to any persons.

It is therefore considered (on the basis of the above analysis) that this application must be processed without limited notification.

In this instance there is nothing exceptional or unusual about the application, and that the proposal has nothing out of the ordinary run of things to suggest that notification to any other persons should occur.

5.0 CONSIDERATION OF THE APPLICATION UNDER SECTION 104

5.1 Statutory Matters

Subject to Part 2 of the Act, when considering an application for resource consent and any submissions received a council must, in accordance with section 104(1) of the Act have regard to; any actual and potential effects on the environment of allowing the activity; any relevant provisions of a national environmental standard, other regulations, national policy statement, a New Zealand coastal policy statement; a regional policy statement or proposed regional policy statement; a plan or proposed plan; and any other matter a council considers relevant and reasonably necessary to determine the application.

As a restricted discretionary activity, section 104C of the Act states that a council;

“(1)...must consider only those matters over which—

- a) a discretion is restricted in national environmental standards or other regulations:*
 - b) it has restricted the exercise of its discretion in its plan or proposed plan.*
- (2) The consent authority may grant or refuse the application.*
- (3) However, if it grants the application, the consent authority may impose conditions under section 108 only for those matters over which—*
 - a) a discretion is restricted in national environmental standards or other regulations:*
 - b) it has restricted the exercise of its discretion in its plan or proposed plan.”*

5.2 Actual and Potential Effects on the Environment (section 104(1) (a))

Section 104(1)(a) of the Act requires that a council have regard to any actual and potential effects on the environment of allowing the activity.

Pursuant to section 104(2), when forming an opinion for the purposes of section 104(1)(a) a council may disregard an adverse effect of the activity on the environment if the plan or a national environmental standard permits an activity with that effect (i.e. a council may consider the “permitted baseline”). The permitted baseline (and receiving environment) has been discussed in Section 4.1 of this report.

Pursuant to section 104(3)(a), when forming an opinion for the purposes of section 104(1)(a) a council must not have regard to any effect on a person who has given written approval to the proposal, nor any trade competition or effects of trade competition.

Having regard to the above, the actual and potential effects on the environment of allowing the activity for which resource consent is sought, are identified and assessed below.

There will be less than minor adverse effects on the environment as detailed in the above assessment.

Adverse effects from the proposal on adjacent properties are considered to be less than minor, as discussed earlier in this report.

5.3 Actual and potential effects on the environment

Section 104(1)(a) of the RMA requires the council to have regard to any actual and potential effects on the environment of allowing the activity. This includes both the positive and the adverse effects. The actual and potential effects on the environment have been discussed in section 4.1 of this report.

Positive effects

The proposal will have the following positive effects:

- The proposal will improve the site uses with the introduction of the Village Green dining and retail facilities.
- The proposal will provide opportunities for new retail or office facilities to locate within the building and further provide and contribute to the Remuera Town Centre.

Summary

The actual and potential effects on the environment will be acceptable and appropriate. The adverse effects are less than minor. The proposal provides an opportunity to significantly enhance the use of the site for the benefit of the wider community, while maintaining a satisfactory level of residential neighbourhood amenity.

6.0 PLAN ASSESSMENT: AUCKLAND UNITARY PLAN – OPERATIVE IN PART

The Proposed Auckland Unitary Plan (PAUP) was notified on 30 September 2013. The provisions have progressed through part of the statutory process. They have been subject to a submission process, and they have been tested by the Independent Hearing Panel (IHP), which as a recommendatory body provided its recommendations to the council. The council notified its PAUP Decisions Version on 19 August 2016 and the appeals have now closed. The plan is now partly operative with a number of appeals still being worked through.

6.1 Business – Business Town Centre Zone:

The relevant objectives and policies & assessment criteria of Chapter H10 Business – Town Centre are discussed as follows:

- Objectives and Policies at H10.2 and H10.3;
- Matters of discretion and assessment criteria for restricted discretionary activities at H10.8.1(2) and H5.8.2(2).

H10.2. Objectives

General objectives for all centres, Business – Mixed Use Zone, Business – General Business Zone and Business – Business Park Zone

- 1) *A strong network of centres that are attractive environments and attract ongoing investment, promote commercial activity, and provide employment, housing and goods and services, all at a variety of scales.*

- 2) *Development is of a form, scale and design quality so that centres are reinforced as focal points for the community.*
- 3) *Development positively contributes towards planned future form and quality, creating a sense of place.*
- 4) *Business activity is distributed in locations, and is of a scale and form, that:*
 - a) *provides for the community's social and economic needs;*
 - b) *improves community access to goods, services, community facilities and opportunities for social interaction; and*
 - c) *manages adverse effects on the environment, including effects on infrastructure and residential amenity.*
- 5) *A network of centres that provides:*
 - a) *a framework and context to the functioning of the urban area and its transport network, recognising:*
 - i. *the regional role and function of the city centre, metropolitan centres and town centres as commercial, cultural and social focal points for the region, sub-regions and local areas; and*
 - ii. *local centres and neighbourhood centres in their role to provide for a range of convenience activities to support and serve as focal points for their local communities.*
 - b) *a clear framework within which public and private investment can be prioritised and made; and*
 - c) *a basis for regeneration and intensification initiatives.*

Business Town Centre Zone objectives

- 6) *Town centres are the focus of commercial, community and civic activities for the surrounding area and which provide for residential intensification.*
- 7) *The scale and intensity of development in town centres is increased while ensuring development is in keeping with the planning and design outcomes identified in this Plan for the relevant centre.*
- 8) *Town centres are an attractive place to live, work and visit with vibrant and vital commercial, entertainment and retail areas.*
- 9) *Key Retail Frontage streets are a focus for pedestrian activity, with General Commercial Frontage streets supporting this role.*

H10.3. Policies

General policies for all centres, Business – Mixed Use Zone, Business – General Business Zone and Business – Business Park Zone

- 1) *Reinforce the function of the city centre, metropolitan centres and town centres as the primary location for commercial activity, according to their role in the hierarchy of centres.*
- 2) *Enable an increase in the density, diversity and quality of housing in the centre zones and Business – Mixed Use Zone while managing any reverse sensitivity effects including from the higher levels of ambient noise and reduced privacy that may result from non-residential activities.*
- 3) *Require development to be of a quality and design that positively contributes to:*
 - a) *planning and design outcomes identified in this Plan for the relevant zone;*
 - b) *the visual quality and interest of streets and other public open spaces; and*
 - c) *pedestrian amenity, movement, safety and convenience for people of all ages and abilities.*
- 4) *Encourage universal access for all development, particularly medium to large scale development.*
- 5) *Require large-scale development to be of a design quality that is commensurate with the prominence and visual effects of the development.*

- 6) *Encourage buildings at the ground floor to be adaptable to a range of uses to allow activities to change over time.*
- 7) *Require at grade parking to be located and designed in such a manner as to avoid or mitigate adverse effects on pedestrian amenity and the streetscape.*
- 8) *Require development adjacent to residential zones and the Special Purpose – School Zone and Special Purpose – Māori Purpose Zone to maintain the amenity values of those areas, having specific regard to dominance, overlooking and shadowing.*
- 9) *Discourage activities, which have noxious, offensive, or undesirable qualities from locating within the centres and mixed use zones, while recognising the need to retain employment opportunities.*
- 10) *Discourage dwellings at ground floor in centre zones and enable dwellings above ground floor in centre zones.*
- 11) *Require development to avoid, remedy or mitigate adverse wind and glare effects on public open spaces, including streets, and shading effects on open space zoned land.*
- 12) *Recognise the functional and operational requirements of activities and development.*
- 13) *In identified locations within the centres zones, Business – Mixed Use Zone, Business – General Business Zone and Business – Business Park Zone enable greater building height than the standard zone height, having regard to whether the greater height:*
 - a) *is an efficient use of land;*
 - b) *supports public transport, community infrastructure and contributes to centre vitality and vibrancy;*
 - c) *considering the size and depth of the area, can be accommodated without significant adverse effects on adjacent residential zones; and*
 - d) *is supported by the status of the centre in the centres hierarchy, or is adjacent to such a centre.*
- 14) *In identified locations within the centre zones, Business – Mixed Use Zone, Business – General Business Zone and Business – Business Park Zone, reduce building height below the standard zone height, where the standard zone height would have significant adverse effects on identified special character, identified landscape features, or amenity.*

Business – Town Centre Zone policies

- 15) *Provide for town centres including new town centres of different scales and locations, that:*
 - a) *service the surrounding community's needs for a range of uses, such as commercial, leisure, tourist, cultural, community and civic activities; and*
 - b) *support a range of transport modes including, public transport, pedestrian and cycle networks and the ability to change transport modes.*
- 16) *Enable significant growth and intensification in town centres, except for those centres where it would compromise the planning outcomes identified in this Plan for the relevant centre.*
- 17) *Manage development in town centres so that it contributes to the function and amenity of the centre.*
- 18) *Require those parts of buildings with frontages subject to the Key Retail Frontage Control to maximise street activation, building continuity along the frontage, pedestrian amenity and safety and visual quality.*
- 19) *Require those parts of buildings with frontages subject to the General Commercial Frontage Control to achieve street activation, building continuity along the frontage, pedestrian amenity and safety and visual quality.*
- 20) *Encourage the location of supermarkets and department stores within town centres by recognising:*
 - a) *the positive contribution these activities make to centre viability and function;*
 - b) *the functional and operational requirements of these activities; and*
 - c) *where preferred built form outcomes are not achieved, the development needs to achieve a quality built environment by positively contributing to public open space, including the activation of streets.*

- 21) *Require activities adjacent to residential zones to avoid, remedy or mitigate adverse effects on amenity values of those areas.*
- 22) *Restrict maximum impervious area within a riparian yard in order to ensure that adverse effects on water quality, water quantity and amenity values are avoided or mitigated.*

Comment: Objectives and Policies contained within these provisions seek to allow the use, intensification and development of business areas for appropriate and supported activities whilst ensuring that development suitably maintains the amenity values and character of the surrounding environment. The proposal relates to changes to existing buildings to redevelopment and revitalise their uses with the addition of a new four-storey block and pavilion dining. Together this will further enhance the Remuera Town Centre and provide retail and office opportunities. In areas where there is a Key Frontage development control, this encourages development to engage with the footpath for street activation and pedestrian amenity; which this proposal will achieve with the proposed façade changes and to promote pedestrian access through the arcade to the courtyard area.

Assessment Criteria

The proposed development has been designed to take into consideration the existing built environment and the appearance of the surrounding buildings. Overall it is considered that the proposed buildings will contribute to the attractiveness and pleasantness of Remuera Town Centre and will enhance the pedestrian connection through the sites to the courtyard areas.

The proposal represents the ongoing, sustainable management of existing businesses and commercial land resources. The proposal will provide a valuable business function and the proposal will enable the growth of the existing businesses. The proposed Village Green pavilion and dining area will enhance amenity for visitors to the town centre and will provide both a service and a destination for patrons, while having an appropriate intensity and scale in this business / residential interface area. The physical building works are of a form and scale appropriate for the recently zoned site, and will be well screened by existing buildings to ensure the overall streetscape quality and amenity is unaffected by the proposal.

With regards the proposal involving outdoor dining within 30m of a residential zoned site – this has been addressed further in the relevant 95B(8) and 95E assessment. Due to the existing site location, existing building location and buffer between the proposed location for the outdoor dining areas and the neighbouring residential area to the south, the proposal will be provided with adequate screening and buffer to ensure those parties will not be adversely affected by the outdoor dining.

The redevelopment of the site will revitalise the sites and the surrounding area with an appropriate use and function within the Town Centre as a whole. We believe that we have suitably demonstrated that the proposal addresses and complies with the relevant matters relating to infrastructure and servicing; building intensity, scale, location, form and appearance; and while not complying with the parking provisions for the area, will provide alternative options to ensure the Remuera Town Centre is not a parking dominate area.

Overall we believe the proposal meets the intended purpose and standards of the zone for this level of development.

6.2 Transport

The relevant objectives and policies & assessment criteria of Chapter E27 – Transport are discussed as follows:

- Objectives and Policies at E27.2 and E27.3;
- Matters of discretion and assessment criteria for the proposed restricted discretionary activities are E27.8.1 (4), (9) & (12), and E27.8.2(3), (8) & (11).

Objectives and Polices

E27.2. Objectives

- (1) Land use and all modes of transport are integrated in a manner that enables:
(a) the benefits of an integrated transport network to be realised; and
(b) the adverse effects of traffic generation on the transport network to be managed.*
- (2) An integrated transport network including public transport, walking, cycling, private vehicles and freight, is provided for.*
- (3) Parking and loading supports urban growth and the quality compact urban form.*
- (4) The provision of safe and efficient parking, loading and access is commensurate with the character, scale and intensity of the zone.*
- (5) Pedestrian safety and amenity along public footpaths is prioritised.*
- (6) Road/rail crossings operate safely with neighbouring land use and development.*

E27.3. Policies

- (1) Require subdivision, use and development which:
(a) generate trips resulting in potentially more than minor adverse effects on the safe, efficient and effective operation of the transport network;
(b) are proposed outside of the following zones:
(i) the Business – City Centre Zone, Business – Metropolitan Centre Zone, Business – Town Centre Zone;
(ii) Residential – Terrace Housing and Apartment Buildings Zone;
(iii) the Centre Fringe Office Control as shown on the planning maps; or
(c) do not already require an integrated transport assessment or have been approved based on an integrated transport assessment to manage adverse effects on and integrate with the transport network by measures such as travel planning, providing alternatives to private vehicle trips, staging development or undertaking improvements to the local transport network.*
- (2) Require major proposals for discretionary consent to prepare an integrated transport assessment including provision for pedestrians, cyclists, public transport users, freight and motorists.*

Parking

- (3) Manage the number, location and type of parking and loading spaces, including bicycle parking and associated end-of-trip facilities to support all of the following:
(a) the safe, efficient and effective operation of the transport network;
(b) the use of more sustainable transport options including public transport, cycling and walking;
(c) the functional and operational requirements of activities;
(d) the efficient use of land;
(e) the recognition of different activities having different trip characteristics; and
(f) the efficient use of on-street parking.*
- (4) Limit the supply of on-site parking in the Business – City Centre Zone to support the planned growth and intensification and recognise the existing and future accessibility of this location to public transport, and support walking and cycling.*
- (5) Limit the supply of on-site parking for office development in all locations to:
(a) minimise the growth of private vehicle trips by commuters travelling during peak periods; and
(b) support larger-scale office developments in the Business – City Centre Zone, Centre Fringe Office Control area, Business – Metropolitan Centre Zone, Business – Town Centre Zone and Business – Business Park Zone.*
- (6) Provide for flexible on-site parking in the Business – Metropolitan Centre Zone, Business – Town Centre Zone, Business – Local Centre Zone and Business – Mixed Use Zone (with the exception of specified non-urban town and local centres and the Mixed Use Zone adjacent to those specified centres) by:*

- (a) *not limiting parking for subdivision, use and development other than for office activities, education facilities and hospitals.*
 - (b) *not requiring parking for subdivision, use and development other than for retail (excluding marine retail and motor vehicle sales) and commercial service activities.*
- (6A) *Enable the reduction of on-site parking for retail and commercial services activities in the Business-Metropolitan Centre Zone, Business-Town Centre Zone, Business-Local Centre Zone and Business-Mixed Use Zone where a suitable public off-site parking solution is available and providing for no or reduced on-site parking will better enable the built form outcomes anticipated in these zones.*
- (7) *Provide for flexible on-site parking by not limiting or requiring parking for subdivision, use and development (excluding office) in the Centre Fringe Office Control area, Residential – Terrace Housing and Apartment Buildings Zone and Residential – Mixed Housing Urban Zone (studio and one bedroom dwellings).*
- (8) *Require all other subdivision, use and development to provide a minimum level of on-site parking in recognition of the more limited alternatives to private vehicle travel unless it can be demonstrated that a lesser amount of on-site parking is needed for a particular site or proposal or the provision of on-site parking would be inconsistent with the protection of Historic Heritage or Special Character overlays.*
- (9) *Provide for flexible approaches to parking, which use land and parking spaces more efficiently, and reduce incremental and individual parking provision.*
- (10) *Provide for non-accessory parking where:*
 - (a) *the proposal and the type of parking will reinforce the efficient use of land or planned growth and intensification provided for in this plan for the site or locality; and*
 - (b) *there is an undersupply or projected undersupply of parking to service the area having regard to all of the following:*
 - (i) *the efficient use of land to rationalise or consolidate parking resources in centres;*
 - (ii) *the availability of alternative transport modes, particularly access to the existing and planned public transport;*
 - (iii) *the type of parking proposed;*
 - (iv) *existing parking survey information; and*
 - (v) *the type of activities in the surrounding area and their trip characteristics.*
- (11) *Discourage the development of long-term non-accessory parking in the Business – City Centre Zone and the Centre Fringe Office Control as shown on the planning maps to:*
 - (a) *recognise and support the high level of accessibility these areas have to the public transport; and*
 - (b) *minimise the growth in private vehicle trips by commuters during peak periods.*
- (12) *Control the development of long-term non-accessory parking in the Business – Metropolitan Centre Zone, Business – Town Centre Zone, Business – Local Centre Zone and in the Business – Mixed Use Zone so that the parking does not undermine:*
 - (a) *the efficient use of land or growth and intensification provided for in this plan for the site or locality; and*
 - (b) *the use of public transport in these zones.*
- (13) *Provide for park-and-ride and public transport facilities which are located and designed to support the public transport network by:*
 - (a) *locating in proximity to public transport stations, stops and terminals;*
 - (b) *growing public transport patronage to assist in relieving congested corridors by encouraging commuters to shift to public transport;*
 - (c) *making public transport easier and more convenient to use, thereby attracting new users;*
 - (d) *improving the operational efficiency of the public transport network;*
 - (e) *extending the catchment for public transport into areas of demand where it is not cost-effective to provide traditional services or feeders;*
 - (f) *reinforcing existing and future investments on the public transport network; and*
 - (g) *providing free, secure and covered parking for bicycles.*

- (14) *Support increased cycling and walking by:*
- (a) *requiring larger developments to provide bicycle parking;*
 - (b) *requiring end-of-trip facilities, such as showers and changing facilities, to be included in office, educational and hospital developments with high employee or student numbers; and*
 - (c) *providing for off-road pedestrian and bicycle facilities to complement facilities located within the road network.*

Design of parking and loading

- (17) *Require parking and loading areas to be designed and located to:*
- (a) *avoid or mitigate adverse effects on the amenity of the streetscape and adjacent sites;*
 - (b) *provide safe access and egress for vehicles, pedestrians and cyclists;*
 - (c) *avoid or mitigate potential conflicts between vehicles, pedestrians and cyclists; and*
 - (d) *in loading areas, provide for the separation of service and other vehicles where practicable having regard to the functional and operational requirements of activities.*

The proposal is considered to meet the objectives and policies of this chapter as it relates to access and parking for the site, while the proposal will not comply with the carparking requirements as there is a carparking shortfall, it is considered the proposal still upholds these objectives and policies due to the location of the sites with access to onstreet parking, public parking facilities, establishment of onsite cycle parking and use of public transport options. Suitable loading is provided by way of the service lane which provides vehicular access to the site, as well as suitable means for waste management. The overall proposal, while including a parking shortfall will ensure road user and pedestrian safety when it comes to the proposal and roading network.

Assessment criteria

The parking shortfalls have been addressed in the preceding analysis. In short, the site is in a convenient and accessible location in terms of roading and public transport connections. It is not physically practicable to provide parking on the site. The nature of the proposed uses means that peak demand will occur when public parking availability is lowest and as such, we consider that sufficient parking in the surrounding area to cater for the proposal and effects in respect of traffic and parking will be acceptable.

7.0 STATUTORY ASSESSMENT (SECTION 104)

Part 2 of the RMA contains the purpose and principles. Consideration of applications for resource consent is subject to Part 2 of the RMA. The purpose of the RMA is set out in Section 5 as being to promote the sustainable management of natural and physical resources. Sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while:

- a. *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- b. *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- c. *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

For the reasons outlined in the assessments above, it is considered that the proposal is consistent with Section 5 of the RMA. Overall, the proposed development, including the associated site works required to facilitate the construction, will enhance the use of the site. Overall, it is considered that the proposal will not compromise the life-supporting capacity of air, water, soil

and ecosystems within the receiving environment.

Section 6 of the RMA sets out matters of National Importance and requires that these be recognised and provided for. These include natural character of the coastal environment, natural, landscape and heritage areas, significant indigenous vegetation and fauna and the relationship of Maori with their culture and traditions. It is considered that there are no matters of national importance relating to this application.

Section 7 outlines the matters that must be considered when managing the use, development and protection of natural and physical resources, and includes the efficient use of natural and physical resources, and the maintenance and enhancement of amenity values. The proposal is considered to represent development which is appropriate in this location, given the community benefit that this type of service will provide.

Section 8 requires Council to take into account the principles of the Treaty of Waitangi. It is considered that there are no matters relating to the Treaty of Waitangi relevant to this application.

Accordingly, it is concluded that the proposed development is consistent with the purpose of the RMA in relation to managing the use, development, and protection of natural and physical resources.

8.0 CONCLUSION

It is considered that the proposal is consistent with the relevant objectives, policies and assessment criteria of the AUP-OiP. Overall, the effects of the proposal will be no more than minor on the wider environment and less than minor on adjacent sites and persons.

In terms of section 104(1)(b) of the Act, it is concluded that the proposed works are consistent with the relevant objectives and policies of the AUP-OiP. The proposal also satisfies the relevant assessment criteria.

In terms of section 104(1)(c) of the Act, it is concluded that there are no 'other matters' of significance to this application.

Based on the preceding assessment, it is considered that the Council is able to grant approval to the application under Section 104B of the Resource Management Act 1991, subject to appropriate and reasonable conditions.

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