



MT HOBSON GROUP

Town Planning & Resource Consent Solutions

**ASSESSMENT OF EFFECTS ON THE ENVIRONMENT & STATUTORY
ASSESSMENT**

APARTMENT DEVELOPMENT

4 & 4A VICTORIA AVENUE, REMUERA

HUB HOME LIMITED

FEBRUARY 2020



1.0 APPLICANT & PROPERTY DETAILS

Site Address:	4 & 4A Victoria Avenue, Remuera
Applicant:	Hub Home Limited
Legal Description:	4 Victoria Ave: Lot 1 DP 142207 4A Victoria Ave: Lot 2 DP142207 (see Attachment A)
Site Area:	4 Victoria Ave: 645m ² 4A Victoria Ave: 1982m ² Total Area = 2,627m²
Statutory Documents:	Auckland Unitary Plan (Operative in Part)
Zoning:	Terraced Housing and Apartment Building, (AUPOIP)
Address for Service:	Mt Hobson Group P O Box 37964 Parnell Auckland ATTN: Rose@mhg.co.nz
Overlays	Natural Heritage: Regionally Significant Volcanic Viewshafts And Height Sensitive Areas Overlay [rcp/dp] - W26, Mount Wellington, Viewshafts (24.5-29m above ground level).
Controls	Macroinvertebrate Community Index [rcp/dp] - Urban
Designations:	None 481 Parnell Road, Parnell, Auckland 1052 PO Box 37964 , Parnell, Auckland. 1151 Ph: 09 9505101 Email: rose@mhg.co.nz www.mhg.co.nz



2.0 INTRODUCTION & BACKGROUND

Introduction

- 2.1 The applicant, Hub Home Limited, seeks resource consent for the development of a five level (plus basement) apartment building on the application site, which is comprised of 4 and 4A Victoria Avenue in Remuera.
- 2.2 The combined area of the application site is 2,627m² and is an irregular shaped site located on the western side of Victoria Avenue on the northern side of the Remuera Town Centre. 4 Victoria Avenue is relatively flat and contains a single level building occupied by Plunket. 4A Victoria Avenue falls some 5m from the south eastern corner to the north western corner and is currently occupied by a three-level detached residential building, located on the western side of the site. The site boundaries contain a range of vegetation up to 5m+ in height.
- 2.3 Surrounding development to the north consists of primarily residential dwellings in a range of typologies and architectural styles. The Remuera Town Centre is located to the south along Remuera Road. The Town Centre contains a number of retail shops, restaurants and other commercial activities.
- 2.4 The immediate area (within 80—150m) around the Town Centre is zoned Terraced Housing and Apartment Buildings under the Auckland Unitary Plan (Operative in Part) with Single House Zone area and Mixed Housing Suburban areas beyond the THAB zoned land.
- 2.5 Consent is sought under the Auckland Unitary Plan (Operative in Part). Further information regarding the various reasons for consent is contained within Section 5. Overall the application is to be assessed as a Restricted Discretionary Activity.
- 2.6 This AEE concludes that the proposed development is consistent with, and gives effect to, both regional and local policy documents and will overall result in significant positive effects through the provision of additional residential accommodation in a suitable location without significant adverse effects on surrounding properties, the environment or the safety and operation of the surrounding roading network, subject to appropriate conditions being applied to the consent.



- 2.7 As such, it is concluded that the proposal satisfies the requirements of the Resource Management Act and merits the grant of consent on a non-notified basis.

Background

- 2.8 A resource consent was granted in May 2019, referenced as LUC60328748, for the construction of a new residential apartment building and associated groundwater diversion, earthworks and vehicle access. A copy of the consent and approved plans is located within **Appendix H**. The applicant has since obtained 4A Victoria Avenue, Remuera and accordingly the development has been modified to incorporate this site. The modifications to the proposed development are being sought under a new resource consent.

3.0 SITE AND SURROUNDING ENVIRONMENT DESCRIPTION

- 3.1 The application site is comprised of two sites being 4 and 4A Victoria Avenue in Remuera, which for the purpose of this application will be heron referred to as the “application site”.
- 3.2 4 Victoria Avenue is a roughly rectangular shaped site that has an area of 645m² and is located on the western side of Victoria Avenue on the northern side of Remuera Town Centre. The site currently contains a single level building that is occupied by Plunket. Carparking is located to the east of the building, with landscaping located along the site’s frontage to Victoria Avenue and along the northern boundary adjacent to the carpark area. A low stone retaining wall is located along the street frontage. A street tree is located within the road reserve, adjacent to the sites north-eastern corner. The site is accessed via the vehicle crossing located in the south-eastern corner of the site. The ROW to 4A Victoria Avenue is located along the site’s southern boundary. The site is relatively flat.
- 3.3 4A Victoria Avenue is a rear site that has an area of 1,982m² and is an irregular shaped site. Accesses is gained via a right of way over the site at 4 Victoria Avenue, as detailed above. The site falls some 5m from its south east west to north west corner and is currently occupied by a three-level detached residential building located on the western side of the site. The site boundaries contain a range of vegetation up to 5m+ in height.

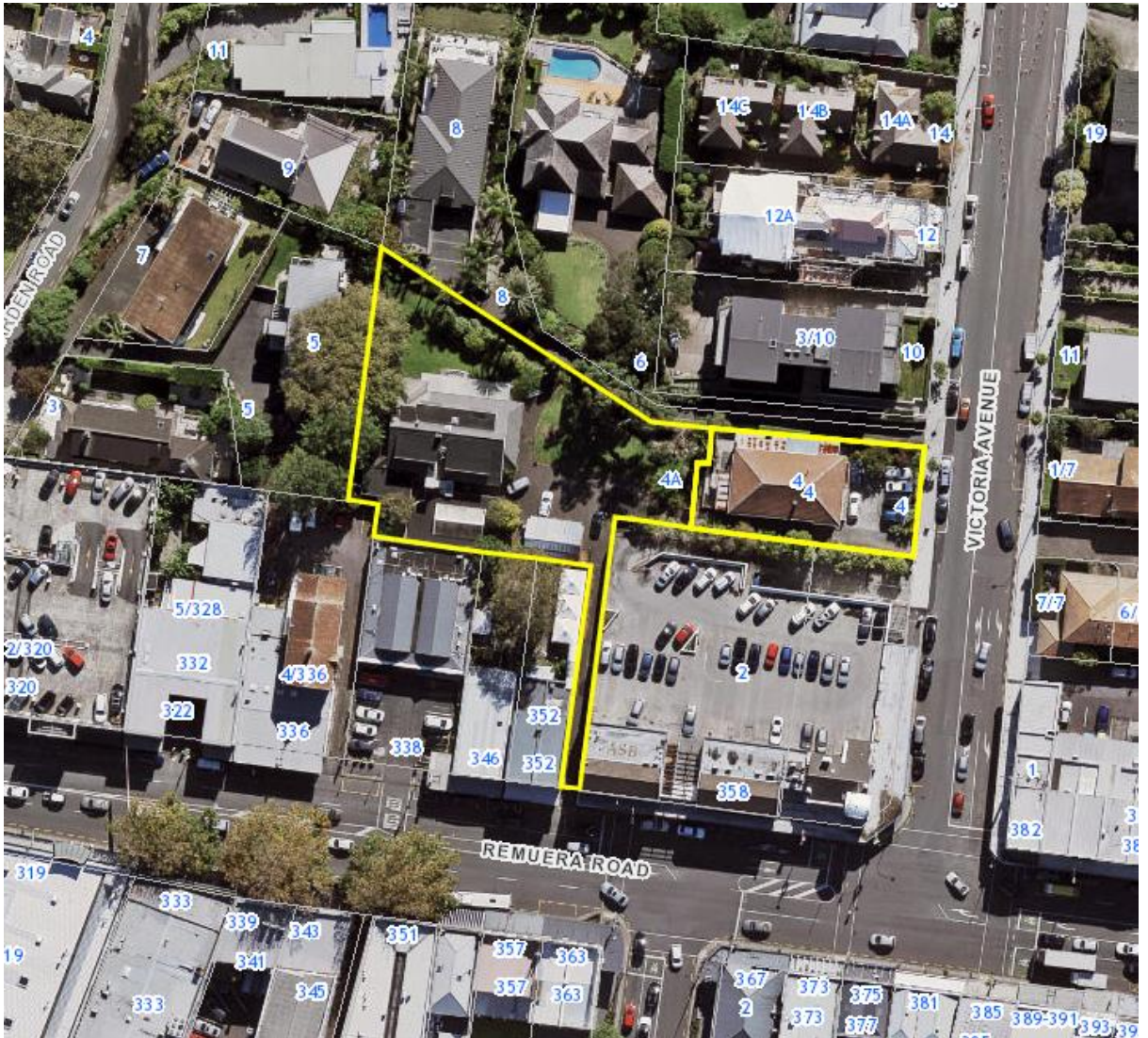


Figure 1. The subject site.

- 3.4 As noted above the site has a gradual slope downwards (approximately 5m) from south east to north west.
- 3.5 Surrounding residential development to the north consists of primarily large detached dwellings in a range of typologies and styles.
- 3.6 There are a number of retail shops, restaurants etc on the Remuera Town Centre zoned land immediately south of the application site. Bus stops are available within 100m walk from the site.

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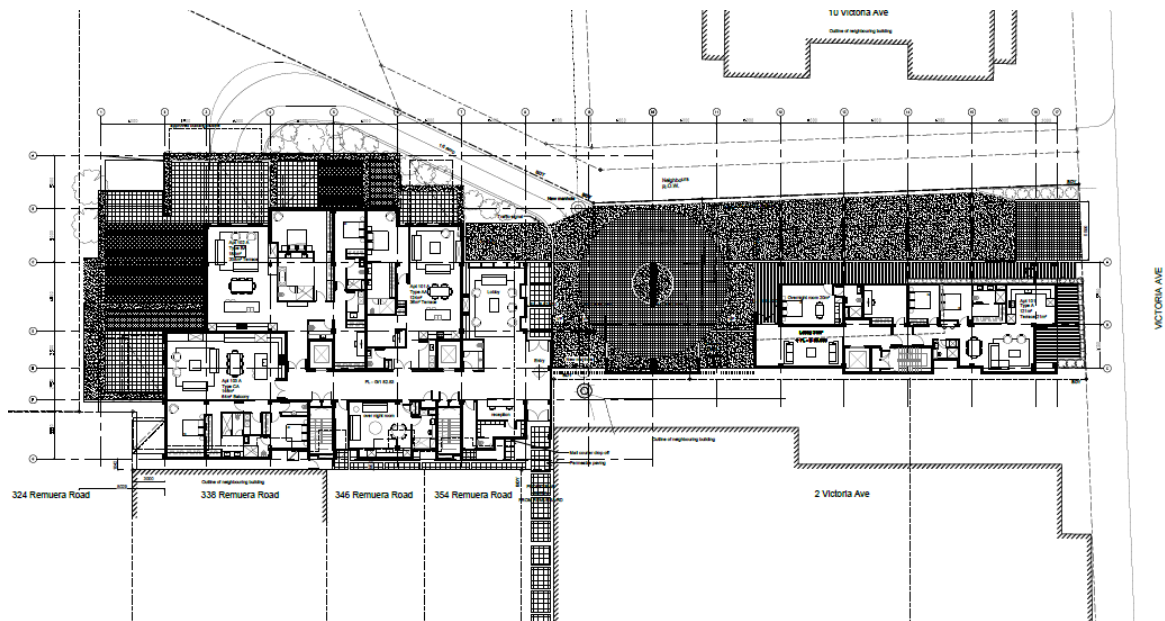


- 3.7 The immediate area to the north is zoned Terraced Housing and Apartment Buildings under the Auckland Unitary Plan (Operative in Part) with Single Mixed Housing Suburban areas further beyond the THAB zoned land to the north. Areas to the south are zoned Town Centre along Remuera Road.
- 3.8 Further afield the character is a mixed city fringe suburban town centre environment consisting of a range of commercial, recreational, community and residential uses along with educational (King's School and Remuera Primary School)
- 3.9 In summary, the surrounding environment is mainly residential to the north with a range of town centre activities and zoning along Remuera Road. The residential area has been rezoned for higher density residential development and as a result the context of where the site is to be developed will undoubtedly change significantly over the coming years with 5-7 storey apartment buildings the anticipated outcome under the Auckland Unitary Plan on the THAB zoned areas.



4.0 PROPOSAL

- 4.1 The applicant seeks all necessary resource consents to undertake earthworks on the site and construct and operate an apartment complex consisting a five-level building with basement car parking (six levels total).
- 4.2 The proposal is for the development of 23 residential apartments on the site with parking for 46 cars and 23 bicycles provided in a basement and within entrance area. The application plans prepared by Leuschke Group Architects (**Attachment B**) provide detailed architectural plans and images of what is proposed. The figure below shows the general building layout and location on the site.



Form and Massing

- 4.3 The proposed apartment building is conceptually a junction of two disparate forms. One being the large rectangular form to the front of the site that acknowledges the retail block behind,

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with a glazed recessive transition, to the more residential wing to the rear, which has extensive glazing, terraces and balustrades.

- 4.4 The building bulk has been designed to comply with the applicable coverages, height and height in relation to boundary controls with the building comprising a basement with five levels of accommodation above. The development generates yard infringements with the Business - Town Centre zoned sites to the south.
- 4.5 The site is to be accessed via a driveway located along the site's northern boundary, which then curves north around the eastern side of the building providing access to the basement. A loading space is located adjacent to the main lobby and bike parking is located adjacent to the secondary lobby.
- 4.6 Pedestrian access is provided direct from Remuera Road via a pedestrian entry between 354 and 356 Remuera Road.

Basement

- 4.7 The basement, as noted, is accessed from the north-western corner and contains 43 car parking space, 20 cycle spaces along with various plant and rubbish rooms.

Ground Floor (Level 1)

- 4.8 The ground floor (Level 1) contains a total of four residential units, along with the main entry lobby, concierge reception and WC located to the west of the courtyard and the secondary lobby, located to the east of the courtyard, providing access to the second lift core. An overnight room is located adjacent to each of the lobbies. These rooms are intended for use by guests of the owners/occupiers of the residential apartments, such as a nurse or live in care that can stay overnight, on call in these rooms. The applicant proffers a condition of consent that these areas are held in common ownership and cannot be on sold separately.
- 4.9 In terms of the residential units at ground level (from east to west):
- Unit 101 - a 121m² three-bedroom unit with a terrace totalling 21m²;
 - Unit 101A - a 124m² one-bedroom plus study unit with a terrace totalling 50m²;



- Unit 102A - a 188m² two-bedroom plus study unit with 136m² terrace; and
- Unit 103A - a 146m² two-bedroom with a 45m² terrace.

4.10 Level 2 above contains five units consisting of (from east to west):

- Unit 201 - a 126m² two-bedroom unit with a 11m² terrace;
- Unit 202 - a 107m² one-bedroom unit;
- Unit 201 - a 108m² one-bedroom unit with a 7m² terrace;
- Unit 202 - a 216m² three-bedroom with two terraces totalling 36m²; and
- Unit 203 - a 271m² three-bedroom unit with three terraces totalling 31m².

4.11 Level 3 contains five units, being:

- Unit 301 - a 162m² three-bedroom unit with a 11m² terrace;
- Unit 302 - a 171m² three-bedroom unit with a 10m² terrace;
- Unit 301 - a 255m² three-bedroom unit with two terraces totalling 23m²;
- Unit 302 - a 216m² three-bedroom unit with two terraces totalling 30m²; and
- Unit 303 - a 271m² three-bedroom unit with three terraces totalling 30m².

4.12 Level 4 contains five units, being:

- Unit 401 - a 162m² three-bedroom unit with a 11m² terrace;
- Unit 402 - a 171m² three-bedroom unit with a 10m² terrace;
- Unit 401 - a 223m² three-bedroom with two terraces totalling 23m²;
- Unit 402 - a 216m² three-bedroom unit with two terraces totalling 30m²; and
- Unit 403 - a 251m² three-bedroom unit with three terraces totalling 49m².

4.13 Level 5 contains four units, being:

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- Unit 501 – a 259m² three-bedroom unit with three terraces totalling 66m²;
- Unit 502 – a 292m² three-bedroom unit with three terraces totalling 98m²;
- Unit 501 – a 162m² three-bedroom unit with 11m² terrace; and
- Unit 502 – a 159m² three-bedroom unit with a 21m² terrace.

4.14 The development overall provides a total of 23 units made up of:

- Two x one-bedroom;
- One x one bedroom plus study;
- Two x two-bedroom;
- One x two bedrooms plus study; and
- 17 x three-bedroom.

4.15 All units far exceed the AUP's minimum dwelling sizes.

4.16 Architectural Plans of the proposed development are contained within **Attachment B**.

Materials

4.17 The development utilises a range of suitably selected materials as noted on the drawings being:

- Stone cladding;
- Brick panelling;
- Metal cladding;
- Metal joinery and double glazing;
- Membrane roof.

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- 4.18 These varied materials are covered in more detail within the Plans in **Attachment B**.

Landscaping

- 4.19 A concept landscape plan has been prepared by Urbanlogic Studio and this is contained within **Attachment C**. This concept utilises a range of native and exotic planting including groundcover, climbers, hedging and specimen trees. Proposals for lighting are also included.
- 4.20 Specimen tree planting is focussed on the north and west sides of the site to screen and soften the new building. The vehicle access is to be constructed from asphalt with the pedestrian access along the buildings northern façade to be constructed from timber. The pedestrian pathway to Remuera Road is to be constructed from flamed basalt pavers. Limestone planters and timber seating are also proposed.
- 4.21 Plaster fences 1.8m high are proposed along all boundaries, with a permeable fence to be located along the sites frontage to Victoria Avenue.
- 4.22 A copy of the landscape plan, planting schedule and maintenance plan is contained in **Attachment D**. Due to the limited additional landscaping within the eastern portion of the site, the applicant proffers a condition of consent that final landscape plans will be provided to Council prior to the commencement of construction. The additional landscaping will follow the same theme, in regards to the species proposed for the remainder of the site.

Parking & Access

- 4.23 In terms of access and parking, the existing vehicle crossing on Victoria Avenue, which is located at the southern end of the site frontage, will be removed and replaced by a new, 5.5m vehicle crossing near the northern end of the site frontage. The new vehicle crossing will cater to simultaneous two-way vehicle flow. The redundant crossing will be removed and reinstated in accordance with Auckland Transport requirements. It is proposed to remove the existing street tree located within the road reserve adjacent to the sites north-eastern corner to allow for the construction of the new vehicle crossing. A replacement street tree is proffered as a condition of consent.

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- 4.24 A Traffic Report has been prepared by Traffic Solutions Limited to assess the parking and access arrangement and this contained in **Attachment D**.
- 4.25 The basement provides 43 parking spaces, with a further three parking spaces to be provided within the central courtyard for visitors; all of which meet AUP requirements in terms of size and manoeuvring.
- 4.26 Cycle parking is provided with 23 bike spaces in the basement and three within the central courtyard for visitors. Additional bike parks can be provided in the basement to achieve compliance with E27.6.2.5.
- 4.27 A loading space is proposed adjacent to the lobby.
- 4.28 Further details of the proposed access and parking arrangements are contained within the Traffic Impact Assessment in **Attachment D**.

Services

- 4.29 With regard to services, the application sites currently enjoy connections to the reticulated water, stormwater (kerb discharge) and wastewater along with telecommunications and power.
- 4.30 It is proposed to continue to connect to and utilise the existing services as set out in the Engineering Report, prepared by CrangCivil in **Attachment E**. This report has also addressed the expected demand in terms of water, wastewater and stormwater flows and has confirmed that the existing reticulated network has sufficient capacity to service the development or that the flows will not increase (in the case of stormwater).
- 4.31 In terms of rubbish and loading, the development includes a loading space adjacent to the lobby. Rubbish will be stored in the basement rubbish rooms and collected via private contractor. A report from Rubbish Direct is contained in **Attachment F**, which is based on the approved development. The proposed development contains two rubbish rooms within the basement level, which are considered to be of a sufficient size to service the development. The Traffic Report confirms that there is sufficient onsite space for loading and manoeuvring of the rubbish truck.

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Earthworks

4.32 Proposed earthworks are detailed within the Engineering Report which states:

Earthworks are required to prepare the site for the proposed building platform. The earthworks will be carried out over the entire site area of 2,627m², and will most likely be exposed all at once depending on the Contractor's adopted methodology.

4.33 Overall some 2500m³ of cut to waste excavation is proposed across the site, primarily to provide for the basement.

4.34 A geotechnical report has been prepared (**Attachment G**) which assesses ground conditions and has informed the basement construction methodology. A condition of consent is requested that any future building design is undertaken with reference to this report and the additional investigations required.

4.35 Standard conditions of consent are proffered to cover the submission, approval and implementation of the normal Construction Noise and Vibration Management Plan; Construction Traffic Management and Erosion and Sediment Control measures.



5.0 UNITARY PLAN ASSESSMENT

Auckland Unitary Plan Operative in Part

- 5.1 The site is zoned Terraced Housing and Apartments under the AUPOIP.
- 5.2 There is one overlay and one control applying to the site. These are:
- Overlay - Natural Heritage: Regionally Significant Volcanic Viewshafts And Height Sensitive Areas Overlay [rcp/dp] - W26, Mount Wellington, Viewshafts (24.5m-29m above ground level).
 - Control - Macroinvertebrate Community Index – Urban
- 5.3 Neither of the above are relevant to the assessment of this proposal.

Earthworks and excavation

- 5.4 As noted earthworks are proposed across the entire 2,624m² site with a volume of some 2500m³ of cut to waste. The proposal therefore requires Restricted Discretionary Activity consent under **Rule E12.4.1** for earthworks in a residential zone greater than 2500m² (Activity A6) and greater than 1000m³ up to 2500m³ (Activity A9).
- 5.5 No regional earthworks consent is required as the works are less than 1ha and the slope of the land is less than 10 degrees.

Groundwater

- 5.6 The proposal involves the dewatering and associated take of groundwater which does not meet the following standards and is a restricted discretionary activity under **Rule E7.4.1(A20)**:
- E7.6.1.6(2 and 3) due to the proposed excavation being for a period of more than thirty days and because it will have permanent drainage.



New residential buildings

5.7 **Rule H6.4 Activity Table (A3)** states that dwellings require consent as a Restricted Discretionary Activity.

5.8 **Rule H6.4 Activity Table (A35)** states that new building has the same activity status and standards as the activity itself and thus consent is required as a Restricted Discretionary Activity for the new building.

5.9 **Rule H6.4 Activity Table (A3)** lists the following Standards to be complied with:

- Standard H6.6.5 Building height;
- Standard H6.6.6 Height in relation to boundary;
- Standard H6.6.7 Alternative height in relation to boundary;
- Standard H6.6.8 Height in relation to boundary adjoining lower density zones;
Standard
- H6.6.9 Yards

5.10 Compliance with the above standards is discussed in the table below

Rule / Standard to be complied with	Compliance / comment
Standard H6.6.5 Building height;	Complies as shown on plans (average ground level method)
Standard H6.6.6 Height in relation to boundary;	Complies as shown on the plans.
Standard H6.6.7 Alternative height in relation to boundary;	Complies
Standard H6.6.8 Height in relation to boundary adjoining lower density zones	Not relevant.
Standard H6.6.9 Yards	Does not comply.

5.11 The proposed development fails to meet the following core standards and is a Restricted Discretionary Activity under **Rule C.1.9(2)**:

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- H6.6.9 Yards due to the pedestrian canopy along the pedestrian access being located within both the eastern and western 1m side yard requirement of the entrance strip; and
- H6.6.9 Yards due to the proposed building being located up to 500mm within the southern side yard.

5.12 It is noted that in terms of other zone standards - the proposal complies with the 50% building maximum coverage (49.8% proposed v 50% allowed), 30% landscaped minimum coverage (37% proposed v 30% required) and is well within the impervious maximum (63% proposed vs 70% allowed). The minimum dwelling sizes are also substantially exceeded as are all outlook requirements.

Trees in Roads

5.13 Pursuant to **Rule E17.4.1(A10)** resource consent is sought as a Restricted Discretionary Activity for the removal of a street tree that is greater than 4m in height or with a girth of greater than 400mm.

Transport

5.14 The proposal involves access that does not meet the following access standards and is a Restricted Discretionary Activity under **Rule E27.4.1(A2)**:

- **E27.6.4.3.2(T1515)** due to the minimum formed width of 3m into the basement (providing for one-way movement) where 5.5m (providing two-way movement) is required.

Summary

- 5.15 Consent is required as a Restricted Discretionary activity under the AUP.
- 5.16 No consent is required under any National Environmental Standard
- 5.17 Overall consent is required as a Restricted Discretionary Activity.



6.0 MATTERS OF DISCRETION AND ASSESSMENT CRITERIA

6.1 The relevant matters of discretion and assessment criteria which inform the assessment of effects below is set out in the following table.

RULE/ACTIVITY
Rule E12 - Earthworks
MATTERS OF DISCRETION
E12.8.1 (1) (1) all restricted discretionary activities: (a) compliance with the standards; (b) effects of noise, vibration, odour, dust, lighting and traffic on the surrounding environment; (c) effects on the stability and safety of surrounding land, buildings and structures; (d) effects on overland flow paths and flooding; (e) protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin; (f) the treatment of stockpiled materials on the site including requirements to remove material if it is not to be reused on the site; (g) staging of works and progressive stabilisation; (h) information and monitoring requirements; (i) timing and duration of works; (j) term of consent; (k) potential effects on significant ecological and indigenous biodiversity values; (l) risk that may occur as a result of natural hazards; (m) protection of or provision of network utilities and road networks. (n) potential effects on the natural character and values of the coastal environment, lakes, rivers and their margins, where works encroach into riparian or coastal yards; and

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(o) positive effects enabled through the land disturbance.

ASSESSMENT CRITERIA

(a) whether applicable standards are complied with;

(b) the extent to which the earthworks will generate adverse noise, vibration, odour, dust, lighting and traffic effects on the surrounding environment and the effectiveness of proposed mitigation measures;

(c) whether the earthworks and any associated retaining structures are designed and located to avoid adverse effects on the stability and safety of surrounding land, buildings, and structures;

(d) whether the earthworks and final ground levels will adversely affect overland flow paths or increase potential volume or frequency of flooding within the site or surrounding sites;

(e) whether a protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin has been provided and the effectiveness of the protocol in managing the impact on Mana Whenua cultural heritage if a discovery is made;

(f) whether the extent or impacts of adverse effects from the land disturbance can be mitigated by managing the duration, season or staging of such works;

(g) the extent to which the area of the land disturbance is minimised, consistent with the scale of development being undertaken;

(h) the extent to which the land disturbance is necessary to provide for the functional or operational requirements of the network utility installation, repair or maintenance;

(i) the extent of risks associated with natural hazards and whether the risks can be reduced or not increased;

(j) whether the land disturbance and final ground levels will adversely affect existing utility services;

(k) the extent to which the land disturbance is necessary to accommodate development otherwise provided for by the Plan, or to facilitate the appropriate use of land in the open space environment, including development proposed in a relevant operative reserve management plan or parks management plan;

(l) for land disturbance near Transpower New Zealand Limited transmission towers:

(i) the outcome of any consultation with Transpower New Zealand Limited; and



(ii) the risk to the structural integrity of transmission lines.

(m) the extent to which earthworks avoid, minimise, or mitigate adverse effects on any archaeological sites that have been identified in the assessment of effects.

RULE/ACTIVITY	
Rule H6.4 Activity Table (A3) Dwellings	
MATTERS OF DISCRETION	
(a)	the effects on the neighbourhood character, residential amenity, safety and the surrounding residential area from all of the following: <ul style="list-style-type: none">(i) building intensity, scale, location, form and appearance;(ii) traffic; and(iii) design of parking and access.
(b)	all of the following standards: <ul style="list-style-type: none">(i) Standard H6.6.10 Maximum impervious areas;(ii) Standard H6.6.11 Building coverage;(iii) Standard H6.6.12 Landscaped area;(iv) Standard H6.6.13 Outlook space;(v) Standard H6.6.14 Daylight;(vi) Standard H6.6.15 Outdoor living space;(vii) Standard H6.6.16 Front, side and rear fences and walls; and(viii) Standard H6.6.17 Minimum dwelling size
(c)	Infrastructure and servicing
ASSESSMENT CRITERIA	
(2)	for dwellings:



(a) the extent to which or whether the development achieves the purpose outlined in the following standards or what alternatives are provided that result in the same or a better outcome:

(i) Standard H6.6.10 Maximum impervious areas;

Purpose:

- *to manage the amount of stormwater runoff generated by a development, particularly in relation to the capacity of the stormwater network and potential flood risks;*
- *to support the functioning of riparian yards, lakeside yards and coastal yards and water quality and ecology;*
- *to reinforce the building coverage and landscaped area standards; and*
- *to limit paved areas on a site to improve the site's appearance and cumulatively maintain amenity values in a neighbourhood.*

(ii) Standard H6.6.11 Building coverage;

Purpose: to manage the extent of buildings on a site to achieve the planned urban character of buildings surrounded by open space

(iii) Standard H6.6.12 Landscaped area;

Purpose

- *to provide for quality living environments consistent with the planned urban built character of buildings surrounded by open space; and*
- *to create a landscaped urban streetscape character within the zone.*

(iv) Standard H6.6.13 Outlook space;

Purpose:

- *to ensure a reasonable standard of visual privacy between habitable rooms of different buildings, on the same or adjacent sites;*
- *in combination with the daylight control, manage visual dominance effects within a site by ensuring that habitable rooms have an outlook and sense of space.*



(v) Standard H6.6.14 Daylight;

Purpose:

- *to ensure adequate daylight for living areas and bedrooms in dwellings, supported residential care and boarding houses; and*
- *in combination with the outlook control, manage visual dominance effects within a site by ensuring that habitable rooms have an outlook and sense of space, particularly at upper building levels.*

(vi) Standard H6.6.15 Outdoor living space; and

Purpose: to provide dwellings, supported residential care and boarding houses with outdoor living space that is of a functional size and dimension, has access to sunlight, and is directly accessible from the principal living room, dining room or kitchen and is separated from vehicle access and manoeuvring areas.

(vii) Standard H6.6.16 Front, side and rear fences and walls; and

Purpose:

- *provide privacy for dwellings while enabling opportunities for passive surveillance of the street;*
- *minimise visual dominance effects to immediate neighbours and the street*

(viii) Standard H6.6.17 Minimum dwelling size

Purpose: to ensure dwellings are functional and of a sufficient size to provide for the day to day needs of residents, based on the number of occupants the dwelling is designed to accommodate.

(b) refer to Policy H6.3(1);

Enable a variety of housing types at high densities including terrace housing and apartments and integrated residential development such as retirement villages.

(c) refer to Policy H6.3(2);



Require the height, bulk, form and appearance of development and the provision of setbacks and landscaped areas to achieve a high-density urban built character of predominantly five, six or seven storey buildings in identified areas, in a variety of forms.

(d) refer to Policy H6.3(3);

(3) Encourage development to achieve attractive and safe streets and public open spaces including by:

(a) providing for passive surveillance

(b) optimising front yard landscaping

(c) minimising visual dominance of garage doors.

(e) refer to Policy H6.3(4);

Not relevant

(f) refer to Policy H6.3(5);

manage the height and bulk of development to maintain daylight access and a (5)reasonable standard of privacy, and to minimise visual dominance effects to adjoining sites and developments.

(g) refer to Policy H6.3(6);

require accommodation to be designed to:

(a) provide privacy and outlook; and (a)

(b) be functional, have access to daylight and sunlight, and provide the amenities necessary to meet the day-to-day needs of residents.

(h) refer to Policy H6.3(7); and

Encourage accommodation to have useable and accessible outdoor living space.

(i) refer to Policy H6.3(8).

Restrict the maximum impervious area on a site in order to manage the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated.

(j) infrastructure and servicing:



(i) Whether there is adequate capacity in the existing stormwater and public reticulated water supply and wastewater network to service the proposed development.

RULE/ACTIVITY
Rule E7 – Taking, using, damming and diversion of water and drilling
MATTERS OF DISCRETION
E7.8.1
(1) general:
(a) the effects on Mana Whenua values.
(6) diversion of groundwater:
(a) how the proposal will avoid, remedy or mitigate adverse effects:
(i) on the base flow of rivers and springs;
(ii) on levels and flows in wetlands;
(iii) on lake levels;
(iv) on existing lawful groundwater takes and diversions;
(v) on groundwater pressures, levels or flow paths and saline intrusion;
(vi) from ground settlement on existing buildings, structures and services including roads, pavements, power, gas, electricity, water mains, sewers and fibre optic cables;
(vii) arising from surface flooding including any increase in frequency or magnitude of flood events;
(viii) from cumulative effects that may arise from the scale, location and/or number of groundwater diversions in the same general area;
(ix) from the discharge of groundwater containing sediment or other contaminants;

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(x) on any scheduled historic heritage place; and

(xi) on terrestrial and freshwater ecosystems and habitats.

(b) the need for mineral extraction within a Special Purpose - Quarry Zone to carry out dewatering or groundwater level control and diversion and taking of groundwater in the context of mineral extraction activity.

ASSESSMENT CRITERIA

(1) all restricted discretionary activities:

(a) the extent to which any effects on Mana Whenua values are avoided, remedied or mitigated;

(6) Whether the proposal to take and use surface water and groundwater will monitor the effects of the take on the quality and quantity of the freshwater resource to:

(a) measure and record water use and rate of take;

(b) measure and record water flows and levels;

(c) sample and assess water quality and freshwater ecology; and

(d) measure and record the movement of ground, buildings and other structures.

RULE/ACTIVITY

Rule E27 – Transport

MATTERS OF DISCRETION

E27.8.1

(9) any activity or development which infringes the standards for design of parking and loading areas or access under Standards E27.6.3, E27.6.4.2, E27.6.4.3 and E27.6.4.4:

(a) adequacy for the site and the proposal;

(b) design of parking, loading and access;

(c) effects on pedestrian and streetscape amenity; and



(d) effects on the transport network.

ASSESSMENT CRITERIA

(8) any activity or development which infringes the standards for design of parking and loading areas or access under Standard E27.6.3, E27.6.4.2, E27.6.4.3 and E26.6.4.4:

(a) effects on the safe and efficient operation of the adjacent transport network having regard to:

(i) the effect of the modification on visibility and safe sight distances;

(ii) existing and future traffic conditions including speed, volume, type, current accident rate and the need for safe manoeuvring;

(iii) existing pedestrian numbers, and estimated future pedestrian numbers having regard to the level of development provided for in this Plan; or

(iv) existing community or public infrastructure located in the adjoining road, such as bus stops, bus lanes, footpaths and cycleways.

(b) effects on pedestrian amenity or the amenity of the streetscape, having regard to:

(i) the effect of additional crossings or crossings which exceed the maximum width; or

(ii) effects on pedestrian amenity and the continuity of activities and pedestrian movement at street level in the Business – City Centre Zone, Business – Metropolitan Centre Zone, Business – Town Centre Zone and Business – Local Centre Zone.

(c) the practicality and adequacy of parking, loading and access arrangements having regard to:

(i) site limitations, configuration of buildings and activities, user requirements and operational requirements;

(ii) the ability of the access to accommodate the nature and volume of traffic and vehicle types expected to use the access. This may include considering whether a wider vehicle crossing is required to:



- comply with the tracking curve applicable to the largest vehicle anticipated to use the site regularly;
- accommodate the traffic volumes anticipated to use the crossing, especially where it is desirable to separate left and right turn exit lanes;

- o the desirability of separating truck movements accessing a site from customer vehicle movements;

- o the extent to which reduced manoeuvring and parking space dimensions can be accommodated because the parking will be used by regular users familiar with the layout, rather than by casual users, including the number of manoeuvres required to enter and exit parking spaces;

Note: Parking spaces for regular users can be designed to undertake more than one manoeuvre to enter and exit parking spaces in accordance with AS/NZS 2890.1: 2004 Off-Street Parking.

(iv) any stacked parking is allocated and managed in such a way that it does not compromise the operation and use of the parking area

RULE/ACTIVITY
C1.9 Infringements of standards
MATTERS OF DISCRETION
C1.9 (3) When considering an application for a resource consent for a restricted discretionary activity for an infringement of a standard under Rule C1.9(2), the Council will restrict its discretion to all of the following relevant matters: (a) any objective or policy which is relevant to the standard; (b) the purpose (if stated) of the standard and whether that purpose will still be achieved if consent is granted; (c) any specific matter identified in the relevant rule or any relevant matter of discretion or assessment criterion associated with that rule; (d) any special or unusual characteristic of the site which is relevant to the standard; (e) the effects of the infringement of the standard; and

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(f) where more than one standard will be infringed, the effects of all infringements considered together.

7.0 STATUTORY MATTERS

Restricted Discretionary Activity

7.1 The proposal requires consent overall as a Restricted Discretionary Activity.

7.2 Restricted Discretionary activities are addressed under section 104C of the Resource Management Act 1991 (the Act) as follows:

104C Determination of applications for restricted discretionary activities

(1) When considering an application for a resource consent for a restricted discretionary activity, a consent authority 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.



8.0 ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

- 8.1 The proposal is for a Restricted Discretionary Activity and therefore only those matters to which discretion is restricted can be considered when determining the actual and potential effects associated with the proposed development.
- 8.2 The Matters of Discretion and Assessment Criteria in Section 6 above provide a clear indication of the basis of the assessment of effects below.

Effects that may be disregarded - Permitted Baseline

- 8.3 The permitted baseline refers to the effects of permitted activities on the subject site and in this case there is not considered to be a level of activity that would be able to be carried out as a permitted activity that is relevant for the assessment of the proposal.
- 8.4 However, what is considered relevant for assessment the envelope of effects from a building complying with the zone standards in terms of height, yards, height to boundary and coverage. This is considered to be a relevant baseline for the assessment of additional effects and is discussed in more detail in the assessment of adversely affected persons.

Receiving environment

- 8.5 The receiving environment is made up of:
- the existing environment and associated effects from lawfully established activities;
 - effects from any consents on the subject site (not impacted by proposal) that are likely to be implemented;
 - the existing environment as modified by any resource consents granted and likely to be implemented; and
 - the environment as likely to be modified by activities permitted in the plan.
- 8.6 This is the reasonably foreseeable environment within which the adverse effects of the proposal are considered and, in this case, includes the future development of building in accordance with the zones intended outcome – in essence 16m high residential buildings, complying with alternative height in relation to boundary controls, set 1.5m back from front boundaries and 1m from side and rear boundaries on the surrounding THAB zoned sites.



- 8.7 On the Town Centre zoned land to the south buildings up to 18m high are allowed.
- 8.8 Taking into account the matters discussed in sections 5 and 6 above, adverse effects for consideration relate to:
- Principle of Development;
 - Neighbourhood Character and Amenity including visual Impact;
 - Traffic and Parking; and
 - Construction Effects / Site Works;
 - Servicing.

Principle of Development

- 8.9 The proposed development is considered to be appropriate for the setting as it is a type of development which is envisioned in the operative zoning. The site is zoned Terraced Housing and Apartment Buildings under the Auckland Unitary Plan which aims to provide for intensive residential development in buildings of 5, 6 and 7 storeys. The proposed development is entirely consistent with this and generally complies with the relevant bulk and location requirements.
- 8.10 The site is within close-proximity to the adjacent Town Centre and does not have any specific density requirements. The proposed development is of a high-quality design and addresses the surrounding area in a positive manner. The proposal provides good quality accommodation for potential occupiers as it exceeds the minimum unit size requirements and has good solar orientation, while protecting the residential amenity of adjoining occupiers.
- 8.11 The development proposals have benefited from the involvement of an experienced design team who have provided a detailed urban design review of the proposal throughout its design evolution.
- 8.12 In my view the site, given its proximity to Remuera town centre, is suitable for the scale and intensity of medium-rise (5-storey) residential development proposed.
- 8.13 The layout of the development is efficient and responds appropriately to the site's opportunities (including proximity to shops and services) and, in particular, its constraints (including its predominantly two-level residential neighbours to the north and west).



- 8.14 The layout of the development and intensity proposed is in line with the locational strategy and centre-supporting role envisaged in the Auckland Unitary Plan for the Terraced Housing and Apartment Buildings zone.
- 8.15 The development will support the adjacent centre and will positively contribute to the quality of the area.
- 8.16 The development will enable a variety of unit sizes and a high-quality housing product to be achieved on the site which will support greater housing choice.
- 8.17 On this basis, the proposal is considered to be acceptable in principle.
- 8.18 The effects of the proposed development on the surrounding environment is assessed in more detail below.

Neighbourhood Character and Amenity including visual Impact

- 8.19 Whilst the proposal would change the existing character of the streetscape and surrounding area this change is not considered to be detrimental nor unexpected. In line with the outcomes sought by the plan the proposal will create a 5-level residential building with a high-quality design occupying around half the site and surrounded by landscaped areas.
- 8.20 The site layout reflects the obvious response to the site and its context and in this regard the proposal is relatively 'textbook' and orientated well relative to solar access. Units each have a northern, eastern or western aspect. No units have their principal outlook space or outdoor living space facing south.
- 8.21 The proposal's massing steps downwards near its northern boundary due to topography and to maximise sun and daylight access.
- 8.22 The building establishes an architecturally distinct pedestrian entrance from Remuera Road which aids in access for residents and visitors.
- 8.23 Units 101, 201, 301, 401 and 501 have a direct, positive relationship to the street, with the outdoor living areas and balconies located along the sites frontage to Victoria Ave. This encourages passive surveillance, whilst also managing privacy for the occupants of the ground floor unit through the use of visually permeable fencing and planting, which is considered to be an appropriate response. The units above ground floor level that face the street include prominent glazing to the living areas; further enhancing opportunities for passive surveillance.

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- 8.24 The proposed vehicle access point to the site will not detrimentally affect pedestrian or streetscape amenity and will not appear visually dominant.
- 8.25 In terms of the adjacent residential properties, the proposal includes 2m-6m+ boundary setbacks and includes planting enhance visual privacy between the proposal and its neighbours.
- 8.26 The proposal has been designed to present a bold and high-quality building form which complies with the key AUP: OP bulk and location controls for the THAB zone. The proposed development would generate yard infringements, in regard to the Business – Town Centre zoned sites to the south and in terms of the pedestrian accessway to Remuera Road as a result of the proposed pedestrian canopy. Given the nature and scale of the proposed pedestrian canopy and the entrance strip arrangement, along with the zoning and existing built form of these sites, any adverse effects from the yard infringement are considered to be less than minor. The purpose of the standard would achieved in regards to residential amenity of adjoining sites and the ability to carry out maintain on the building.
- 8.27 The height, bulk and mass of the building is compatible with the form and intensity enabled within the THAB zone and is suitable in terms of the planned future character of the area.
- 8.28 Overall, the proposal will result in a variety of generally positive urban design effects related to its “fit” with its site and context. Having particular regard to the intensity enabled in the Terraced Housing and Apartment Building zone, adverse effects on the environment are less than minor as the proposal complies with the relevant bulk and location controls which encourages a building of the scale proposed.
- 8.29 Overall, at a broad level, the activity is consistent with what I would expect to see at the edge of a thriving town centre.
- 8.30 In my view the impact of the new development in terms of neighbourhood character and visual effects is overall positive with any adverse effects considered to be less than minor. As discussed above, the zoning of the application site provides for developments of the scale and nature proposed and thus is clearly anticipated by the zone rules. I note the following in regard to the developments consistency with the areas planned character:
- The THAB zone has a policy direction seeking more, rather than less development. Policy H6.3.2 explicitly requires an urban character of 5-7 storeys to be achieved. I



consider the proposal is consistent with this and that an unambiguously urban character will eventuate on the site.

- The proposal complies with the maximum building height control, the height in relation to boundary, and outlook space requirement (depth) rules. These represent the key rules relevant to ascertaining whether a proposal may be an over-development of the site (especially relative to immediate neighbours), and on this basis, I consider the proposal strikes an easy balance between the high degree of change sought by the AUP: OP and protecting an appropriate amenity outcome (sunlight / daylight / privacy) for existing neighbours. The significance of the outlook space depth rule is that it acts as a de-facto yard setback, and as noted previously, 3 to 4m and up to 6m+ is the typical setback proposed by the main building, well in excess of the 1m minimum setback required.
- The proposal takes the form of very varied buildings, featuring vertical (height) variation and horizontal (façade segmentation as well as depth) variation. This will be effective in mitigating potential building length and dominance effects and allow a visually engaging outcome with neighbouring sites.
- The style of the building helps to avoid and mitigate potential building length concerns. A convincing breakup of the buildings bulk has been expressed and from the long side elevations, these are also well segmented. I consider that the building has been suitably designed relative to its scale and bulk.

8.31 Further to the above I note that the elevations of the buildings have a combination of recesses and varying colours and materials (glazing, materials and panels) which gives the building an element of visual interest such that each elevation is broken down into sub elements that help to express a vertical rhythm and scale to development (avoiding the creation of a long, monolithic building that presents a horizontal aspect).

8.32 Overall, I consider that the proposal will have positive effects on the adjacent centre by contributing to its walkable catchment and will otherwise give rise to no adverse visual amenity effects or policy issues of concern relative to its scale. The effects of the proposal on occupiers of neighbouring sites, which are also part of the considerations required of the AUP: OP, will be addressed in later sections of this report.

8.33 It is considered that the proposal would provide a positive change to the area by creating an identity through the building. The proposal would bring an improvement to the existing site

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by providing a well-designed development that interacts when necessary with the boundary conditions.

- 8.34 The buildings have a varied façade and is vertically and horizontally proportioned. This will make the building visually engaging from the street. The depth of balcony space and extent of glazing proposed will enable two-way passive surveillance and add interest to the street.
- 8.35 Overall, the proposal will result in an improved activation outcome compared to the existing buildings on the site, with greater visual interest. streetscape amenity and passive surveillance being achieved. I consider that the proposal will result in predominantly positive visual amenity and neighbourhood character effects, and that any adverse effects in terms of visual amenity or neighbourhood character would be less than minor.
- 8.36 The proposal, being primarily residential is not anticipated to generate any unacceptable degree of noise and disturbance to the surrounding area that is not anticipated by the zone provisions as part of the objective of creating a higher intensity living environment.
- 8.37 In light of the above, the proposal is considered to have less than minor adverse effects on the neighbourhood character and amenity and would bring positive effects to the streetscape and surrounding area.
- 8.38 I consider that the design of the building will contribute to a visually rich and interesting built environment through the use of articulated walls with visually recognisable patterns, decorative features, rhythm and texture which express the building's distinct elements and functions. The use of balconies, privacy screen and variation in materials and finishes along with the rhythms created by the architectural elements will create shadow lines and provide further visual interest.
- 8.39 On this basis, the proposal is considered to be of an acceptable scale and form and any adverse visual effects are assessed as being less than minor.

Traffic and Parking

- 8.40 A Traffic Impact Assessment has been undertaken by Traffic Solutions Limited and this is contained within **Attachment D**. This assessment concludes the following:

The convenient location of the site to many facilities including a major shopping centre, employment, and bus services, will provide future residents in the apartments with a range of travel mode options, which is what the AUP seeks to achieve in the zone.

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The amount of traffic that the site will generate on the road network as a result of the proposed development will remain almost unchanged from that which the existing and consented developments generate. In my opinion there will be no noticeable effect on the capacity or operation of the transport network.

The proposed new vehicle access on Victoria Avenue will comply with the relevant access controls in the AUP with respect to width, separation from other accesses, and separation distances from intersections. There will be adequate visibility to enable it to operate safely.

Pedestrian access will also be provided to both Victoria Ave and Remuera Road. I consider that access arrangement for vehicles and pedestrians will operate effectively. The existing vehicle crossing should be removed, and footpath and kerb reinstated to normal.

The development will comply with the minimum and maximum parking requirements in the AUP. There will be ample on-site carparking to avoid additional demands for the use of street parking.

The carparking proposed will comply with dimension requirements, and tracking shows that the spaces will be accessible by the design car. Some parking spaces within the basement will be in a tandem stacked arrangement. I consider that for tandem stacking will be satisfactory providing that both spaces in a given pair area associated with the same apartment.

Taking all the above into consideration, and subject to the following recommendations, I consider that the traffic and parking effects of the proposed development will be less than minor, and that resource consent could be granted from a traffic engineering perspective.

- 8.41 The Traffic Assessment has reviewed the conditions of the existing land use consent (LUC60328748) that apply to transport and parking and concluded that are still relevant to the proposed development, with some modifications to reflect the changes to the access and

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parking arrangement. Additional conditions of consent are recommended in regards to the relocation of street parking and a street tree to accommodate the new vehicle crossing. These conditions are supported.

- 8.42 Based on the analysis and assessment carried out by Mr Constable, I am content that the development will not result in any unacceptable adverse effects on the safety and operation of the local roading environment and thus any adverse effects in this regard are considered to be less than minor.

Construction Effects

Earthworks

- 8.43 The proposed earthworks are necessary to facilitate the development and have been assessed within the Engineering Report prepared by CrangCivil and detailed erosion and sediment control plans have been prepared. Any adverse effects of the earthworks in terms of generation of movement of sediment from the site would be less than minor as they would be effectively mitigated by the proposed sediment control measures as outlined in the Engineering Report (**Attachment E**). Conditions of consent are proposed which requires a construction management plan along with the provision of final erosion and sediment control plans as is normal for projects of this type.
- 8.44 In terms of stability and groundwater, a geotechnical report has been prepared and is included as **Attachment G**. This report indicates that the site is not underlain by any potential unstable ground and outlines a range of suitable foundation methods that could be used in the detailed design of the proposed. The proposal involves excavation it is considered appropriate that a suitably qualified and experienced geotechnical engineer ensure that the proposed earthworks and the foundation and basement design and construction is undertaken in cognisance of the findings of the geotechnical report with further details to be submitted at building consent stage.
- 8.45 In light of the analysis carried out by Initia, as well as the range of conditions proposed, it is considered that any adverse stability effects are suitably avoided, remedied or mitigated such that they will be less than minor.

Noise

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- 8.46 The proposal can be built with normal construction methodology and being residential in nature will not result in any unexpected noise impacts once completed.
- 8.47 On this basis I consider that the development will not result in any wider environment noise or vibration effects and thus these effects are considered to be less than minor.
- 8.48 A condition of consent regarding the preparation and implementation of a Construction Noise and Vibration Management Plan is offered as part of the application and this will aid in avoiding, remedying and mitigating any adverse effects during construction.

Servicing

- 8.49 With regard to servicing and the ability of the surrounding reticulated water, wastewater and stormwater infrastructure to cater for the increased loadings this has been investigated in detail by CrangCivil as set out in the Engineering Report in **Attachment E**. This report confirms that there is sufficient capacity subject to the implementation of the works as detailed within their report including connection to the existing stormwater and wastewater pipes on the site.
- 8.50 The report also confirms availability of electricity and telecommunications services.
- 8.51 On this basis there are considered to be no adverse effects in terms of infrastructural capacity subject to the imposition of normal conditions in regard to the provision and design of engineering services.
- 8.52 Two dedicated refuse and recycling areas are located at the basement level of the proposed building and a private rubbish collection will be used, this is considered to be sufficient to confirm that the site can be suitably serviced in terms of waste.

Summary

- 8.53 The proposal will have a positive effect overall on the character and amenity of the surrounding environment. The site is zoned for the proposed development and actively encouraged by the AUPOIP. The site would contribute to the Council's vision for the area with good transportation links and within walking distance of the public transport and the adjacent town centre.
- 8.54 The design put forward is modern and will contribute positively to the urban realm well into the future (a minimum 50-year lifespan is anticipated). The environment will be altered



however it is considered that this alteration is positive and entirely appropriate to the site's zoned objectives. The provision of 23 high quality residential apartments will enhance the vitality of the area and the development makes sustainable use of the land resource without undue environmental effects.

- 8.55 Detailed input and reviews have been provided by the architect, infrastructure engineers and traffic engineers along with a planner. The specialists consider that any potential adverse effects on the wider environment will be less than minor (where qualified to make a statement of this nature) and that the development is appropriate.

Summary of Effects

- 8.56 I have in summation determined that the development will have positive effects on balance with any adverse effects on the environment being generally less than minor.

- 8.57 The development can be constructed without undue adverse effects on the environment and that:

- the proposed earthworks and excavation (subject to conditions that these be carried out in accordance with established standards) would have less than minor effects on the environment given it is largely confined within the building platform;
- the site can be adequately serviced in terms of water, wastewater and stormwater;
- that the design of the building is of a high quality which will not detract from or unacceptably adversely affect the amenities of the wider neighbourhood;
- the proposed development largely complies with the development control standards of the Unitary Plan, and there are no unanticipated adverse effects on the environment.

9.0 SECTION 104 ASSESSMENT

- 9.1 Matters to be considered by the Council when assessing an application for resource consent under s104 of the Act include any actual and potential effects on the environment and any relevant objectives, policies, rules or other provisions of a Plan or Proposed Plan.

- 9.2 As a restricted discretionary activity only those matters over which Council has restricted its discretion can be considered (S104C)

Actual and Potential Effects on the Environment (Section 104(1)(A))

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- 9.3 As noted in Parts 7 and 8 above, the adverse effects of the proposal are considered to be less than minor, and the proposal is considered to generate positive effects on the environment.
- 9.4 The proposal would essentially give effect to the Unitary Plan through the provision of a residential apartment building in accordance with the zone provisions around height, bulk and activities. It would provide 23 residential units promoting sustainable use of land resource, and aid in solving the housing shortage facing the Auckland Region.
- 9.5 The development will improve activation of the streetscape compared to the existing buildings on site, with greater visual interest and streetscape amenity being achieved.
- 9.6 The proposal would be entirely within the scope of what could reasonably be anticipated on the site with any adverse effects being assessed as of an acceptable scale and nature for the area and the proposal would improve the streetscape by providing a visually interesting development on the site.

Relevant provisions of National Environmental Standards and other regulations (Section 104(1)(b)(i) and (ii))

- 9.7 There are no NES or other regulations in effect that apply to this application.

Relevant provisions of National Policy Statements (Section 104(1)(b)(iii))

- 9.8 There are no National Policy Statements relevant to this application.

Section 104(1)(b)(iv) Relevant provisions of the New Zealand Coastal Policy Statement (NZCPS)

- 9.9 The NZCPS is not considered to be applicable to this application.

Relevant Provisions Auckland Unitary Plan (AUP)

- 9.10 The site is zoned Terrace Housing and Apartment Buildings The relevant provisions are set out below along with an assessment. Assessment Criteria have been listed above but it is noted that these generally refer back to the Objectives and Policies and thus these are reproduced in full below only with commentary.

Terrace Housing and Apartment Building Zone Objectives

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H6.2. Objectives

- (1) *Land adjacent to centres and near the public transport network is efficiently used to provide high-density urban living that increases housing capacity and choice and access to centres and public transport.*
- (2) *Development is in keeping with the areas planned urban built character of predominantly five, six or seven storey buildings in identified areas, in a variety of forms.*
- (3) *Development provides quality on-site residential amenity for residents and the street.*

Comment

9.11 The proposed development is clearly consistent with the above objectives being that it will provide for a higher density urban living adjacent to the Remuera Town Centre which contains a wide range of services. The site also has excellent access to public transport (<1 minute walk away on Remuera Road) and recreational facilities. The development is in keeping with the planned urban character of the site as it is consistent with the expected scale of building (at six levels) and complies with bulk and location controls. The proposal provides a high quality living environment for the future residents and is suitably designed to give effect to Objective 3 above.

Terraced Housing and Apartment Building Policies

H6.3. Policies

- (1) *Enable a variety of housing types at high densities including terrace housing and apartments and integrated residential development such as retirement villages.*
- (2) *Require the height, bulk, form and appearance of development and the provision of setbacks and landscaped areas to achieve a high-density urban built character of predominantly five, six or seven storey buildings in identified areas, in a variety of forms.*
- (3) *Encourage development to achieve attractive and safe streets and public open spaces including by:*

- (a) *providing for passive surveillance*

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- (b) optimising front yard landscaping*
 - (c) minimising visual dominance of garage doors.*
- (4) In identified locations adjacent to centres, enable greater building height through the application of the Height Variation Control where the additional development potential enabled:*
 - (a) provides an appropriate transition in building scale from the adjoining higher density business zone to neighbouring lower intensity residential zones, and;*
 - (b) supports public transport, social infrastructure and the vitality of the adjoining centre.*
- (5) Manage the height and bulk of development to maintain daylight access and a reasonable standard of privacy, and to minimise visual dominance effects to adjoining sites and developments.*
- (6) Require accommodation to be designed to:*
 - (a) provide privacy and outlook; and*
 - (b) be functional, have access to daylight and sunlight, and provide the amenities necessary to meet the day-to-day needs of residents.*
- (7) Encourage accommodation to have useable and accessible outdoor living space.*
- (8) Restrict the maximum impervious area on a site in order to manage the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated.*

Comment

- 9.12 The proposal would be consistent with the above policies as it will provide for new high-density housing within a well-designed building close to services and public transport. The building is of an appropriate high-density urban scale (in line with the zone policy which requires the scale proposed). The dwellings are all of a good design with good outlook and natural daylighting. The key points are considered to be:

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- The site is suitable for the scale and intensity of medium-rise residential development proposed.
- The layout of the development is efficient and responds appropriately to the site's opportunities and constraints;
- The layout of the development and intensity proposed is in line with the range of densities envisaged in the Council's Terraced Housing and Apartment Buildings zone;
- The development will contribute to an urban character that is compatible with the contemporary design cues used to guide new development;
- The development will enable a variety of unit sizes and housing products to be achieved on the site which will support greater housing choice.
- The apartments will provide extremely high internal amenity for residents and site users.
- The development will maintain the amenities of adjacent sites.

9.13 Overall it is considered that the proposed development is consistent with the policies of the THAB zone.

Assessment Criteria

9.14 The various assessment criteria have been outlined in Section 6 above and informed the assessment effects in Section 8. Of the assessment criteria which are specifically stated (as opposed to being references to the Objectives and Policies) the following is noted:

- The proposed impervious area is within the capacity of the reticulated stormwater system serving the area and will not increase any flood risk (H6.8.2(2)(a)(i) H6.6.10).
- The amenity of the area will be maintained through high quality landscaping proposed including specimen trees (H6.8.2(2)(a)(i) H6.6.10)
- The extent of buildings proposed on the site are suitable to achieve the planned urban character of buildings and will be surrounded by open space (H6.8.2(2)(a)(ii) H6.6.11).



- Proposed landscaping will provide for quality living environments consistent with the planned urban built character of buildings surrounded by open space and will create a landscaped urban streetscape character (H6.8.2(2)(a)(iii) H6.6.12).
- Sufficient outlook space (generally far in excess of standard requirements) is provided to ensure a reasonable standard of visual privacy between habitable rooms (both within the development and to adjacent sites). (H6.8.2(2)(a)(iv) H6.6.13);
- The design of the proposal ensures that habitable rooms have an excellent outlook and sense of space (H6.8.2(2)(a)(iv and v) H6.6.13 and H6.6.14).
- All units, with the exception of one, have a useable outdoor space (balconies) generally far in excess of the required standards and communal outdoor space is provided (H6.8.2(2)(a)(vi) H6.6.15).
- The fence heights are compliant with standards (H6.8.2(2)(a)(vii) H6.6.16).
- All units far exceed the Plan's minimum dwelling sizes with the smallest unit being a one-bedroom unit that is nearly twice as big as the minimum size (H6.8.2(2)(a)(i) H6.6.17).
- There is sufficient infrastructure to service the development (H6.8.2(3)(j))
- The proposal as viewed from the side or rear boundaries of adjoining residential sites, through the location, orientation and design of development has been designed to reduce visual dominance effects taking into account the planned urban built character of the zone and the physical characteristics of the site and the neighbouring sites H6.8.2(4)(a)(i-iii).
- The proposal successfully minimises direct overlooking of a neighbour's habitable room windows and outdoor living space is minimised through the design and location of habitable room windows, balconies or terraces, setbacks, or screening to maintain a reasonable standard of privacy.

9.15 Overall the proposal is considered to meet the relevant assessment criteria.

Section E12 Earthworks

9.16 Section E12 covers earthworks with relevant assessment criteria contained at E12.9.

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- 9.17 The assessment criteria are considered to be met as the earthworks can be suitably managed via the proposed erosion and sediment control methods contained within the Erosion and Sediment Control plan. The preparation of a detailed Construction/Traffic Management Plan will ensure that construction effects and traffic can be suitably managed without adversely affecting the neighbours or the environment.
- 9.18 Conditions are offered relating to accidental discovery protocols to appropriately deal with this issue should it arise.
- 9.19 The earthworks are necessary to accommodate the proposed development and to allow the zone objectives to be met and therefore are considered to meet the relevant assessment criteria and higher order Objectives and Policies.

Section E27. Transport

- 9.20 Section E27 contains the provisions relating to transport with the relevant assessment criteria contained in E27.8.1.

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.*
- (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.*

E27.3 Policies:

- (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;*

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- (e) the recognition of different activities having different trip characteristics; and*
- (f) the efficient use of on-street parking.*

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).

(9) Provide for flexible approaches to parking, which use land and parking spaces more efficiently, and reduce incremental and individual parking provision.

(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.

(20) Require vehicle crossings and associated access to be designed and located to provide for safe, effective and efficient movement to and from sites and minimise potential conflicts between vehicles, pedestrians, and cyclists on the adjacent road network.

Comment

- 9.21 The proposal is considered to be consistent with these objectives and policies and assessment criteria. There is sufficient on-site parking to cater for the size and requirements of the proposed development. The site encourages alternative modes of transportation as a cycle parks are provided, including visitor cycle parks, as well as being within close-proximity to high frequency bus routes. With regards to the access, the development provides a vehicle access point which is suitably designed to cater for the intended use.
- 9.22 The proposal has been considered in depth by Traffic Solutions Limited who have determined that the proposal can be accommodated upon the established roading network, that parking is sufficient to meet demand and that the layout and nature of access and manoeuvring on site is appropriate.
- 9.23 The proposal is consistent with the intent to reduce dependency on the motor vehicle while still providing for it within developments at a scale to meet demand and ensure that engineering design standards are adhered to. The report of Traffic Solutions Limited covers



all traffic, parking, access, loading and manoeuvring matters in depth and confirms what is set out above.

Section E7 Taking, using, damming and diversion of water and drilling

- 9.24 Section 7 covers the taking, using, damming and diversion of water and drilling, with relevant assessment criteria contained within E7.8.1. The proposal is considered to be consistent with these objectives and policies. Effects from the dewatering and groundwater diversion on neighbouring buildings, structures and services, and the wider environment are considered to be acceptable given the scale and nature of the proposed works and proposed conditions of consent that will ensure that it is appropriately managed and monitored.

Summary

- 9.25 In summary the proposed development is considered to be entirely consistent with, and will give effect to, the relevant provisions of the Unitary Plan. The proposal seeks to provide for high intensity residential development in a well-designed building that generally complies with all applicable design rules. The development has been reviewed by a range of architectural, traffic and engineering experts who have found that the building is well designed, provides satisfactory parking and access arrangements and can be suitably serviced.
- 9.26 Overall the development is entirely consistent with the relevant statutory provisions for the following reasons:
- o The works to construct the buildings can be suitably managed via conditions of consent such that these adverse effects can be suitably mitigated;
 - o The development will aid in the creation of an attractive environment through a high quality development that positively responds to and enhances the street and neighbourhood;
 - o The development contributes to safety and a positive sense of place through a well-designed building;
 - o The development includes a range of housing choice for households and communities to meet their varied needs and lifestyles, including equal physical access and use for people of all ages and abilities;

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- o The development is located in an appropriate location, being some 50m from the Remuera Town Centre and will ensure that the land is efficiently used to provide urban living;
- o The development is of a height, bulk, form and appearance that positively responds to the site and neighbourhood's planned urban residential character;
- o The development provides high-quality on-site amenity for residents through private open space areas and achieves a reasonable standard of amenity for adjoining sites through respectful boundary interactions;
- o The development is of a density that is appropriate for the physical attributes of the site taking into account the infrastructure capacity and the planned urban residential character of the neighbourhood.
- o The building is of a height and bulk that allows immediate neighbours to have a reasonable standard of sunlight access and privacy and to avoid unacceptable dominance effects
- o All dwellings, with the exception of one, have been designed to have useable and accessible outdoor living space; maximised sunlight access; to provide privacy and outlook and are of a generous size;
- o The units have access to daylight and sunlight and provide the amenities necessary to meet the day-to-day needs of residents

OTHER RELEVANT MATTERS

- 9.27 Section 104(1)(c) requires that any other matter the consent authority considers relevant and reasonably necessary to determine the application be considered. In this case the following matter is considered relevant.

Auckland Plan

- 9.28 While this Plan is non-statutory, it sets out a vision for the long-term growth of Auckland. Adopted by Auckland Council in March 2012 the Plan has a number of aspirational goals including an intensification goal where between 60-70% of Auckland's future population growth of up to one million more people over the next 20 to 50 years, would reside within the existing Rural Urban boundary (RUB).

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9.29 The development is seeking to “intensify” land which has been zoned to provide for the proposed activity, the land is within the RUB and is located within close proximity to a town centre, major roading networks, public services and reserve networks.

9.30 The proposal is consistent with the vision of the Auckland Plan.

Conditions

9.31 There are a number of recommended conditions contained within this report and the expert reports attached. These conditions form a part of the application proposals and are variously necessary to avoid, remedy or provide mitigation for potential adverse effects. A non exhaustive list of the proposed conditions of consent (many of which are standard Council consent conditions) is set out below and it is intended that these conditions can be further refined during the processing of the application.

- Application in accordance with plans
- Construction Management Plan/s including construction traffic, hours, complaints process and noise/vibration;
- Finalised erosion and sediment control plan
- Detailed landscape plan to include 4 Victoria Avenue, along with implementation and monitoring/maintenance plans
- Supervision of works by suitably qualified geotechnical engineer familiar with the submitted report;
- Standard engineering detail conditions including vehicle crossing design;
- Lighting plan;
- Provision of final materials palette for approval by Council.



10.0 PART II MATTERS

- 10.1 Despite all section 104 considerations being “subject to Part 2”, the Court of Appeal in *RJ Davidson Family Trust v Marlborough District Council* [2018] NZCA 316 has held that consent authorities “must have regard to the provisions of Part 2 when it is appropriate to do so”. The Court of Appeal went on to find that there may be situations where it would be “appropriate and necessary” to refer to Part 2 when considering consent applications, including where there is doubt that a plan has been “competently prepared” under the RMA.
- 10.2 In my view, the AUP-OP, in relation to this proposal, has addressed the relevant Part 2 matters and there are no identified issues with the competence of its preparation. I also find that the relevant provisions of the district plan and regional plan provisions of the AUP-OP have "given effect" to those of the Regional Policy Statement in the AUP-OP. Accordingly, I have relied on the provisions of the district and regional plan provisions of the AUP-OP.



11.0 NOTIFICATION ASSESSMENT

Public notification assessment (sections 95A, 95C-95D)

Step 1: mandatory public notification in certain circumstances

11.1 No mandatory notification is required as:

- the applicant has not requested that the application is publicly notified (s95A(3)(a))
- all lawful requests for further information will be complied with (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

11.2 Public notification of a resource consent application exclusively involving a residential activity (as defined by s95A(6)) is precluded where the activity status for the application is restricted discretionary or discretionary (ss95A(4) and 95A(5)(b)(ii)).

11.3 In this case, the proposal is a residential activity as:

- the land is a zone (Terrace Housing and Apartment Buildings) that is intended to be used principally for residential purposes, and
- the activities requiring resource consent are associated with the construction and use of dwelling houses, namely earthworks and excavation, vegetation removal and building construction for apartments and infrastructure connections required to service the dwellings.

11.4 The proposal requires consent as a restricted discretionary activity and therefore the application is precluded from being publicly notified unless special circumstances (addressed in step 4 below) warrant otherwise.

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

11.5 As the application is precluded from public notification by step 2, this step is not applicable.



Step 4: public notification in special circumstances

- 11.6 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)).
- 11.7 Special circumstances are those that are:
- exceptional or unusual, but something less than extraordinary
 - outside of the common run of applications of this nature, or
 - circumstances which make notification desirable, notwithstanding the conclusion that the adverse effects will be no more than minor.
- 11.8 In this instance I have turned my mind specifically to the existence of any special circumstances and conclude that 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 public notification should occur. The development is for an apartment building in line with applicable standards and consistent with the zoned purpose of the land. There are no unusual characteristics of the site or proposed development that would be considered unusual or uncommon.

Public notification conclusion

- 11.9 Having undertaken the s95A public notification tests, the following conclusions are reached:
- Under step 1, public notification is not mandatory.
 - Under step 2, public notification is precluded as the application is exclusively for a residential activity which requires consent as a restricted discretionary activity.
 - Step 3 of the notification tests is not applicable due to the finding of step 2.
 - Under step 4, there are no special circumstances that warrant the application being publicly notified.
- 11.10 It is therefore considered that this application can be processed without public notification.



Limited notification assessment (sections 95B, 95E-95G)

11.11 If the application(s) is / are 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

11.12 It is understood that there are no protected customary rights groups or customary marine title groups affected by the proposed activity (s95B(2)).

11.13 In addition, the proposed activity is not on or adjacent to, or likely to affect, land that is subject of a statutory acknowledgement under schedule 11, and nor are there persons to whom the statutory acknowledgement is made who could be an affected person (s95B(3)). Within the Auckland region the following statutory acknowledgements are relevant:

- Te Uri o Hau Claims Settlement Act 2002
- Ngāti Manuhiri Claims Settlement Act 2012
- Ngāti Whātua Ōrākei Claims Settlement Act 2012
- Ngāti Whātua o Kaipara Claims Settlement Act 2013
- Te Kawerau ā Maki Claims Settlement Act 2015

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

11.14 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

11.15 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)).

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



11.17 In determining whether a person is an affected person:

- a person is affected 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
- the adverse effects on those persons who have provided their written approval must be disregarded.

Adversely affected persons assessment (sections 95B(8) and 95E)

Permitted Baseline

11.18 The permitted baseline refers to the effects of permitted activities on the subject site and in this case the primary baseline of effects to be disregarded is considered to relate to the effects of visual amenity, privacy, shading and dominance of a building complying with the zone standards.

Receiving environment

11.19 The receiving environment is made up of:

the existing environment and associated effects from lawfully established activities;

- effects from any consents on the subject site (not impacted by proposal) that are likely to be implemented;
- the existing environment as modified by any resource consents granted and likely to be implemented; and
- the environment as likely to be modified by activities permitted in the plan.

11.20 This is the reasonably foreseeable environment within which the adverse effects of the proposal are considered and in this case includes the future development on adjacent land.

11.21 In the wider environment, it includes consideration of the future context of the site including the development of other 16m high apartment buildings on the surrounding THAB zoned land.

Written Approvals

11.22 In this case no written approvals have been sought or gained from adjacent occupiers.

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Figure 3 – adjacent properties to be assessed

336, 338, 346, 352 and 358 Remuera Road - to the south

- 11.27 These properties contain a range of commercial buildings of one and two levels.
- 11.28 Due to location, orientation and proximity these properties have the most potential for adverse effects however the proposal the design of the proposal has been specifically formulated to avoid, remedy or mitigate potential adverse effects on occupiers of these units whilst also utilising the Unitary Plan allowable building envelope.
- 11.29 With regard to visual amenity and dominance the proposed building bulk has been located the required 2m or more away from common boundaries of these site and complies with applicable development controls to ensure that any adverse dominance effects are reduced and less than minor. The exception to this is the yard infringement generated by the proposed canopies located within the entrance strip between 359 and 352 Remuera Road and along the site's southern boundary. Given the nature and scale of the pedestrian canopy, along with the zoning and existing built form, it is considered to be appropriate and would not adversely affect the amenity of these properties.
- 11.30 In terms of the built form and visual amenity, the development as assessed above is of an overall high-quality design with a range of materials and architectural features used to break up the bulk and ensure that the building is visually pleasing. The development complies with relevant bulk and location controls. Landscaping proposed is of a high quality and will soften and screen the building.
- 11.31 This ensures that any adverse effects in terms of visual amenity and dominance can be considered to be less than minor.
- 11.32 With regard to shading, this is not a matter for consideration. To avoid adverse daylight impacts the application proposals comply with the applicable height and yard controls. On this basis any adverse effects are considered to be less than minor (as they are envisaged by the zone controls which does not include a HIRTB control on the south boundary).
- 11.33 Overall the building is considered to be acceptable in terms of dominance with adverse effects less than minor.
- 11.34 In terms of visual privacy, the glazing in the south elevation is secondary with the main views from those units being to the west and east rather than south and this, combined with the



separation to the façade of the adjacent units is considered to avoid adverse privacy effects to the point where they are less than minor.

11.35 Overall, I consider that the proposal will maintain reasonable daylight and privacy for this site and that effects in this regard would be less than minor.

11.36 The design and appearance of the building has been assessed in detail above and found to be acceptable and thus there are no unacceptable adverse visual amenity impacts.

11.37 With regard to aural privacy the development is residential in nature therefore there are no unanticipated noise impacts.

11.38 In terms of noise during construction, it is proposed that these works will be carefully managed, via a detailed Construction Noise and Vibration Management Plan, to control potential adverse effects on the occupiers of these properties. It is considered that the careful management of the noise, combined with the limited timing and duration of the noisy works ensures that any adverse effects are suitably avoided remedied or mitigated such that they will be less than minor.

11.39 The site works and construction works will be suitably managed via proposed construction monitoring and management and thus these temporary adverse effects are considered less than minor.

11.40 In terms of instability and groundwater, as noted above the proposal has been subject to a comprehensive and robust assessment with the report noting geotechnical supervision of works being required which will ensure that adverse instability and groundwater effects do not arise.

11.41 Overall adverse effects on the occupiers of these properties are considered to be less than minor.

6, 9 and 10 Victoria Avenue (to the north)

11.42 These sites are located to the north of the application and the dwellings are set well back from the common boundary. This separation reduces the potential adverse effects including those related to daylight, dominance effects, aural and visual privacy and noise. As the building fully complies with the relevant plan controls, in respect to these properties, these effects are therefore considered to be less than minor.

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- 11.43 In terms of noise during construction, the separation distance will aid in the avoidance of adverse noise effects and it is proposed that these works will therefore be carefully managed, via a detailed Construction Noise and Vibration Management Plan, to control potential adverse effects on the occupiers of these properties.
- 11.44 It is acknowledged that there will be noise and dust generated by the proposed works during construction, however compliance with construction noise limits is anticipated. Any, noise, dust and vibration created during the construction works will be temporary in nature and controlled in accordance with TP90 as proposed by the applicant. In addition, a Construction Traffic Management Plan (CTMP) has been proposed to ensure that any adverse traffic effects associated with the construction phase are sufficiently mitigated to less than minor levels
- 11.45 It is considered that the careful management of the noise, combined with the limited timing and duration of the noisy works ensures that any adverse effects are suitably avoided remedied or mitigated such that they will be less than minor.
- 11.46 Overall the site works and constructions works will be suitably managed via proposed construction monitoring and management and thus these temporary effects are considered less than minor.
- 11.47 Overall effects on the current and future occupiers of these properties are considered to be less than minor.

5 and 5A Garden Road (to the west)

- 11.48 This property is located directly west of the application site and consists of a two-level residential building containing two dwellings located in the northern part of the site and orientated with views to the north. Due to its proximity to the application site the occupiers of this property are potentially affected by the proposal and thus the design of the proposal has been carefully considered to reduce effects taking into account the planned urban built character of the zone along with the physical characteristics of the site and the neighbouring site.
- 11.49 With regard to visual amenity and dominance the proposed building has been designed with a range of materials and architectural features used to break up the bulk and ensure that the building is visually pleasing and does not appear dominant or overly bulky to the neighbours. As noted the main outlook for the dwelling is to the north and not towards to the application

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site which, along with compliance with relevant bulk and location controls (yards, HIRTB, outlook) ensures that adverse visual amenity effects are less than minor.

- 11.50 Compliance with the height in relation to boundary control is achieved and with the purpose of that control being *'to minimise the adverse effects of building height on neighbours (i.e. dominance and shading) and reduce the overall visual dominance of buildings at upper levels it is considered that the proposal raises no unacceptable dominance effects and thus any affects are less than minor.*
- 11.51 It is also noted that the existing boundary condition contains large trees which will be retained
- 11.52 It is also noted that a boundary fence will be installed (at the permitted height) which serves to further screen the built form of the proposed development and mitigate any adverse effects.
- 11.53 Overall effects on occupiers of this property are considered to be less than minor.

Adverse Effects on Persons Summary

- 11.54 As assessed above, the development is considered to result in less than minor adverse effects on the occupiers of the adjacent properties. As such there are no affected persons.

Step 4: further notification in special circumstances

- 11.55 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 not already determined as eligible for limited notification.
- 11.56 Special circumstances are those that are:
- exceptional or unusual, but something less than extraordinary;
 - outside of the common run of applications of this nature; or
 - circumstances which make limited notification to any other person desirable, notwithstanding the conclusion that no other person has been considered eligible.



11.57 In this instance, I have turned my mind specifically to the existence of any special circumstances under s95B (10) and conclude that 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. The development is for an apartment building compliant with applicable standards and consistent with the zoned purpose of the land. There are no unusual characteristics of the site or proposed development that would be considered unusual or uncommon.

Limited notification conclusion

11.58 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.

11.59 It is therefore recommended that this application be processed without limited notification.

NOTIFICATION RECOMMENDATION

11.60 For the above reasons under section 95A it is considered that this application should be processed without public notification.

11.61 In addition, under section 95B limited notification is not required.

11.62 Accordingly, I consider that this application can be processed non-notified.



12.0 CONCLUSION

- 12.1 The proposal has been assessed against the relevant provisions of the Auckland Unitary Plan and has met the relevant statutory tests outlined within the Plans and the Resource Management Act. The proposal is appropriate for approval subject to conditions on a non-notified basis.

Rose Bayes-Powell

Mt Hobson Group (MHG)

14 February 2020



MT HOBSON GROUP

Town Planning & Resource Consent Solutions

ATTACHMENT A

CERTIFICATE OF TITLE

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ATTACHMENT B

APPLICATION PLANS

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ATTACHMENT C

LANDSCAPE PLAN

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AEE Report: 4 & 4A Victoria Avenue, Remuera: February 2020



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ATTACHMENT D

TRAFFIC REPORT

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AEE Report: 4 & 4A Victoria Avenue, Remuera: February 2020



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ATTACHMENT E

ENGINEERING REPORT

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AEE Report: 4 & 4A Victoria Avenue, Remuera: February 2020



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ATTACHMENT F

RUBBISH DIRECT LETTER

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ATTACHMENT G

GEOTECHNICAL REPORT

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AEE Report: 4 & 4A Victoria Avenue, Remuera: February 2020



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ATTACHMENT H

APPROVED RESOURCE CONSENT

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