

planning focus

LAND USE AND DISCHARGE RESOURCE CONSENT APPLICATION

ASSESSMENT OF ENVIRONMENTAL EFFECTS & STATUTORY ASSESSMENT

WATERWOOD DEVELOPMENT LIMITED

19 ASCOT AVENUE, REMUERA

MAY 2020

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- Attachment (a) – Architectural Drawings
- Attachment (b) – Landscape Drawings
- Attachment (c) – Arboricultural Assessment
- Attachment (d) – Infrastructure Report
- Attachment (e) – Flood Report
- Attachment (f) – Geotechnical Report
- Attachment (g) – Acoustic Report
- Attachment (h) – Traffic Report
- Attachment (i) – Waste Management Plan
- Attachment (j) – Pre-application meeting minutes PRR00031850
- Attachment (k) – Certificate of Title

1. APPLICANT AND PROPERTY DETAILS

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Site Address: 19 Ascot Avenue, Remuera

Legal Description: Pt Lot 16 DP 279

Estate: Fee Simple

Site Area: 1,629m²

Auckland Unitary Plan Operative in Part:

- Zone: Terrace Housing and Apartment Building
- Overlays: Regionally Significant Volcanic Viewshafts and Height Sensitive Areas Overlay - O1, One Tree Hill

Regionally Significant Volcanic Viewshafts and Height Sensitive Areas Overlay - W26, Mount Wellington
- Controls: Macroinvertebrate Community Index – Urban
- Designations: Airspace Restriction Designations - ID 1102, Protection of aeronautical functions - obstacle limitation surfaces, Auckland International Airport Ltd
- Limitations: Overland Flow Path
Intermittent Stream
Arterial Road (Ascot Avenue)

2. INTRODUCTION

This Assessment of Environmental Effects report has been prepared on behalf of Waterwood Development Limited (the 'Applicant'), in respect of a proposal to construct a 25-unit apartment complex at 19 Ascot Avenue, Remuera.

The proposal requires restricted discretionary activity resource consent under the controls of the Auckland Unitary Plan - Operative in Part (the 'AUPOP') for the establishment of four or more dwellings within the Terrace Housing and Apartment Building zone; for building and associated structures encroaching the front and riparian yards; for the use of the alternative height in relation to boundary control; for general land disturbance works on a site zoned residential; for general land disturbance works within the riparian margin of an urban stream; for the diversion and dewatering of groundwater associated with a basement excavation; for the removal of vegetation within 10 metres of an urban stream and within the bed of an intermittent stream; for construction works exceeding the permitted noise and vibration standards; for a new activity gaining access onto an arterial road; and for buildings located within and over an overland flow path.

This report has been prepared in accordance with the requirements of Section 88 and the Fourth Schedule of the Resource Management Act 1991 (the 'RMA'). The assessment herein describes the site and its surrounds, then analyses the proposal against the AUPOP. An assessment of the effects and statutory assessment is provided. The assessment concludes that consent to the proposal is merited on a non-notified basis.

3. THE SITE AND SURROUNDING AREA

3.1 Site Location and Zoning Map

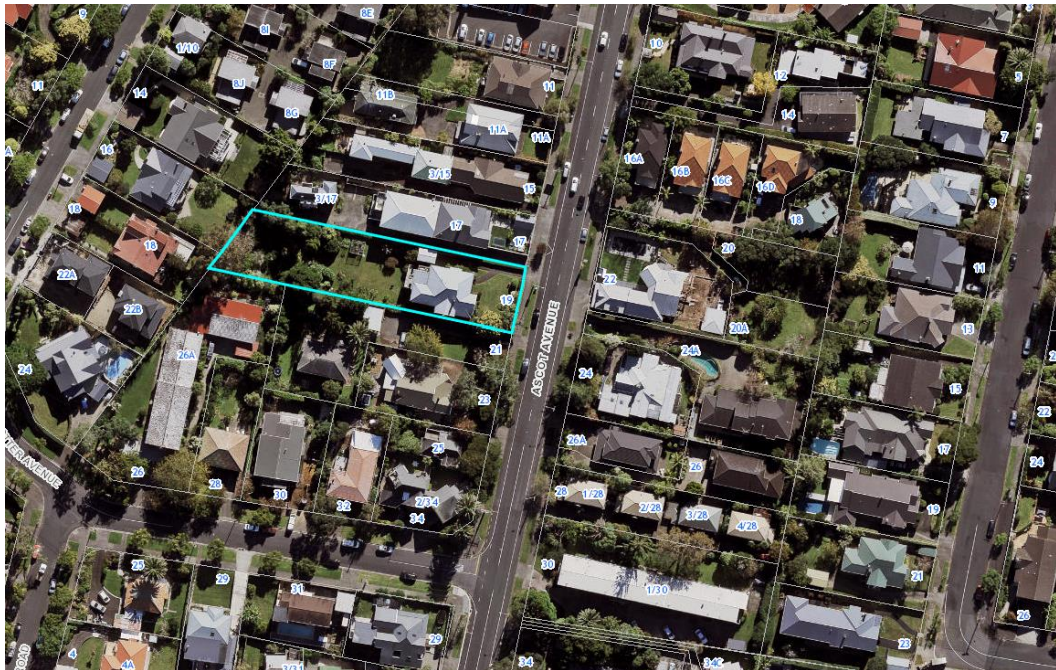


Figure 1: Site Location

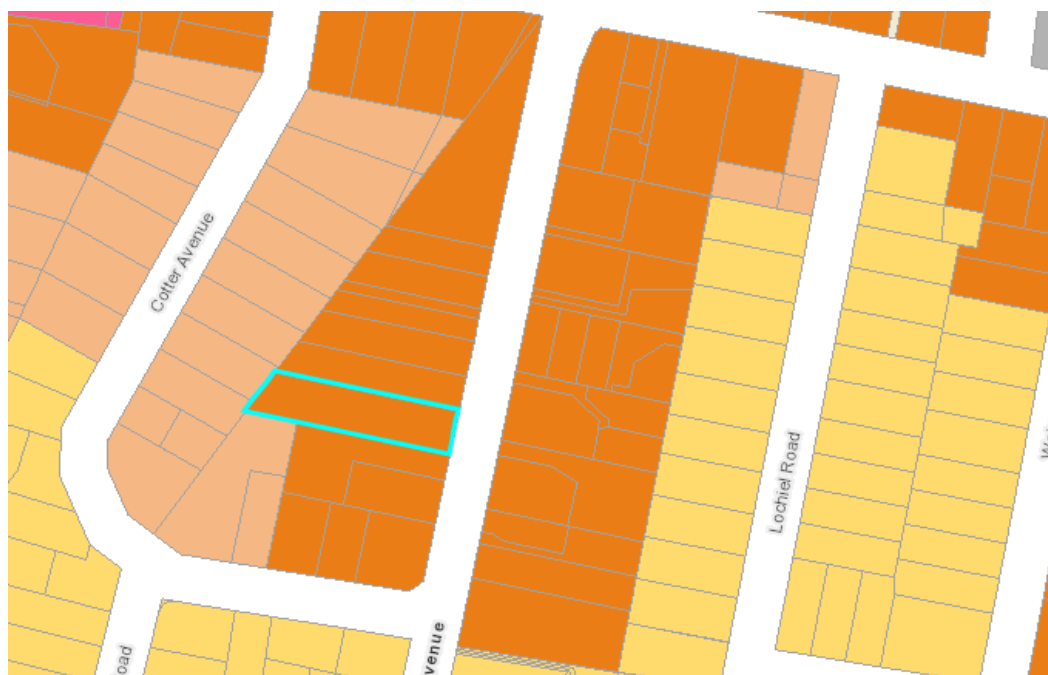


Figure 2: Zoning Map

3.2 Site Location

The subject site at 19 Ascot Avenue is legally described as Pt Lot 16 DP 279, and comprises an area of 1,629m². The site has a width of 19 metres and an average length of 85 metres (outlined in blue in Figure 1).

Topographically, the site has a gentle downhill slope from Ascot Avenue towards the open watercourse, and subsequently upwards towards the western boundary, forming a gully. Existing development on the site consists of a two-storey weatherboard bungalow positioned in the front portion of the site. A driveway runs along the northern boundary of the site, which led to a garage that has since been removed. The existing combined vehicle crossing is approximately six metres in width, which also services the adjacent property (17 Ascot Avenue). To the rear of the house is a grassed and vegetated backyard with an open watercourse that traverses the site in a north-south direction. The existing trees on site are a mix of exotic and native specimens in varying states of health and maturity primarily concentrated around the open watercourse.

In terms of drainage, the identified open watercourse is shown on Auckland Council's records as part of the public reticulated stormwater network, and is the only un-piped section of the network, which also functions as an overland flow path (OLFP) and captures the 1% AEP overland flows. Stormwater enters the site from a pipe outlet on the northern boundary and drains through the site within a shallow and narrow vegetated gully, and exits at the southern boundary via a pipe inlet. With regard to wastewater, there is a public combined line at the rear of the site to which the existing dwelling is connected. Public water supply, electricity and telecommunication services are located within the Ascot Avenue road reserve.

3.3 Site Surrounds

The site is located on the western side of Ascot Avenue, approximately 180 metres south of the Remuera Road/Orakei Road intersection, and 400 metres north of the Green Lane East intersection.

At present, the locality is dominated by low density residential development with sites generally containing one or two, single or double storied detached dwellings. The site is zoned Terraced Housing and Apartment Building ('THAB') under the AUPOP, with the land to the north, south and east is also zoned THAB, while the properties abutting the western boundary are zoned Mixed Housing Urban ('MHU'). Refer to Figure 2 above.

Remuera Village is located approximately 250 metres to the north-west of the site along Remuera Road. The area includes various small retail shops, supermarkets, a medical centre and commercial offices. Further south of the site are various childcare and educational facilities interspersed along Ascot Avenue, and the Ascot Medical Centre and Ellerslie Racecourse are located approximately 400 to the south on the southern side of Green Lane East.

3.4 Transport Network

Ascot Avenue is classified as an arterial road under the AUPOP. Within the vicinity of the site, Ascot Avenue comprises two lanes of traffic in each direction, with a centreline delineating the two directions of traffic and no on restriction kerbside parking on either side of the road. There is a footpath on both sides of the road and the nearest dedicated cycle lane is the shared path along the southern side of Green Lane East.

With respect to public transport, there are bus stops on Remuera Road and Green Lane East, approximately 300 and 500 metres away, respectively. The Greenlane Train Station is located approximately one kilometre from the site. This station services trains on Southern and Onehunga Lines and provides connection to Newmarket and Britomart.

4. PRE-APPLICATION MEETING

Two pre-application meetings (PRR00031850) were held with Council officers on 21 June 2019 and 20 November 2019 to discuss the proposed residential development at the subject site. The Applicant has considered the comments and suggestions received from Council, and where practicable, these have been incorporated into this resource consent application. A copy of the minutes is appended to this report as Attachment (j). In addition, the plans have further developed from those provided at the pre-application meeting to better provide for the retention of existing vegetation within the riparian margin.

5. PROPOSAL

The Applicant seeks resource consent to establish a six-level apartment building, comprising a total of twenty-five residential units. Twenty-three car parking spaces and twenty-four secure cycle parking spaces will be provided within the semi-basement area, with two visitor cycle parking spaces located at the entrance to the building.

The individual components of the development for which resource consent is sought are described below.

5.1 Demolition and Earthworks

The proposed redevelopment of the site is extensive and requires all existing buildings and hardstand areas to be demolished, including the existing vehicle crossing adjacent to the northern boundary, which will be removed and reinstated. Further, the proposed redevelopment requires vegetation on the site to be removed. This is further discussed below in Section 4.4 (Tree Works and Landscaping) of this report.

Preparatory earthworks will primarily involve the excavation of a semi-basement, with a small amount of fill along the periphery of the open watercourse and northern boundary. No earthworks will be carried out within the open watercourse. The semi-basement will vary in depth, with a maximum excavation depth of up to five metres in depth for the north-eastern portion of the semi-basement level. Maximum fill depths reach one metre in height. Full details of the earthworks are included within the Maven Infrastructure Report included as Attachment (d).

The earthworks area will be approximately 1,521m² with approximately 1,908m³ of cut, and 80m³ of fill. In addition, earthworks will be required within the riparian margin associated with the construction of piles and retaining walls, including 78m³ of cut and 52m³ of fill across an area of 355m².

Based on recorded groundwater levels (detailed in the Geotechnical Report included as Attachment (f)), a permanent groundwater diversion following the construction of the basement is necessary to divert groundwater from behind the basement. In this regard, it is proposed to incorporate a drainage system behind the basement wall and under the slab to allow groundwater to be collected and discharged to the stormwater network.

Due to the site contour, retaining walls will be constructed to support the cut across the site. As detailed on the engineering drawings appended as Attachment (d), most of the retaining walls form part of the building platform with the retaining wall located along the southern boundary providing for the necessary access gradient. Details for retaining wall design, including measures to protect adjacent sites, are set out in the Geotechnical Report prepared by BWN Limited. Further, the site has been confirmed for its suitability for the proposed development from a geotechnical perspective by BWN Limited. It is expected that foundation and building works will be undertaken in accordance with the recommendations of the geotechnical investigation.

Erosion and sediment controls, such as a perimeter (super) silt fence, filter socks around existing cesspits, and dirty water diversion bunds, will be implemented to avoid sediment

discharges from the site during construction. Sediment and erosion control measures will be installed in accordance with the Auckland Council GD05 “Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region” (June 2016/005). Further, the site will be progressively stability with mulch and hardfill to minimise any silt and sediment runoff into the open watercourse. Details of sediment controls are illustrated in the Infrastructure Report prepared by Maven Consultants (Attachment (d)).

5.2 Infrastructure and Servicing

The proposed servicing of the site, including new stormwater and wastewater connections, capacity calculations, hydrant testing results, and details of the proposed stormwater management are detailed in the infrastructure report and flood report prepared Maven Consultants included as Attachment (e), and a summary of the connections is as follows.

Presently, stormwater and wastewater from the site discharges into the existing combined wastewater stormwater line that traverses the site. It is proposed that the existing connection into the public combined wastewater line be abandoned and a new private stormwater outlet be constructed to capture all stormwater runoff from the site prior to discharging into the existing open watercourse at the rear of site, which is shown on Council’s GIS maps as part of the public reticulated system. The stormwater outlet structure will be 225mm diameter and consists of a 1.4 metre (l) by 0.7 metre (w) rip rap apron. Rock rip-rap is proposed to line the bed of the channel from the outfall to the opposite side of the bank as an erosion and control measure. Details of the stormwater outfall are found in the Infrastructure Report

Wastewater will be connected to the existing 225mm diameter public combined wastewater line traversing the rear of the subject site. The location of the existing public wastewater main and manhole conflicts with the position of the proposed building, and therefore it is proposed that the wastewater main and manhole be bridged and raised, respectively.

Potable water supply will be taken from the 100mm diameter line that runs along Ascot Avenue. The existing 20mm diameter connection for the site will be upgraded to a 63mm diameter connection to service the development.

In terms of waste management, a communal refuse area will be located within the semi-basement parking area. Waste servicing will be managed by private contractor and collected 1 to 2 times a week. Green Gorilla has reviewed the proposal and confirmed

that the proposal provides adequate access and storage for servicing. Refer Waste Management Plan appended as Attachment (i).

5.3 Proposed Building and Configuration

With reference to the architectural drawings in Attachment (a), the proposal comprises a multi-level building, which includes five levels habitable levels above a semi-basement car park, and provides 25 residential apartments.

Due to the topography and open watercourse on the site, the front portion of the building will be set partially below ground with the rear portion of the building being bridged over the open watercourse. The maximum height of the building is 16 metres at the most critical point (east of the open watercourse). At the road frontage, the height of the building is 14 metres and reduces to 10 metres towards the rear of the site. The building will front Ascot Avenue, be aligned with the northern boundary, and extend almost the entire the length of the site, being approximately 74 metre in length and with a width of approximately 11 metres.

The entrance to the apartment complex and the communal corridor will be directly accessible at ground level (Level 02) off Ascot Avenue. Within the lobby area, access is provided to the main switch board, sprinkler valve room, letterboxes, and storage spaces. Two cycle parking spaces are also located at the entrance to the building for visitors. The communal corridor will provide access to two central lifts and staircases to the respective units above. Separate external staircase along the western elevation of the building will be provided access to the two units at the rear of the site.

The building will accommodate a mix of twenty-five, one, two, and three-bedroom units over five levels in the following configuration. Altogether, five different typologies are proposed to cater to a variety of accommodation requirements.

- Level 02: two two-bedroom units located at either end of the floor, and five one-bedroom units;
- Level 03: five two-bedroom units (includes a loft typology), and two one-bedroom units;
- Level 04: one three-bedroom unit, and four two-bedroom units;
- Level 05: one three-bedroom unit, and three two-bedroom units; and
- Level 06: one three-bedroom unit orientated to the north.

The one-bedroom apartment units will have an internal floor area of 52m² – 55m². The two and three-bedroom apartment units will have an internal floor area up to 99m² and 138m², respectively. With respect to internal amenities, all units within this residential development will be provided with individual private outdoor living areas, being a courtyard or balcony (minimum 6m² in area), and receive ample natural light due to the northern orientation.

The semi-basement level (identified as Level 01) will contain twenty-six car parking spaces, twenty-four secure cycle parking spaces, storage lockers, and a refuse area. There are three access cores, two of which contains a lift which provides access to the upper levels. The layout of the parking and access within basement is discussed further in section 4.5 (Parking and Access) below.

5.4 Building Materiality and Fencing

The architectural design of the building is contemporary in nature. Aesthetically, the elevations of the building are variably modulated, and vertically and horizontally articulated through the 'stepped' heights, variance in building materials, semi-enclosed balconies (and glazed balustrades), and vegetation boxes as shown in Figure 3 below.

The building will be clad with a combination of precast concrete panels, powder coated metal, wood composite cladding, floor to ceiling aluminium glazing, with metal profile cladding used on the upper level to form an adaptation of the 'mansard' style roof design.

The maximum height of the fencing above ground level will be 1.8 metres along the western, southern and parts of the northern boundaries. A 1.2 metre fence will be established along the road and front portion of the northern boundaries.



Figure 3: North (top) and South (bottom) elevations

5.5 Tree Works and Landscaping

The proposal will involve the clearance of vegetation from the site, notably within the vicinity of the open watercourse to be covered by a portion of the building and driveway. As set out in the arboricultural assessment (Attachment (c)), this will involve the removal of several native and exotic trees and plants within the riparian margin of the open watercourse. It is noted that the existing cluster of seven native trees (Kauri, Rimu, Kahikatea) proximate to the northern boundary, Lombardy poplar trees in the north western corner of the site, and the English Oak tree in the south western corner of the site will be retained and protected as part of the proposed development. In addition, the arboricultural assessment provides recommendations for the protection of exiting trees located at 21 Ascot Avenue, adjacent to the southern boundary of the site, which will be adopted as part of the proposal.

The design of the proposed building is complemented within an integrated landscaping scheme prepared by Bespoke Landscape Architects (Attachment (b)), providing amenity to residents of the proposed development and the occupants of adjoining properties. In this respect, the landscaping scheme comprises a selection of mainly New Zealand native plant species on natural ground, and within elevated planter boxes incorporated into the northern and southern elevations of all levels to provide for a vegetated interface to complement the verticality of the building.

Specifically, the northern boundary will be lined with Michelia and Flowering Cherry trees and low-level hedging and shrubs (such as Silverbush and Corokia) planted underneath. The southern boundary treatment will feature Oioi and Boston Ivy which will grow over the retaining wall. Two Maori Princess trees will be planted in the northern and southern corners of the site with low-level hedging and shrubs (such as Fortnight Lily and English Box) framing the main entrance and access. The rear garden will be primarily grassed. In addition to the existing trees to be retained, three Kowhai trees will be planted in the north western corner of site. The riparian margin of the uncovered section of the open watercourse will feature a variety of shrubs including Purei and Dwarf Flax.

5.6 Access and Parking

The existing vehicle crossing servicing the site will be reinstated to footpath and berm, and vehicle access to the proposed apartment complex will be obtained from Ascot Avenue to the semi-basement level (Level 01) via a driveway located adjacent the southern boundary.

The vehicle crossing will measure 5.7 metres wide at the boundary. The minimum formed access width along the driveway is 3.8 metres, with this width increasing to 5.5 metres at the entrance, middle and bottom of the driveway to enable two-way vehicle movements. The two-way section of the driveway at the road boundary comprises a 4-metre long platform with a gradient of 1 in 20. The driveway has a maximum gradient of 1 in 5 and a 1 in 8 transition platform between the 1 in 5 slope and the level (1 in 100) sections of the driveway. The access alignment is angled away for the southern boundary near the entrance so that the edge of the access carriageway has a 1.7 metre separation to the southern boundary and a 2-metre separation is provided between the proposed vehicle crossing and vehicle crossing on the adjacent property.

The primary pedestrian access to the building will be provided to the north of the access and will connect the public footpath with the front courtyard, lobby, stairs, lift and the visitor cycle parking area. This pedestrian access will also connect with the secure cycle parking located on the level below via the lift. A separate pedestrian access will be provided for the two western most residential units directly from the semi-basement level. Pedestrians gaining access to these two units can do so utilising the main entrance and via the lifts or stairs to the basement prior to using the external staircase adjacent to the western elevation. Alternatively, pedestrians can access the external staircase

using the driveway off Ascot Avenue which is of a sufficient width to accommodate the simultaneous movements of a vehicle and pedestrian.

A total of 23 car parking spaces will be provided, including eight pairs of stacked parking spaces (16 spaces). Each pair of stacked spaces will be allocated to a single unit. The parking spaces will be demarcated at 90 degrees, being 2.6 – 2.8 metres wide and 5.0 metres long. The manoeuvring area between parking spaces will be at least 6.3 metres wide, which will provide sufficient manoeuvring area to enable vehicles to exit the site in a forward direction.

Storage lockers are provided forward of the parking spaces, with further storage available at Level 02 as discussed above. In addition, there will be 26 secure cycle parking spaces located in close proximity to the middle access core.

6. REASONS FOR CONSENT

Under the provisions of the AUPOP, the site is located within the THAB zone, and subject to Regionally Significant Volcanic Viewshaft and Height Sensitive Areas Overlay. The following section sets out an assessment of the proposal against the relevant activity standards and rules of the AUPOP.

6.1 Zone Rules

6.1.1 Terrace Housing and Apartment Building (H6)

Pursuant to Rule H6.4.1(A3) of the AUPOP, the establishment of dwellings in the THAB zone is a restricted discretionary activity. Pursuant to Rule H6.4.1(A35), new buildings take “the same activity status and standards as applies to the land use activity that the new building or addition to a building is designed to accommodate”. Therefore, the new building is also a restricted discretionary activity.

Standards to be complied with pursuant to Rule H6.4.1(A3) of the AUPOP are:

- 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;
and
- Standard H6.6.9 Yards.

Compliance with these standards is assessed in Table 1 below.

Rule	Provisions	Proposal	Assessment
H6.6.5 Building height	16 metres	The building has a maximum height of 16 metres.	Complies
H.6.6.6 Height in relation to boundary	3m + 45° to THAB zone	The proposed apartment building does not comply with the standard height in relation to boundary control along the northern and southern boundaries.	Does not comply
H6.6.7. Alternative height in relation to boundary within the Residential – THAB Zone	60° recession plane measured from a point 8m vertically above ground level alongside and rear boundaries within 20m of the site frontage. Buildings or any parts of buildings further than 20m from the site frontage must not project beyond a 60° recession plane measured from a point 8m vertically above ground level, and 2m perpendicular to side and rear boundaries.	The proposal maintains compliance with the alternative height in relation to boundary control, which has been applied at the northern and southern site boundaries. Refer to the elevation section plans in Attachment (a).	Complies
H6.6.8. Height in relation to boundary adjoining lower intensity zones	(1) 2m+45° at SH and MHS zones (2) 3m +45° at MHU zone	To the west, the site adjoins other residential site zoned MHU, and therefore the standard height in relation to boundary recession control of 3m + 45° applies. In this respect, compliance with the control relative to the western boundary is shown on Drawing RC402.	Complies
H6.6.9. Yards	Front: 1.5m Side: 1m Rear: 1m Riparian: 10m	The proposed building (and soldier piles) complies with the front, side and rear yard setbacks, but is located within the 10-metre riparian yard area. Retaining walls along the northern and southern boundaries comply with the side yard setback area. The retaining wall within the eastern riparian margin has a maximum retained height of 1.7m and therefore considered a building within the riparian margin. Finally, there is a retaining wall along the road boundary retaining the excavated area. Any retaining wall in the front yard is defined as a building, regardless of whether is	Does not comply

Rule	Provisions	Proposal	Assessment
		supports excavated or made ground.	

Table 1: THAB Zone Standards

As detailed in Table 1 above, the proposal complies with the applicable standards, except the yard controls as it applies to the riparian and front yards, requiring consent as restricted discretionary activity under Rule C1.9(2) of the AUPOP.

Further, new buildings which do not comply with the standard height-in-relation to boundary control, but comply with the alternative control, require consent as a restricted discretionary activity under Rule H6.4.1(A34) of the AUPOP.

6.2 Overlay Rules

6.2.1 Volcanic Viewshafts and Height Sensitive Areas Overlay (D14)

As noted above, the site is subject to two regionally significant viewshafts. The contours identified on Auckland Council GIS show the height difference (being RL 25.0m at the eastern end to RL 29.0m at the western end) between the viewshaft and the ground surface. Pursuant to Rule D14.4.1(A1) of the AUPOP, the proposed building does not protrude into the Regionally Significant Viewshafts, and therefore is a permitted activity.

6.3 Natural Resources

6.3.1 Lakes, Rivers, Streams and Wetlands (E3)

Table 2 below provides an assessment of the proposal against the relevant standards set out in Chapter E3 of the AUPOP.

Rule	Provisions	Proposal	Assessment
E3.4.1	(A34) Erosion control structure less than 30m in length when measured parallel to the direction of water flow complying with the standards in E3.6.1.14 (A39) Stormwater or wastewater outfall complying with the standards in E3.6.1.14	See below See below	Permitted Activity
E3.6.1.1 (1)	Permitted Activities must not, after reasonable mixing, result in the following effects in receiving waters: (a) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials; (b) any conspicuous change in the colour or visual clarity;	Appropriate erosion and sediment controls will be in place to prevent any sedimentation runoff into the open watercourse.	Complies

Rule	Provisions	Proposal	Assessment
	(c) any emission of objectionable odour; (d) the rendering of fresh water unsuitable for consumption by farm animals; and (e) any significant adverse effects on aquatic life.		
E3.6.1.1 (2)	The activity must not result in an increase of existing flood levels up to and including the 1 per cent annual exceedance probability (AEP) flood plain on land or structures other than that owned or controlled by the person undertaking the activity.	The proposed works within the stream bed involves the installation of soldier piles and erosion controls only, and will not result in any increase in flooding.	Complies
E3.6.1.1 (3)	The activity must not result in more than minor erosion or land instability.	The proposed activity will be undertaken in a manner that does not cause land instability.	Will comply
E3.6.1.1 (4)	Machinery must not sit directly on the wetted cross-section of the bed at the time of the work.	No machinery will be used within the stream bed.	Will comply
E3.6.1.1 (5)	Explosives must not be used in the bed	No explosives will be used	Will comply
E3.6.1.1 (6)	Mixing of construction materials and refuelling or maintenance of equipment must not occur within 10m of the bed and best site management practice must be used to avoid contaminant discharging into the water.	No construction materials and refuelling or maintenance of equipment will be located within 10 metres of the bed.	Will comply
E3.6.1.1 (7)	The activity must not destroy, damage or modify any sites scheduled in the Historic Heritage Overlay or the Sites and Places of Significance to Mana Whenua Overlay	The proposal is not proximate to any scheduled sites	Not applicable
E3.6.1.1 (8)	The activity must not prevent public access along the lake, river, stream or wetlands	The proposed outfall will not obstruct public access	Complies
E3.6.1.14 – Standards for new structures and the associated bed disturbance or depositing any substance, diversion of water and incidental temporary damming of water			
E3.6.1.14(1)(a) – (c)	Structure length must comply with all the following: (a) the total length of any extended structure must not exceed 30m measured parallel to the direction of water flow. This includes the length of any existing structure and the proposed extension but excludes erosion or scour management works; (b) any required erosion or scour management works must not exceed 5m in length, either side of the extended structure.	The total length of the rip rap apron measures 1.4m wide, 0.7m long, and 0.1m thick.	Complies

Rule	Provisions	Proposal	Assessment
	Such works protruding into the bed do not require a separate consent as they are authorised under this rule; and (c) a new structure must not be erected or placed in individual lengths of 30m or less where this would progressively encase or otherwise modify the bed of a river or stream.		
E3.6.1.14 (2)	During construction bed disturbance upstream or downstream of the structure must not exceed 10m either side, excluding the length of the structure	Bed disturbance will be limited to the length of the erosion control measures, which is approximately 1.4 metres in length.	Complies
E3.6.1.14 (3)	The structure must not prevent the passage of fish upstream and downstream in waterbodies that contain fish, except that temporary restrictions to fish passage may occur to enable construction work to be carried out.	The open watercourse is a small un-piped section of a reticulated network, and is unlikely to cater for any fish habitat. Notwithstanding, the proposed outfall and associated rock rip rap will be embedded into the bank and bed of the open watercourse and will not prevent passage of fish (if any).	Complies
E3.6.1.14 (4)	The structure must not cause more than minor bed erosion, scouring or undercutting immediately upstream or downstream.	A rock rip-rap will be constructed to minimise bed erosion, scouring, and undercutting.	Complies
E3.6.1.14 (5)	Construction material and ancillary structures must be removed from the bed following completion of the activity.	Construction materials will be removed from the bed following completion.	Complies
E3.6.1.14 (6)	Other than provided for by another rule, the activity must not increase the height or storage capacity of any existing dam.	The outfall will not increase the height or storage capacity of any existing dam.	Not applicable
E3.6.1.14 (7)	The 1per cent annual exceedance probability (AEP) flood shall be accommodated by the structure and/or by an overland flow path without increasing flood levels up stream or downstream of the structure, beyond the land or structures owned or controlled by the person undertaking the activity.	The 1% AEP event is provided for. Refer to the Infrastructure Report.	Complies
E3.6.1.14 (8)	Calculation of flow rates will be made using the Auckland Council Technical Publication 108: Guideline for stormwater runoff modelling in the Auckland Region, April 1999.	Refer to the Infrastructure Report	Complies

Table 2: Lakes, Rivers, Streams and Wetlands Standards

As detailed above, the proposed stormwater outfall structure and bridging structure complies with all the relevant standards, is a permitted activity pursuant to Rules E3.4.1 (A34) and (A39) of the AUPOP.

6.3.2 Taking, using, damming and diversion of water and drilling (E7)

Table 3 below provides an assessment of the proposal against the relevant standards set out in Chapter E7 of the AUPOP.

Rule	Provisions	Proposal	Assessment
E7.4.1	(A20) Dewatering or groundwater level control associated with a groundwater diversion authorised as a restricted discretionary activity under the Unitary Plan, not meeting permitted activity standards or is not otherwise listed (A27) The diversion of groundwater caused by any excavation, (including trench) or tunnel that does not meet the permitted activity standards or not otherwise listed	See below See below	Restricted Discretionary Activity Restricted Discretionary Activity
E7.6.1.6	Dewatering or groundwater level control associated with a groundwater diversion permitted under Standard E7.6.1.10, all of the following must be met: (1) The water take must not be geothermal water; (2) The water take must not be for a period of more than 10 days where it occurs in peat soils, or 30 days in other types of soil or rock; and (3) The water take must only occur during construction.	Groundwater drawdown will be permanent. Refer to the assessment undertaken in the Geotechnical Report included as Attachment (f).	Does not comply
E7.6.1.10	Diversion of groundwater caused by any excavation, (including trench) or tunnel (2) Any excavation that extends below natural groundwater level, must not exceed: (a) 1ha in total area; and (b) 6m depth below the natural ground level.	The basement structure will extend more than 2m below groundwater level. Refer to the assessment undertaken in the Geotechnical Report included as Attachment (f).	Does not comply

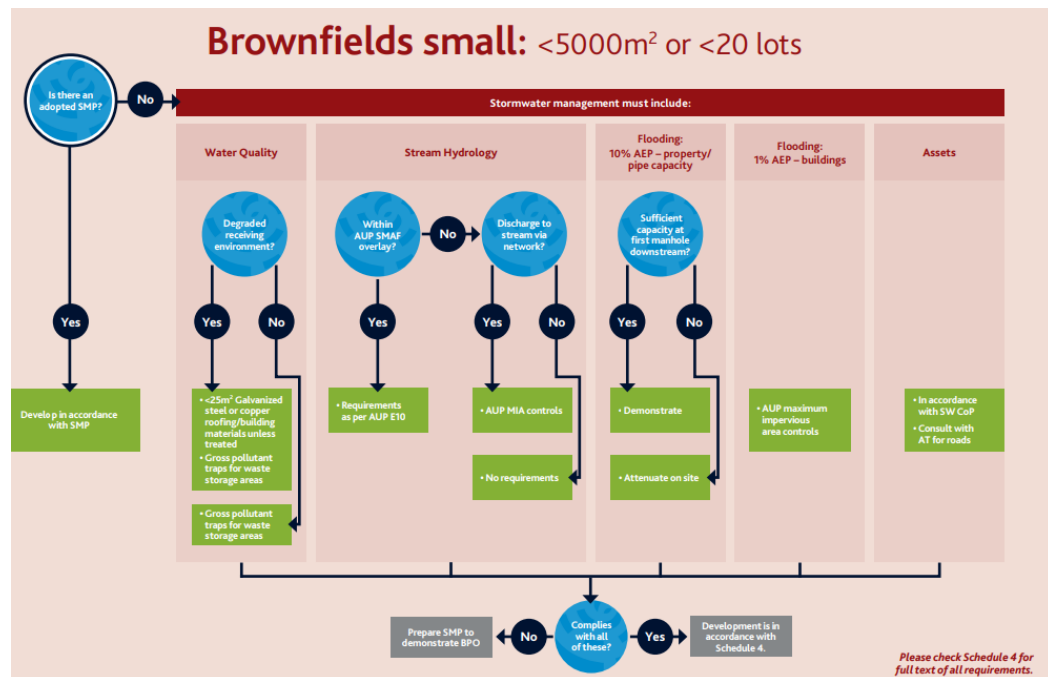
Rule	Provisions	Proposal	Assessment
	<p>(3) The natural groundwater level must not be reduced by more than 2m on the boundary of any adjoining site.</p> <p>(4) Any structure, excluding sheet piling that remains in place for no more than 30 days, that physically impedes the flow of groundwater through the site must not:</p> <p>(a) impede the flow of groundwater over a length of more than 20m; and</p> <p>(b) extend more than 2m below the natural groundwater level.</p> <p>(5) The distance to any existing building or structure (excluding timber fences and small structures on the boundary) on an adjoining site from the edge of any:</p> <p>(a) trench or open excavation that extends below natural groundwater level must be at least equal to the depth of the excavation;</p> <p>(b) tunnel or pipe with an external diameter of 0.2 - 1.5m that extends below natural groundwater level must be 2m or greater; or</p> <p>(c) a tunnel or pipe with an external diameter of up to 0.2m that extends below natural groundwater level has no separation requirement.</p> <p>(6) The distance from the edge of any excavation that extends below natural groundwater level, must not be less than:</p> <p>(a) 50m from the Wetland Management Areas Overlay;</p> <p>(b) 10m from a scheduled Historic Heritage Overlay; or</p> <p>(c) 10m from a lawful groundwater take.</p>		

Table 3: Taking, using, damming and diversion of water and drilling standards

The geotechnical assessment prepared by BWN Limited advises that the proposed excavation of semi-basement level will require a dewatering and diversion of groundwater not complying with Standards E7.6.1.6 and E7.6.1.10, and thus requires restricted discretionary activity resource consent pursuant to Rules E7.4.1(A20) and (A27) of the AUPOP.

6.3.3 Stormwater Discharge and Diversion (E8)

The proposed development creates additional impervious area of approximately 1,225.5m². However, resource consent for stormwater discharge is not considered to be necessary as the proposal involves less than 5,000m² of impervious area and meets the requirements of the Regionwide Stormwater Network Discharge Consent (NDC), approved in October 2019. Specifically, the proposed development will comply with the Schedule 4 of the NDC as detailed below:



NDC Schedule 4	Assessment
Is there an adopted SMP?	<ul style="list-style-type: none"> No
Water Quality: Degraded receiving environment	<ul style="list-style-type: none"> Yes. No galvanized steel or copper roofing/building materials are proposed. No waste storage areas are proposed.
Stream Hydrology: Within AUP SMAF overlay	<ul style="list-style-type: none"> No – the site is not within a SMAF overlay.
Discharge to stream via network	<ul style="list-style-type: none"> Yes – the development will discharge to the water course running through the property. However, compliance with the maximum impervious area control of the THAB zone is achieved, with use of permeable paving at the western end of the accessway.
Flooding: 10% AEP – property/pipe capacity Sufficient capacity at first manhole downstream?	<ul style="list-style-type: none"> Yes, there is sufficient capacity at the first manhole downstream. Refer to Infrastructure Report.

<i>Flooding: 1% AEP – buildings</i>	<ul style="list-style-type: none"> The site is subject to the 1% AEP flood plain⁵ and complies with the maximum impervious area control of the zone.
<i>Assets</i>	<ul style="list-style-type: none"> No new assets are required or proposed.

Table 4: Regionwide Stormwater NDC Assessment

As shown, the proposed development is in accordance with Schedule 4 of the NDC, and therefore no further resource consent under Chapter E8 of the AUPOP is required.

6.3.4 Land Disturbance – District (E12)

The earthworks area will be approximately 1,521m² with approximately 1,908m³ of cut, and 80m³ of fill. Resource consent as a restricted discretionary activity is therefore triggered pursuant to Rules E12.4.1(A5) and (A9) of the AUPOP.

Further, the proposal involves land disturbance within the riparian yard that exceeds 10m² and 5m³ (Standard E12.6.2(1)(b)), as the proposed earthworks will be required within the riparian margin associated with the construction of piles and retaining walls, including 78m³ of cut and 52m³ of fill across an area of 355m² and requires consent as a restricted discretionary activity pursuant to Rule C1.9(2) of the AUPOP.

6.3.5 Vegetation management and biodiversity (E15)

The proposal will require the removal of vegetation and trees that are located within 10 metres of an urban stream, and within the bed of an intermittent stream in order to establish the building platform and access. Pursuant to Rules E15.4.1 (A18) and (A19) of the AUPOP, a restricted discretionary activity is required.

6.4 Built Environment

6.4.1 Noise and Vibration (E25)

Table 5 below provides an assessment of the proposal against the relevant noise and vibration standards set out in Chapter E25 of the AUPOP.

Rule	Provisions	Proposal	Assessment
E25.4.1 Activity Table	(A2) Activities that do not comply with a permitted activity standard	Construction noise will not comply with the relevant standards; see below.	Restricted Discretionary Activity
E25.6.1 General Standards	(1) Noise levels arising from activities must be measured and assessed in accordance with the New Zealand Standard	Construction noise and vibration is measured and assessed in accordance with	Complies

Rule	Provisions	Proposal	Assessment
	<p>NZS 6801:2008 Measurement of environmental sound and NZS 6802:2008 except where more specific requirements apply.</p> <p>(2) The application of an adjustment for noise containing special audible characteristics in terms of Appendix B4 Special Audible Characteristics in NZS 6802:2008 may apply to the A weighted level for any measurement but an adjustment must not be applied to any level measured in the 63Hz and 125Hz octave bands.</p> <p>(3) The noise from any construction work activity must be measured and assessed in accordance with the requirements of New Zealand Standard NZS6803:1999 Acoustics – Construction noise. Construction work is defined in New Zealand Standard NZS6803:1999 Acoustics – Construction noise.</p> <p>(4) The noise limits of the Plan do not apply to emergency service sirens and callout sirens during emergency situations.</p> <p>(5) Where more than one standard applies that requires insulation of a noise sensitive space from an external noise source, the standards must be applied cumulatively.</p> <p>(6) Where standards are provided for specific activities, the zone interface standards and the zone standards do not apply to that activity.</p>	<p>the relevant New Zealand Standards</p>	
<p>E25.6.27 Construction noise levels in all zones</p>	<p>(1) Noise from construction activities in all zones except the Business – City Centre Zone and the Business – Metropolitan Centre Zone must not exceed the levels in Table E25.6.27.1</p> <p>(2) Noise from construction activities in all zones except the Business – City Centre Zone and the Business – Metropolitan Centre Zone must not exceed the levels in Table E25.6.27.2</p>	<p>The construction activities will exceed the 20 weeks duration, and therefore the AUPOP enables a maximum construction noise level of 70dB L_{Aeq}. Based on this acoustic assessment prepared by Hegley Acoustics, the construction activity will not comply with the construction noise outlined in Table E25.6.27.1.</p>	<p>Does not comply</p>

Rule	Provisions	Proposal	Assessment
E25.6.30 Vibration	(1) Construction and demolition activities must be controlled to ensure any resulting vibration does not exceed: (a) the limits set out in German Industrial Standard DIN 4150-3 (1999); and (b) the limits in Table E25.6.30.1	Based on this acoustic assessment prepared by Hegley Acoustics, the vibration levels will comply with the limits set out in the German Industrial Standard DIN 4150-3 (1999), but not comply with the limits set out in Table E25.6.30.1	Does not comply

Table 5: Noise and Vibration Standards

As noted, Hegley Acoustics have undertaken a noise assessment of the proposed development which is enclosed as Attachment (g). Based on this assessment, the proposed construction activities associated with the proposed residential development will not comply with the relevant noise and vibration standards. Thus, resource consent as a restricted discretionary activity is sought under Rule E25.4.1(A2) of the AUPOP.

6.5 Infrastructure

6.5.1 Transportation (E27)

Table 6 below provides an assessment of the proposal against the relevant transportation standards set out in Chapter E27 of the AUPOP.

Rule	Provisions	Proposal	Assessment
E27.4.1 Activity Table	(A1) Parking, loading and access which is an accessory activity and complying with the standards for parking, loading and access (A5) Construction or use of a vehicle crossing where a Vehicle Access Restriction applies under Standards E27.6.4.1(2) or E27.6.4.1(3)	The parking specifications comply with the relevant standards; see below Ascot Avenue is classed as an arterial route under the AUPOP and a vehicle access restriction (VAR) therefore applies under Standard E27.6.4.1(3).	Permitted Restricted Discretionary Activity
E27.6.1.1(T1) New development thresholds	100 dwellings	25 dwellings proposed.	Not applicable
E27.6.2.3 (T28) Parking rates	(T28) All dwellings in THAB No maximum and no minimum	23 provided	Complies
E27.6.2.5 (T81) Required bicycle parking rates	Visitor 1 per 20 dwellings Secure 1 per dwelling without a dedicated garage	2 required and 2 provided 1 secure bicycle park is provided for each residential unit within the undercroft parking area	Complies Complies
E27.6.2.6 Required end-of-trip facilities	Rule does not apply to residential activities.	Separate end of trip facilities not required.	Not applicable

Rule	Provisions	Proposal	Assessment																
E27.6.2.7 Loading space requirements	(T112) Not required for residential activities with a GFA of no greater than 5,000m ²	The proposal has a GFA of 2,583m ² . No loading bay is required.	Not applicable																
E27.6.3. Design of parking and loading spaces	(T117) – (T120) Regular Users 90 degrees <table border="1"> <thead> <tr> <th rowspan="2">Width of parking space</th> <th colspan="2">Depth of parking space</th> <th rowspan="2">Manoeuvring space³</th> </tr> <tr> <th>From wall¹</th> <th>From kerb²</th> </tr> </thead> <tbody> <tr> <td>2.4</td> <td rowspan="5">5.0</td> <td rowspan="5">4.0</td> <td>7.1</td> </tr> <tr> <td>2.5</td> <td>6.7</td> </tr> <tr> <td>2.6</td> <td>6.3</td> </tr> <tr> <td>2.7</td> <td>5.9</td> </tr> </tbody> </table>	Width of parking space	Depth of parking space		Manoeuvring space ³	From wall ¹	From kerb ²	2.4	5.0	4.0	7.1	2.5	6.7	2.6	6.3	2.7	5.9	2.6 – 2.8m wide 5.0m depth from wall 6.3 - 6.9m minimum manoeuvring	Complies
Width of parking space	Depth of parking space		Manoeuvring space ³																
	From wall ¹	From kerb ²																	
2.4	5.0	4.0	7.1																
2.5			6.7																
2.6			6.3																
2.7			5.9																
E27.6.3.2. Size and location of loading spaces			11m long 3.5m wide	No loading space required	Not applicable														
E27.6.3.3. Access and manoeuvring	<p>Every parking space must have driveways and aisles for entry and exit of vehicles to and from the road, and for vehicle manoeuvring within the site.</p> <p>Access and manoeuvring areas must accommodate the 85 percentile car tracking curves in Figure E27.6.3.3.1</p> <p>Every loading space and where access and manoeuvring areas must accommodate heavy vehicles, a tracking curve for an appropriately sized truck for the type of activities to be carried out on the site must be assessed.</p> <p>Where a dwelling provides more than one parking space, these may be stacked. Stacked parking means access is required through another parking space.</p>	<p>Compliance confirmed in the TEAM TIA appended as Attachment (h)).</p> <p>NB, each pair of stacked parking spaces will be allocated to a single dwelling unit.</p>	Complies																
E27.6.3.4. Reverse manoeuvring	Sufficient space must be provided on any the site so vehicles do not need to reverse off the site or onto or off the road	Space for manoeuvring is provided	Complies																
E27.6.3.5. Vertical clearance	2.1m for residential	A minimum vertical clearance of 2.1 metres in height is provided.	Complies																
E27.6.3.6. Formation and gradient	1 in 20 (five per cent) in any direction for other spaces. The gradient for the manoeuvring area must not exceed 1 in 8	All parking and manoeuvring areas will be flat.	Complies																
E27.6.3.7. Lighting	Lighting is required where there are 10 or more parking spaces which are likely to be used during the hours of darkness.	The basement parking area will be illuminated.	Complies																
E27.6.4.1. Vehicle Access Restrictions	(1) Vehicle Access Restrictions apply and new vehicle crossings must not be constructed to	Ascot Avenue is an arterial road and is subject to VAR.	Restricted Discretionary Activity																

Rule	Provisions	Proposal	Assessment
	provide vehicle access across that part of a site boundary which is subject to a Vehicle Access Restriction (...).		
E27.6.4.2 (T146) Width and number of vehicle crossings	1 crossing per 25m site frontage 2m separation to crossings on adjacent sites	Only one crossing is proposed. The proposed crossing is 2.0m off-set from the neighbouring crossing at 21 Ascot Avenue.	Complies
E27.6.4.3. Width of vehicle access and queuing requirements	Passing bay(s) required where length of access greater than 50m and less than 5.5m wide Vehicle crossing width 5.5m min 6.0m max Minimum Access Width: 5.5m	Passing areas are provided at the entrance, middle and rear section of the driveway and has a width of at least 5.5m The proposed vehicle crossing is 5.7m wide at the boundary. The minimum width of the access way is 3.8m with the provision of passing bays.	Complies
E27.6.4.4 (T157) Gradient of vehicle access	1 in 5 max for residential	The gradient of the ramp is 1 in 5, with transitions provided at 1 in 8	Complies

Table 6: Transportation Standards

In summary, the proposal involves the establishment of a vehicle crossing onto an arterial road, requiring consent pursuant to rule E27.6.4.1.(3) of the AUPOP and listed as a restricted discretionary activity pursuant to rule E27.4.1(A5) of the AUPOP.

6.6 Environmental Risk

6.6.1 Natural hazards and flooding (E36)

As noted, the open watercourse on the site has been identified on Auckland Council's GIS as an overland flow path as well as an intermittent stream. Although the AUPOP definition of overland flow path excludes "a permanent watercourse or intermittent river or stream", the open watercourse has been considered as an overland flow path for completeness.

Therefore, consent is sought for structures and buildings located within and over an overland flow path, requiring resource consent as a restricted discretionary activity pursuant to Rule E36.4.1 (A42) of the AUPOP.

6.7 Summary of Reasons for Consent

Overall, resource consent is required as a restricted discretionary activity land use and groundwater discharge consent.

Land Use Consent

- The establishment of a new dwellings in the THAB zone requires resource consent as a restricted discretionary activity pursuant to Rules H6.4.1(A3) and (A35) of the AUPOP;
- The proposed retaining wall, being greater than 1.5 metres in height (defined as a 'building' as per the AUPOP definition), located within the eastern riparian yard area infringing the riparian yard setback requirement of 10 metres, and the retaining wall within the front yard, require resource consent as a restricted discretionary activity pursuant to Rule C.1.9 (2) of the AUPOP;
- New buildings which do not comply with the standard height-in-relation to boundary control but comply with the alternative control class as a restricted discretionary activity under Rule H6.4.1(A34) of the AUPOP;
- Earthworks over an area greater than 1,000m² and of a volume greater than 250m³, being total cut volume of 1,828m³ over an area of 1,521m², requires resource consent as a restricted discretionary activity under District level Rules E12.4.1(A5) and (A9) of the AUPOP;
- Earthworks within the riparian yard that exceed 10m² and 5m³ (Standard E12.6.2(1)(b)), being a cut volume of 78m³ and a fill volume of 52m³ over an area of 355m², requires resource consent as a restricted discretionary activity pursuant to Rule C1.9(2) of the AUPOP;
- The removal of vegetation within 10 metres of an urban stream and within the bed of an intermittent stream requires resource consent as a restricted discretionary activity under Rules E15.4.1 (A18) and (A19) of the AUPOP;
- Construction works, notably proposed piling works, that does not comply with the relevant noise and vibration levels requires a restricted discretionary activity pursuant to Rule E25.4.1 (A2) of the AUPOP;
- The construction of a vehicle crossing gaining access onto an arterial road requires resource consent as a restricted discretionary activity pursuant to Rule E27.4.1 (A5) of the AUPOP; and
- Buildings and structures located within and over an overland flow path require resource consent as a restricted discretionary activity pursuant to Rule E36.4.1 (A42) of the AUPOP.

Groundwater Discharge Consent

- The excavation of the semi-basement will require dewatering and diversion of groundwater not complying with Standards with E7.6.1.6 and E7.6.1.10 and requires a restricted discretionary activity resource consent pursuant to Rules E7.4.1(A20) and (A27) of the AUPOP.

6.8 Associated Permitted Activities

The following activities that will be carried out as part of the proposed development are permitted under the AUPOP:

- Buildings that do not protrude into the Regionally Significant Viewshafts is a permitted activity pursuant to Rule D14.4.1 (A1);
- Erosion control structure less than 30 metres in length when measured parallel to the direction of water flow complying with the standards in E3.6.1.14 is a permitted activity pursuant to Rule E3.4.1(A34) of the AUPOP;
- The construction of stormwater outfall and associated disturbance of the bed of the stream complying with E3.6.1.14 is a permitted activity pursuant to E3.4.1(A39) of the AUPOP; and
- Retaining walls located within side yard setback control area that are less than 1.5m in height do not class as a building under the AUPOP and are therefore permitted within the yard areas.

7. STATUTORY ASSESSMENT

7.1 Restricted Discretionary Activities

Under the rules of the AUPOP the proposal requires land use and groundwater discharge consent as a restricted discretionary activity.

With regard to restricted discretionary activities, section 104C of the Act states:

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.

Therefore, pursuant to section 104C of the Act, Council may grant or refuse consent, and, if granted, may impose conditions, taking into account only those matters over which discretion has been restricted under the relevant provisions of the AUPOP.

7.2 Assessment of Effects on the Environment (Section 104(1)(a))

As noted above, in considering this application only those matters over which discretion has been restricted are able to be considered in making a determination on this application. These matters are set out and addressed in this section of the report.

7.2.1 New Dwellings - Matters of Discretion

The establishment of residential activities, and the associated building, requires consent as a restricted discretionary activity. The AUPOP includes matters over which discretion has been restricted (H6.8.1(2)) as set out below.

(a) the effects on the neighbourhood character, residential amenity, safety and the surrounding residential area from all of the following:

(i) building intensity, scale, location, form and appearance;

The intensity and scale of the building has been informed by the outcomes anticipated by the THAB zone, and consequently the bulk and location controls.

Because this is a new zoning with much greater allowance in terms of density, height, and bulk compared to the legacy District Plan, the proposed development will be a significant (but anticipated) departure from the existing neighbourhood character. Therefore, the effect of the development on neighbourhood character should be addressed in terms of the anticipated environment enabled by the THAB zoning along

Ascot Avenue, and the less intensive Mixed Housing Urban zone along Cotter Avenue, as shown on Figure 2 above.

Having regard to the above, the intensity and scale of the proposed apartment building is in keeping with what is intended for the THAB zone by achieving general compliance with the bulk and location controls. The location of the building is cognisant of the sites to the north, south and east which are zoned THAB, and the sites to the west zoned Mixed Housing Urban. Further, in recognition of the lower intensity zoning along the western boundary, the rear portion of the site will feature a garden comprises of existing native trees and newly planted specimen trees as a form of vegetative screening.

The building form consists of four stepped modules that follows the topography of the site and is modulated through variance in building materiality and landscaping which contributes towards the visual appeal of the building and provide an attractive and pleasant street frontage to Ascot Avenue. Specifically, the building facade will be clad with a combination of vertical wood composite cladding, floor to ceiling aluminium glazing, which will avoid a blank appearance and provide additional surveillance to the street. In addition, the standing seam profile steel on the upper floor and roofing is reminiscent of a 'mansard' roof form which visually reduces the scale of the building.

In terms of safety, the proposal provides a semi-basement parking area with direct pedestrian access to the apartments above. Separate pedestrian access is provided from the street, ensuring that a convenient, safe and legible pedestrian access arrangement is achieved.

Therefore, the proposed development is considered an appropriate design response in the context of the zoning of the site and surrounding land in terms of building intensity, scale, location, form and appearance. Whilst the proposal represents a change against the existing residential typologies, effects on wider neighbourhood character and amenity will be positive, because the proposed apartment development will provide high quality apartments in an attractive building that will complement the developing character of the neighbourhood with regard to the underlying THAB zoning.

(ii) traffic; and

(iii) design of parking and access

The Traffic Impact Assessment prepared by TEAM confirms that the level of traffic generated by the proposed development is not anticipated to significantly increase traffic volumes on Ascot Avenue. Further, the site's location provides good connections

to passenger transport services and thus encourages the use of alternative modes of transport.

The design of the parking spaces and access (including ramp gradients), achieve compliance with the minimum standards of the AUPOP. Access to the semi-basement level is via a formed access width of 3.8 metres, which increases to 5.5 metres at the entrance, middle and bottom of the driveway to enable two-way vehicle movements and for loading (notably waste collection) to occur within the semi-basement level.

In this regard, the proposal is not anticipated to have any adverse traffic effects with regard to neighbourhood character, residential amenity, or the safety of the surrounding residential area, and the design of parking and access arrangement is considered to be suitable for the intended use and will not compromise on the safe and efficient operation of the road network and adjacent footpaths.

(b) all of the following standards:

Criterion H6.8.1(2)(b) introduces the standards set out in Table 7 below as assessment criteria with regard to applications for new dwellings in the THAB zone.

Standard	Provision	Proposed
H6.6.10. Maximum impervious area	70% permitted	70%
H6.6.11. Building coverage	50% permitted	54.6%
H6.6.12. Landscaped area	30% minimum	25.1%
H6.6.13. Outlook space	The minimum dimensions for a required outlook space are as follows: a.principal living room: 6m in depth and 4m in width b.principal bedroom: 3m in depth and 3m in width c.all other habitable rooms: 1m in depth and 1m in width.	All units have compliant outlook spaces
H6.6.14. Daylight	Where the proposed building and/or opposite building contains principal living room or bedroom windows in a dwelling, or main living/dining, that part of a building higher than 3m opposite buildings within the same site is limited in height to twice the horizontal distance between the two buildings for a length defined by a 55 degree arc from the centre of the window.	Not applicable, as only one building is proposed for the site.

Standard	Provision	Proposed
H6.6.15 Outdoor Living Space	(a) where located at ground level must be no less than 20m ² and have a dimension no less than 4m (b) where provided in the form of balcony, patio or roof terrace is at least 5m ² and has a minimum dimension of 1.8m Where located south of any building at ground level and on the same site, the southern boundary of that space must be separated from any wall or building by at least 2m + 0.9(h)	All upper level units have balconies in excess of 5m ² and 1.8m in depth, with the exception of Units B-24 and B-34 which have a balcony width of 1.6m. The ground floor units will be provided with private court yards of no less than 20m ² .
H6.6.16. Front, side and rear fences and walls	a) Within the front yard, either: (i) 1.2m in height, or (ii) 1.8m in height for no more than 50 per cent of the site frontage and 1.2m for the remainder, or (iii) 1.8m in height if the fence is at least 50 per cent visually open. (b) Within the side and rear yards: 2m	The proposed fencing is illustrated on Sheets RC202-L01 and RC203-L02 in Attachment (a) and complies with the standard.
H6.6.17 Minimum dwelling size	30m ² for studios 45m ² for one or more bedroom dwellings.	The one-bedroom apartments are 52m ² -55m ² in floor area.

Table 7 – THAB Criteria

(c) *Infrastructure and servicing*

As detailed in the Maven Infrastructure report, there is adequate capacity with regard to the public water supply and wastewater systems. However, because stormwater presently discharges into the combined network, the existing line will be abandoned and a new line will be installed connecting to the public reticulated network to the rear of the site. This is achieved by way of a new outlet into the un-piped section of the reticulated network. The outlet has been designed to feature a rock rip rap apron designed in accordance with Auckland Council Stormwater Management Devices Design Guidelines (TP10) to minimise erosion and sediment laden discharge into the coastal environment.

Further, due to the location of the existing wastewater line and associated manhole, the proposed development will be designed to bridge over the network and raise the manhole to avoid excess loading. A separate Watercare permit will be sought in this regard.

Overall, the design of the infrastructure works will avoid adverse effects on the natural environment, and therefore any effects are considered to be less than minor.

7.2.2 New Dwellings - Assessment Criteria

The AUPOP 'assessment criteria' relating to new dwellings are not the same as the matters for discretion set out in the preceding section of this report. This section addresses the assessment criteria set out under rule H6.8.2(2).

- (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;*
 - (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; and*
 - (vii) *Standard H6.6.16 Front, side and rear fences and walls; and*
 - (viii) *Standard H6.6.17 Minimum dwelling size*

As detailed in Table 7 above, the proposal is generally consistent with the above standards. The non-compliances arising from the proposed development relate to building coverage, landscaped area, and outdoor living space.

In terms of coverages, the proposed building footprint exceeds the building coverage control of 50% by 4%, and the landscaped area is 5% less as indicated in Table 7 below. Although the proposed development provides greater building coverage than enabled by the provision, the extent of infringement will have minimal if any appreciable effect as compared to the permitted envelope, and will be indiscernible when viewed from the streetscape.

Each unit complies with the outdoor living space control, with the exception of Units B-24 and B-34 which have balconies with a minimum dimension of 1.6 metres rather than 1.8 metres. While these units slightly depart from the required dimensions, the area of private outdoor living exceeds the minimum area size of 5m², have adequate access to sunlight due to the northerly aspect, and are directly accessible from the principal living area. Overall, the residential units are designed with a good level of amenity, providing for the day-to-day needs of the future occupants the residents.

(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.

The proposal is consistent with this policy in providing high density housing within the THAB zone.

(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.

The proposal is consistent with this policy in providing a six-storey apartment that responds to the context of the zoning of the site and surrounding land in terms of building intensity, scale, location and appearance, and of a high-quality aesthetic that will provide amenity in terms of building form.

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

The proposed building has been designed to address the street, with a legible main entrance from the road. Façade modulation and front yard landscaping has been incorporated to soften the appearance of the proposed development and contribute to an attractive street frontage. Further, carparking is provided at the semi-basement level and thus is hidden from public view and will not detract from the amenity of the streetscape.

While the arrangement of the building has meant it is not possible to provide living areas overlooking Ascot Ave, bedrooms have been designed and arranged to provide relatively generous fenestration to the frontage.

(e) *refer to Policy H6.3(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.*

The site is not subject to a height variation control, so this Policy is not relevant.

- (f) refer to Policy H6.3(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

The proposed development generally fits within the building envelope enabled by the standards. Specifically, the development has been setback from the external yard to provide a suitable level of separation is provided to manage the visual dominance, ensuring the quality of the living for neighbouring properties will continue to be of a high quality.

Due to the long narrow shaped site, the units have been orientated towards the northern boundary towards 1/17, 2/17 and 3/17 Ascot Avenue (properties to the north). While there will be some overlooking of neighbouring properties, a buffer of native planting is proposed along the northern yard area, and perforated louvres and opaque glass balustrades will be used for the semi-enclosed balconies to minimise privacy effects.

Privacy effects toward the property at 21 Ascot Avenue (which adjoins the site to the south) are avoided by orientating the main living areas and balconies of the proposed apartments to the north. Planter boxes are also incorporated to the southern elevation to provide visual relief and break-up the length of the building.

Overall, it is considered that the design and orientation of the proposed apartment building, and proposed mitigation planting effectively minimise visual dominance and privacy effects on adjoining sites, including the properties at 1/17, 2/17 and 3/17 and 21 Ascot Avenue.

- (g) refer to Policy H6.3(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.*

As noted, the setback of the building from the northern, southern and western boundaries and the orientation of the units and outdoor living spaces ensures that privacy between sites is appropriately managed. Specifically, the courtyards of the ground floor units will be planted to provide additional privacy from the neighbouring site (1/17 and 2/17 Ascot Avenue). In terms of the upper levels, while there will be potential overlooking of this neighbouring property, the northern boundary will be lined with specimen trees to minimise privacy effects. Further, there will be adequate access to daylight and sunlight given that all residential units will have outlook to the north.

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

Encourage accommodation to have useable and accessible outdoor living space.

All units will be provided with usable and functional private outdoor living areas that are directly accessible from the main living area.

- (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.

The proposal complies with the impermeable area control of the AUPOP and stormwater run-off from the site can be adequately managed to ensure that the effects on water quality, quantity and amenity values are mitigated. Refer to the infrastructure report included as Attachment (d).

- (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.*
- (ii) Where adequate network capacity is not available, whether adequate mitigation is proposed.*

As discussed, capacity calculations included in the infrastructure report demonstrate that there is adequate system capacity to service the development.

7.2.3 Effects of Riparian Yard Encroachments

The assessment criteria under provision H6.8.2 (9) for any yard infringements refer to the relevant policies for the zone and include Policies H6.3(1), H6.3(2), H6.3(4), and H6.3(5). In addition to the assessment provided against these policies in the preceding section, the following comments in relation to the riparian yard and front yard encroachments are provided.

The riparian yard encroachment arises as a result of the anomaly whereby the section of the public stormwater reticulated network traversing the subject site remained un-piped, and therefore has been classed as an intermitted stream connected upstream and downstream via a piped outlet.

The front yard encroachment arises because the front yard area is excavated to provide a level platform, and any retaining wall with a front yard is defined as a building.

Having regard to the provisions, the infringements will not compromise the ability to provide for high density living which is otherwise provided for with regard to its bulk, location and intensity. The riparian yard infringement is localised within the rear portion of the subject site, and the retaining wall in the front yard supports an excavated area, and will not create adverse effects on streetscape amenity along Ascot Avenue. Furthermore, the supporting structures encroaching into the riparian yard will be such that they will not be readily visible from the neighbouring properties (or from the streetscape) and therefore will have no impact on the residential amenity of the adjoining properties.

7.2.4 Height in Relation to Boundary Effects

The AUPOP sets out specific assessment criteria under provision H6.8.2(4) for new buildings which do not comply with rule H6.6.6 (Height in relation to boundary) but do comply with rule H6.6.7 (Alternative height in relation to boundary):

Visual dominance

- (a) *The extent to which buildings as viewed from the side or rear boundaries of adjoining residential sites or developments are designed to reduce visual dominance effects, taking into account:*
- (i) *the planned urban built character of the zone;*
 - (ii) *the location, orientation and design of development; and*
 - (iii) *the physical characteristics of the site and the neighbouring site.*

As described in Section H6.1 of the AUPOP, the THAB zone

is a high-intensity zone enabling a greater intensity of development than previously provided for. This zone provides for urban residential living in the form of terrace housing and apartments. The zone is predominantly located around metropolitan, town and local centres and the public transport network to support the highest levels of intensification.

With regard to the above, and as assessed in the preceding sections, the proposed apartment building accords with the intent of the zone.

To minimise visual dominance effects to adjoining residential sites, the proposed building is located outside of the respective yard controls providing separation to adjoining sites, specifically to the sites zoned Mixed Housing Urban and the properties to the south with the additional separation distance as a result of the proposed access way. Furthermore, the various architectural features incorporated into design of the building, including the materials, roofscape, colour palette and landscaping, ensure that the building is appropriately articulated and modulated to minimise visual dominance and provide a degree of variety, breaking up the scale and bulk of the building.

Overall, it is considered that the location and design and orientation of the proposed apartment building, together with the proposed mitigation measures, appropriately addresses visual dominance effects on adjoining sites.

Attractiveness and safety of the street

(b) The extent to which those parts of buildings located closest to the front boundary achieve attractive and safe streets by:

- (i) providing doors, windows and balconies facing the street;*
- (ii) optimising front yard landscaping;*
- (iii) providing safe pedestrian access to buildings from the street; and*
- (iv) minimising the visual dominance of garage doors as viewed from the street.*

The proposed apartment building has been designed to address the street with the main entrance and windows facing the street, contributing towards achieving a pleasant and safe streetscape environment, as promoted by the policy. With respect to H6.8.2(4)(iii), a pedestrian path directly accessible from the Ascot Avenue footpath will provide safe pedestrian access from the street. Finally, no garages are proposed as part of the proposed development.

Overlooking and privacy

The extent to which direct overlooking of a neighbour's habitable room windows and outdoor living space is minimised to maintain a reasonable standard of privacy, including through the design and location of habitable room windows, balconies or terraces, setbacks, or screening.

As discussed in Section 7.2.2 above, although the outlook of the residential units orientate towards the properties to the north at 1/17, 2/17 and 3/17 Ascot Avenue, the effects of overlooking and privacy are mitigated with the implementation of a planted buffer of native shrubs and trees along the northern site boundary, and the use of louvre screens and frosted glass balustrades, achieving a balance between privacy and daylight/sunlight access. Furthermore, due to the building's increased setback distance from the southern boundary as a result of the proposed driveway, and the main living areas and balconies being orientated to the north to maximise sunlight admission, privacy and overlooking effects for the property at 21 Ascot Avenue are avoided.

7.2.5 Effects of Dewatering and Diversion of Groundwater

Based on the assessment provided in the appended Geotechnical Investigation prepared by BWN Limited (Attachment (f)), the excavated basement (RL 59.5m) will be lower than the recorded groundwater level (RL 56.04m – 62.07m), and therefore will result in the permanent diversion of groundwater during the excavation phase and following construction.

The effects of the proposed excavations across the site in relation to adjacent structures is detailed in the Geotechnical Investigation Report. This analysis confirms that the ground settlement due to groundwater drawdown (as a result of the proposed basement retaining) is 13mm to 7mm within 3 metres of the retained wall. The analysis prepared by BWN Limited confirms that the effects of the ground settlement will be within the tolerance limits outlined in the New Zealand Building Code Handbook, and that the effects of differential ground movement on the adjacent structures will be 'negligible' to 'very slight'.

The Geotechnical Investigation Report includes a range of mitigation measures, notably monitoring, prior to, during, and post construction to ensure that the basement excavation will not result in adverse effects on groundwater which can lead to ground settlement and land instability on neighbouring properties. A Construction Monitoring

Plan is appended in the Geotechnical Investigation Report which will be regularly updated and reviewed as part of the detailed design process.

Overall, as concluded in the appended Geotechnical Investigation, the adverse effects generated by the proposed basement excavation, with respect to instability or ground settlement from the proposed retaining and de-watering activities, are very slight to negligible, and can be appropriately mitigated during construction and on a permanent basis.

7.2.6 Land Disturbance Effects

The proposal requires restricted discretionary activity resource consent for earthworks on the subject site and within the riparian margin. Matters over which discretion has been restricted are set out under clause E12.8.2(1) of the AUPOP.

The proposed earthworks are pre-requisite for proposed residential development and commensurate with the scale of development. The earthworks will include basement excavation, excavation for drainage, formation of building platforms, car parking areas, and the construction of the retaining walls. While site works will occur within the riparian margin, no works will be undertaken within the overland flow paths. Therefore, the works will not alter the entry and exit points of the overland flow paths, or reduce the capacity or alter the extent of flooding within the site or surrounding sites.

The proposed earthworks will be for a limited duration. Appropriate construction methodology will be applied to avoid adverse effects on the stability and safety of surrounding land, buildings, structures and public utility services on site (notably the wastewater network) as detailed in the Infrastructure Report, and supported by the accompanying geotechnical report. Erosion and sediment control measures will also be established during the construction phase, notably within the riparian margin, in accordance with Auckland Council Publication GD05 and constructed appropriate to the scale and nature of the works catchment they serve. All erosion and sediment control measures will be operational prior to and during the proposed works, and will be monitored throughout the earthworks phase. The removal of sediment and erosion protection measures will not occur until all surfaces have been sufficiently stabilised to mitigate the potential for sediment in surface water to be discharged to the receiving environment.

Similarly, construction related traffic effects can be appropriately managed for the duration of the works, and will be subject to a Construction Traffic Management Plan (CTMP). The details of the CTMP will be prepared closer to the construction period and will be to manage the movement of construction traffic to and from the site, while maintaining the safe and efficient movement of vehicles and pedestrians in the vicinity of the site. The CTMP will be developed in will accordance with Auckland Council's standard requirements.

Finally, while there are no recorded archaeological sites within the vicinity of the works, accidental discovery protocols will be adhered to and a condition of consent requiring the same is anticipated.

Overall, it is considered that the effects of the earthworks are minor in scale and are not expected to pose a risk to the environment. The risk of sedimentation effects, and effects on the downstream receiving environment, as a result of the proposed earthworks will be avoided by the proposed sediment control measures and suitable conditions of consent.

7.2.7 Vegetation Removal Effects

The proposal requires restricted discretionary activity resource consent for vegetation removal within 10 metres of an urban stream and within the bed of an intermittent stream. Matters over which discretion has been restricted are set out under clause E15.8.2(1) of the AUPOP.

Some of the vegetation within the riparian margin will be removed. The key reason for such works is their location is within the site and to enable the area west of the stream to facilitate the construction of the proposed residential development that is in keeping with the THAB zone.

As discussed, the open watercourse is an un-piped section of the public reticulated system in an intensifying urban environment with no linkage to any bush or significant ecological areas, outstanding natural landscape/features or coastal areas, noting that the open watercourse on surrounding properties already piped. Therefore, while this section of watercourse is classed as an intermittent stream, the quantity and type of vegetation proposed for removal does not have any particular ecological value. Rather, the stream has been historically landscaped as a garden feature with much exotic vegetation and lawn planted by previous owners of the site.

In terms of hazard mitigation, the stream is of a shallow depth and the removal of the vegetation within close proximity to the stream will not result in land instability. Further, appropriate construction methodology, with supporting geotechnical analysis, will be implemented to mitigate any sedimentation runoff into the stream as discussed in Sections 6.2.6 of this report.

Although vegetation is proposed for removal, the proposed development will not impede the water quality or any hydrological function of the catchment, because the development will be bridged by a concrete structure, with the balance (northern portion) of the stream and associated vegetation remaining unchanged. Any adverse effects resulting from the removal of the exotic vegetation will be adequately mitigation through the enhancement of the riparian area being kept open (as opposed to piped) as detailed in the landscaping drawings.

Measures are also detailed in the arboricultural assessment (Attachment (c)) to protect unaffected vegetation beyond the building platform (including the cluster of trees at 21 Ascot Avenue), via the erection of protective fences, deposition of mulch to cushion any exposed ground in the vicinity of retained trees, and supervision by an arborist of works in the vicinity of retained vegetation.

Finally, with respect to E15.8.2(1)(j), the removal of the vegetation along the stream bank and riparian margin is not expected to have adverse effects on Mana Whenua values given the nature of the stream environment.

Overall, it is considered that the removal of vegetation in the riparian margin will not have a significant adverse effect on the ecological, amenity, or cultural values of the open watercourse.

7.2.8 Noise and Vibration Effects

The Acoustic Report prepared by Hegley Acoustics (Attachment (g)) addresses the predicted noise levels associated with the building, and notably the piling. The report confirms that initial piling, excavation works and the installation of piling of foundations will exceed the long-term construction noise limit of 70 dB L_{Aeq} at various residential receivers. The report also confirms that vibration levels from the typical construction activities, including piling and excavating will comply with vibration levels set out in the German Industrial Standard DIN 4150-3 (1999) for controlling cosmetic damage to buildings, but the vibration would likely be apparent to any occupants on site while the

closest piles were being drilled, exceeding the amenity criteria of 2mm/s (Table E25.6.30.1 of the AUPOP).

The assessment criteria with regard to exceedance of the noise and vibration standards are set out under rule E25.8.2 (1) of the AUPOP.

While no rock was found on site as part of the geotechnical investigation, the proposal seeks to minimise the degree of excavation necessary, including the construction of a semi-basement carparking area rather than a full basement level. The project timeframe for excavation of the basement and associated piling is anticipated to last for approximately three weeks, as set out in Section 2 of the Acoustic Report, with the installation of perimeter retaining piles only occurring for a proportion of the duration (approximately five days). It should also be noted that the levels predicted are for continual operation of the equipment, however, equipment will not generally be in continual use. This means that while there will be short periods of high noise activity, there will also be periods of no activity, with low noise levels. The works will occur during daytime hours of between 7:30am to 6:00pm Monday through Saturday in accordance with the guidelines of NZS6803:1999. The works will be consistent with what would be expected from construction activity on large building sites within the urban context. Noisy work in the evening and night time hours will be avoided.

Given the depth of the basement, piles are required to allow the basement level to be excavated, it will not be possible to practicably keep construction noise levels within the levels prescribed by NZS6803:1999 during the full duration of the works. The size of the piles means that the rig will need to be in close proximity to the neighbouring properties when drilling piles, and this has been considered as the best practicable option for construction.

Noise associated with construction activities, particularly the installation of piles, will be managed through the use of acoustic screen so as to minimise unreasonable noise and vibration levels on adjacent residential properties. Specifically, temporary acoustic screens of either 2.4 metres or 5.0 metres in height will be erected along the respective boundaries of the site. The 2.4-metre-high barrier will screen most construction activities at the ground floor of the neighbouring buildings. While the 2.4 acoustic fence will provide mitigation to the lower floors of the dwelling, it will have very limited effect with regard to noise levels at the upper floor of the building and for elevated plant. In this

regard, to address this at the most exposed properties (1/17, 2/17 and 21 Ascot Avenue), a temporary 5-metre-high acoustic fence will be erected during the piling.

A Construction Noise and Vibration Management Plan will be prepared to ensure that appropriate measures are implemented throughout the project construction phase, such as temporary noise barriers where a noise limit is predicted to be exceeded and would noticeably reduce the received noise level. It is also recognised that informative communication and consultation is considered one of the most practicable approach to minimising any aural effects on affected parties. This may include modifying the period of high noise (and vibration) works to align with less sensitive periods (e.g. unoccupied periods). To this effect, the Applicant proffers a condition of consent requiring a CNVMP to be submitted for approval prior to the commencement of works to ensure that all works will be undertaken in a manner that minimises noise levels and to provide communication with neighbours to mitigate the effects of construction noise as far as is practicable.

Having regard to the above it is therefore considered that, subject to the construction works being undertaken in accordance with the CNVMP, the potential adverse noise and vibration effects of the development is temporary and will be less than minor in nature.

7.2.9 Vehicle Access Restriction

Ascot Avenue is an arterial road, and as a consequence, the establishment of the new vehicle crossing requires consent as a restricted discretionary activity. The assessment criteria relating to access onto an arterial road are set out under rule E27.8.2 (11).

As set out in the appended traffic impact assessment (TIA) (Attachment (h)), the site is within close proximity to the Remuera village and within an area that has been up-zoned to terrace housing and apartment buildings, and therefore pedestrian numbers can be expected to be at least moderate and subject to increase. That having been said, the TIA concludes that the new vehicle crossing, which will be designed with appropriate transitioning gradients and a 4-metre-long flat platform, will not have an impact on pedestrian safety, because the sight lines will be such that pedestrians can be easily seen. Further, the front boundary treatment of the proposed development will feature an 800mm high stone wall fence located approximately 2.0 metres from the proposed crossing, thus providing for pedestrian safety.

The analysis prepared by TEAM confirms that the crash analysis data from NZTA shows there are no safety issues relating to the subject stretch of Ascot Avenue. The proposal will not adversely affect the safe and efficient operation of the road network, in particular the Remuera Road/Orakei Road and Ascot Avenue/Green Lane East intersections. With respect to vehicle movements, while the kerb side parking on both sides of Ascot Avenue will obstruct sight distances, once a vehicle moves out to the edge of the on-street parking, the straight alignment of Ascot Avenue results in good inter-visibility between drivers and all other road users in both directions.

With reference to E27.8.2 (11) (iii), it is noted that the site only has frontage onto Ascot Avenue. There are no other access options for the site and providing shared loading on another site is not practicable. The proposed compliant crossing which services a single basement parking for the proposed 25 apartments replaces the existing crossing which is an over-width combined crossing servicing the existing development on the subject site as well as 1/17, 2/17 and 3/17 Ascot Avenue. Further, the number of practical on-street parking spaces will remain unchanged.

An internal rubbish room has been provided and the proposal has been designed to accommodate a rubbish truck. As such rubbish and recycling will be collected on-site by a private contractor, eliminating the need for Council kerbside collection and associated effects on traffic and pedestrians along Ascot Ave.

Overall, considering the low volume of anticipated traffic generated by the proposal, the compliant design of the vehicle crossing and access way, and the provision of on-site rubbish collection, the proposed vehicle crossing onto Ascot Avenue will not generate an unacceptable adverse effect on traffic or pedestrian safety.

7.2.10 Flooding Effects

As noted, the site is subject to an open watercourse as shown on Auckland Council records as part of the public reticulated stormwater network, and is the remaining un-piped section of a stormwater network and overland flow path (OLFP) capturing the 1% AEP overland flows. While the definition of OFLP within the AUPOP excludes intermittent streams, the effects associated the proposed building and supporting piles within the OLFP are addressed for completeness.

With regards to the assessment criteria, a flooding assessment has been prepared by Maven in relation to the OLFP identified on Council's records, appended as Attachment

(e). The report notes that the overland flows are mainly sheet flows and do not have sufficient velocity to cross existing fence lines, hedges, vegetation and retaining structures. Notwithstanding this, the underside of the finished floor levels of the proposed building has been designed to achieve the required 500mm freeboard above the 100-year flood level (being RL 57.3m – 58.00m), with the semi-basement finished floor level being RL 59.5m.

Accordingly, the proposed development will not exacerbate flood effects upstream and/or downstream of the catchment.

7.2.11 Positive Effects

Positive effects will arise as the proposal will contribute to creating a more compact urban form, will result in an increase in residential accommodation in a desirable location close to the city centre and public transport routes.

7.2.12 Section 104(1)(a) Summary

In conclusion, it is considered that any actual or potential effects that may arise from granting consent to the proposal can be effectively avoided or mitigated and will be no more than minor.

While the proposed building will be larger than surrounding development, it will be in keeping with the built outcomes anticipated in the THAB zone. The proposed building provides a high degree of external amenity through the provision of semi-basement parking, an articulated street façade, and landscaping that complements the architecture of the building. Similarly, while the proposal utilises the alternate height in relation to boundary control, the privacy of the neighbouring residential properties has been reasonably provided for by dint of design and landscaping. Each residential unit is afforded a high degree of onsite amenity with generously sized units, functional and useable outdoor living spaces, and secure parking. The proposal achieves near full compliance with the amenity standards for residential units with only minor non-compliances for two one-bedroom units, whereby the width of the balcony departs from the required dimensions.

The proposed vehicle crossing will provide a single point of access to the proposed development, and will provide adequate sight distance for vehicles exiting the site, with a flat platform adjacent to the boundary to enable ease of movement out of the site and

to provide for pedestrian safety. The low volume of anticipated traffic generated by the proposed development can be readily catered for along the Ascot Road.

The development can be adequately serviced by infrastructure and will not exacerbate flood effects upstream and/or downstream of the site. Specifically, the underside of the finished floor levels of the proposed building have been designed to achieve the 500mm freeboard requirements above the 100-year flood level (being RL 57.3m – 58.00m), with the semi-basement finished floor level being RL 59.5m.

Earthworks are commensurate to the size of the development. While the proposed basement will require significant excavations in close proximity to the boundaries of the site, the soldier pile excavation methodology will protect the stability of surrounding land and silt and sediment controls will be in place to prevent sedimentation runoff. Construction noise will be kept as low as practicable and will be subject to a Construction Noise and Vibration Management Plan. Furthermore, groundwater diversion and dewatering activities associated with basement excavation can be appropriately managed during construction and on a permanent basis to avoid land subsidence.

Finally, the removal vegetation from within the riparian margin will have a less than minor effect on ecological, amenity, and cultural values. The development has been designed to retain the stand of semi-mature native trees adjacent to the northern boundary, and the vegetation removal has been mitigated as far as practicable through the landscaping proposed within the site.

In conclusion, the proposed development will provide development in accordance with the standards of the THAB zoning, while appropriately addressing and/or avoiding adverse effects on the receiving environment.

7.3 District Plan Assessment (Section 104(1)(b)(v))

In considering an application for resource consent, and subject to the provisions of Section 104C, Section 104(1)(b) of the RMA requires that regard be had to any relevant provisions of a plan or proposed plan, national environmental standard, and national and regional policy statements. An assessment against the relevant AUPOP provisions is provided below.

7.3.1 Terrace Housing and Apartment Building Zone (H6)

The relevant statutory document with regard to this proposal is the AUPOP. As a restricted discretionary activity, only those matters over which control has been

reserved and discretion has been restricted may be considered. These matters have been addressed in section 6.2 above, including the relevant policies of the THAB zone. For completeness, it is noted the THAB zone description states that the purpose of the zoning is to:

... make efficient use of land and infrastructure, increase the capacity of housing and ensure that residents have convenient access to services, employment, education facilities, retail and entertainment opportunities, public open space and public transport. This will promote walkable neighbourhoods and increase the vitality of centres.

The zone provides for the greatest density, height and scale of development of all the residential zones. Buildings are enabled up to five, six or seven storeys in identified Height Variation Control areas, depending on the scale of the adjoining centre, to achieve a transition in height from the centre to lower scale residential zones. This form of development will, over time, result in a change from a suburban to urban built character with a high degree of visual change.

With regard to the preceding analysis, it is concluded that the proposal is in keeping with the intent of the THAB zone. Whilst the proposal represents a change against the existing residential typologies, effects on wider neighbourhood character and amenity will be positive, because the proposed apartment development will provide high quality apartments in an attractive building that will complement the developing character of the neighbourhood with regard to the underlying THAB zoning.

7.3.2 Diversion of Groundwater (E7)

The provisions in Chapter E7 references the objectives and policies of Chapter E2, as they relate to the take and diversion of groundwater. The objectives of Chapter E2 seeks to manage the use of groundwater aquifers whilst ensuring that the natural values of water are maintained. Policies E2.3(6), (7) and (23) specifically relating to the diversion of groundwater recognise the importance of water uses whilst requiring that proposals avoid, remedy or mitigate adverse effects of groundwater diversions on people and communities; that groundwater diversion does not cause or exacerbate flooding; and promote monitoring of groundwater and mitigation of groundwater diversion where appropriate.

In this regard, the preceding analysis detailed in Section 7.2.5 of this report confirms that the temporary and permanent diversion of groundwater as a result of the basement

excavation will not cause significant adverse effects on adjacent properties and structures because the effects of the ground settlement will be within the tolerance limits outlined in the New Zealand Building Code Handbook and the effects of differential ground movement on the adjacent structures will be 'negligible' to 'very slight'.

Furthermore, the proposal will include a range of mitigation measures, notably monitoring, prior to, during, and post construction to ensure that the basement excavation will not result in adverse on-going groundwater effects. The monitoring plan will be regularly reviewed and updated as part of the detailed design process, and appropriate conditions of consent are invited by the Applicant in this respect. Overall, the proposed groundwater diversion is not anticipated to cause any significant adverse effects on the environment, people or communities, and is consistent with the provisions of the AUPOP.

7.3.3 Earthworks (E11)

The objectives and policies Chapters E11 of the AUPOP recognise that earthworks are an essential pre-requisite for the development of urban land, but seek to minimise sedimentation, achieve soil conservation, protect health and safety of people, and avoid where practicable, or otherwise remedy or mitigate, adverse effects on the environment.

The site is not located within an area that is subject to any scheduled heritage, ecological, or natural character overlays. Further, appropriate silt and sediment controls will be employed, and earthworks operations will be staged to avoid (as far as practicable) adverse effects on the receiving environment, notably the effects of sedimentation and natural hazards including stability and safety of surrounding land is avoided.

7.3.4 Vegetation Management and Biodiversity (E15)

The objectives and policies in Chapter E15 requires that ecosystems, and particularly areas of contiguous indigenous vegetation cover, are maintained or enhanced while providing for appropriate use and development. In this regard, the vegetation that is to be removed as part of the proposed development has no significant ecological values as the open watercourse forms part of the public reticulated system that, with the exception of the location of the subject site, is fully piped and within an intensifying urban environment that ultimately discharges into the Waitemata Harbour. Notwithstanding the above, any potential adverse effects resulting from the removal of

the exotic vegetation will be adequately mitigated through the enhancement of the riparian area being kept open (as opposed to piped) as detailed on the landscaping drawings.

7.3.5 Noise and Vibration (E25)

The provisions of Chapter E25 (Noise and Vibration) of the AUPOP seek to control the level of noise and vibration created by activities to limit the adverse effects on amenity values, human health, and also seek to protect existing noisy activities from reverse sensitivity effects. In this regard, all construction activities will be undertaken in accordance with the proposed CNVMP to ensure that noise and vibration associated with the site preparatory are appropriately managed, with both consultation with neighbours and acoustic barriers (where needed) proposed.

7.3.6 Transportation (E27)

The relevant transport objectives and policies seek to ensure that land use and transport (including public transport, walking and cycling) is integrated in a manner that enables adverse effects of traffic generation on the transport network to be managed. The site is within an area whereby public transportation options are available, and the proposal provides for a suitable balance of vehicle and bicycle parking within the development. Furthermore, the configuration of the building has been carefully considered to provide for internal vehicle circulation and rubbish collection, and access and manoeuvring areas are functional and safe for pedestrians and vehicles.

7.3.7 Natural Hazards and Flooding (E36)

With respect to Chapter E36 (Natural Hazards and Flooding) of the AUPOP, the objectives and policies seek to ensure that any proposed structures and buildings within a floodplain area are not subject to any increase in overall flood related risks. The proposed development does not alter the entry and exit points of the overland flow path, and has been designed to achieve the 500mm freeboard above the 100-year flood level, ensuring that flood effects upstream and downstream of the catchment are not exacerbated.

7.4 Other Matters (Section 104(1)(c))

No other matters are considered relevant with respect to this application.

7.5 Part 2 of RMA

The proposal is consistent with the purpose of the RMA without generating any significant adverse effects or otherwise conflicting with the Part 2 provisions. This is discussed below.

With regard to section 5, the proposal will enable the establishment of an apartment building on the site in general accordance with the expectations and standards of the THAB zone. In this sense, the proposal enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while avoiding, remedying or mitigating any adverse effects on the environment. Specific measures detailed in the application, including sediment and erosion control measures, noise and vibration monitoring, and groundwater monitoring will ensure that adverse effects of the proposal on the environment are appropriately avoided, remedied and mitigated.

The proposal promotes the matters of national importance outlined in section 6 of the Act because the proposed development has been designed to be cognisant of the natural character and features, and measures are inherently proposed within this application to ensure that the risks associated with natural hazards, such as flooding and land stability can be appropriately avoided or mitigated.

With respect to section 7, the proposal will enable the efficient use of land resources within existing urban limits and consequently provide housing choice within the inner Auckland area, without generating adverse effects of any significance. Further, it is acknowledged that the changes to the amenity of the site are reasonably anticipated by the provisions of the AUPOP.

Section 8 refers to the Treaty of Waitangi. The proposal is not considered contrary to the principles of the Treaty of Waitangi.

Having regard to the above, proposed development seeks to provide for the social, cultural and economic wellbeing and the health and safety of the growing population of the Auckland region through the intensification of housing within an area zoned for apartment development.

8. NOTIFICATION ASSESSMENT

Council is required to consider public and limited notification of a restricted discretionary activity resource consent application in accordance with sections 95A and 95B of the

RMA, respectively. Only the matters over which Council's discretion are restricted can be considered as part of this assessment.

8.1 Public Notification Assessment (Section 95A)

Section 95A of the RMA sets out circumstances where public notification of a resource consent application is mandatory or precluded and, in instances where these circumstances do not arise, the standard tests for notification. The steps that must be followed in determining whether to notify a resource consent application are set out in Table 8, below.

95A Public Notification	Assessment
<p>Step 1: Council must publicly notify an application for resource consent if:</p> <ul style="list-style-type: none"> (a) the applicant has requested that the application be publicly notified: (b) public notification is required under section 95C: (c) the application is made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977 	<p>The Applicant has not requested that the application be publicly notified.</p> <p>Public notification is not required under Section 95C.</p> <p>The application has not been jointly made with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.</p> <p style="text-align: right;">Public notification not required</p>
<p>Step 2: If not required by Step 1, public notification is precluded in the following circumstances (unless Step 4 applies):</p> <ul style="list-style-type: none"> (a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes public notification: (b) the application is for a resource consent for 1 or more of the following, but no other, activities: <ul style="list-style-type: none"> (i) a controlled activity: (ii) a restricted discretionary or discretionary activity, but only if the activity is a subdivision of land or a residential activity: (iii) a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity: (iv) a prescribed activity (see section 360H(1)(a)(i)). 	<p>“Residential activity” is defined in the Act as meaning an activity that requires resource consent under a regional or district plan and that is associated with the construction, alteration, or use of 1 or more dwelling houses on land that, under a district plan, is intended to be used solely or principally for residential purposes.</p> <p style="text-align: right;">Public notification precluded</p>
<p>Step 3: If not precluded by Step 2, public notification is required where:</p> <ul style="list-style-type: none"> (a) the application is for a resource consent for 1 or more activities, and 	<p>Consideration of step 3 is not required as the activity is precluded from public notification pursuant to s95A(5)(b)(ii) of the RMA.</p>

95A Public Notification	Assessment
<p><i>any of those activities is subject to a rule or national environmental standard that requires public notification:</i></p> <p><i>(b) the consent authority decides, in accordance with section 95D, that the activity will have or is likely to have adverse effects on the environment that are more than minor.</i></p>	<p><i>Public notification not required</i></p>
<p>Step 4: <i>Notwithstanding the outcome of Steps 3 and 4, an application for resource consent must be publicly notified where special circumstances exist in relation to the application that warrant the application being publicly notified</i></p>	<p>Having regard to the nature of the proposal, it is considered that the outcome sought will not result in a situation that can be described as out of the ordinary or giving rise to special circumstances under section 95A(9) of the RMA that would justify notification of the application. The building is of a scale and form that is enabled by the underlying zoning and is in keeping with the expectations of the AUPOP.</p> <p>The only 'unusual' element of the proposal is the intermittent stream within the site. In this regard, the Applicant has sought to retain, rather than pipe the watercourse, and has sought to retain as much of the riparian vegetation as practicable. Furthermore, works involving alterations to watercourses as part of land development is not in itself unusual.</p> <p>Public notification would not assist in the assessment of the matters over which discretion has been restricted with regard to the required consents.</p> <p><i>Public notification not required</i></p>

Table 8: Section 95A Public Notification Assessment

In this instance, public notification of the application is not necessary or desirable under section 95A of the RMA.

8.2 Limited Notification Assessment (Section 95B)

If a consent authority does not publicly notify an application for a resource consent, it must decide whether there are any affected persons under section 95B of the RMA. Section 95B also sets out circumstances where limited notification of a resource consent is mandatory and where limited notification is precluded. In instances where these circumstances do not arise, the standard tests for limited notification apply. The steps that must be followed in determining whether to limited notify a resource consent application are set out in Table 9, below.

95B Limited Notification	Assessment
<p>Step 1:</p> <p>(2) Council must determine whether there are any:</p> <p>(a) affected protected customary rights groups; or</p> <p>(b) affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity).</p> <p>(3) Council must then determine:</p> <p>(a) whether the proposed activity is on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11; and</p> <p>(b) whether the person to whom the statutory acknowledgement is made is an affected person under section 95E.</p> <p>Council must notify the application to each affected group identified under subsection (2) and each affected person identified under subsection (3).</p>	<p>Pursuant to section 95B(2), there are no affected protected customary rights groups or marine title groups, and pursuant to section 95B(3) the proposed activity is not on or adjacent to, or may affect land that is the subject of a statutory acknowledgement.</p> <p style="text-align: center;">Limited notification not required</p>
<p>Step 2:</p> <p>If not required by Step 1, limited notification is precluded in the following circumstances (unless Step 4 applies):</p> <p>(a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes limited notification:</p> <p>(b) the application is for a resource consent for either or both of the following, but no other, activities:</p> <p>(i) a controlled activity that requires consent under a district plan (other than a subdivision of land):</p> <p>(ii) a prescribed activity (see section 360H(1)(a)(ii)).</p>	<p>As noted above, Rule H6.5.(1)(c) states that new buildings and additions to buildings which do not comply with H6.6.6 Height in relation to boundary, but comply with Rule 6.6.7 Alternative height in relation to boundary will be considered without limited notification or the need to obtain the written approval from affected parties.</p> <p>However, the normal tests for limited notification apply for proposed dwellings not complying with the relevant standards of the THAB zone, dewatering and diversion of groundwater, stormwater, general land disturbance and associated noise and vibration standards, vegetation removal, access onto an arterial road, and building within and over an OLFP.</p> <p style="text-align: center;">Limited notification not precluded</p>
<p>Step 3:</p> <p>If not precluded by Step 2, limited notification is required where Council determines that</p>	<p>Refer to Section 7.2.1 Section 95E Affected Person Assessment below.</p> <p style="text-align: center;">Limited notification not required</p>

95B Limited Notification	Assessment
<p>(1) <i>In accordance with section 95E, the following persons are affected persons:</i></p> <p>(a) <i>in the case of a boundary activity, an owner of an allotment with an infringed boundary; and</i></p> <p>(b) <i>in the case of any activity prescribed under section 360H(1)(b), a prescribed person in respect of the proposed activity.</i></p> <p>(2) <i>In the case of any other activity, a person is an affected person in accordance with section 95E.</i></p>	
<p>Step 4: <i>Notwithstanding the outcome of Steps 3 and 4, an application for resource consent must be limited notified to persons where Council determine that special circumstances exist in relation to the application that warrant the application being publicly notified to any other persons not already determined to be eligible for limited notification.</i></p>	<p>There are no special circumstances that exist in relation to the application that warrant limited notification of the application to any other persons not already determined to be eligible for limited notification under s95B(10).</p> <p style="text-align: center;">Limited notification not required</p>

Table 9: Section 95B Limited Notification Assessment

8.2.1 Section 95E Affected Person Assessment

Section 95E of the RMA states that the consent authority, in assessing an activity's adverse effects on a person for the purpose of that section:

- (a) *may disregard an adverse effect of the activity on the person if a rule or a national environmental standard permits an activity with that effect;*
- (b) *must, if the activity is a controlled activity or a restricted discretionary activity, disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion;*
- (c) *must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in Schedule 11.*

The sites identified in Figure 4 below, have been considered as part of the following s95E assessment.



Figure 4: Section 95B Limited Notification Assessment

The matters for which resource consent is sought are set out in Section 5 of this assessment. There are not considered to be any affected persons under Section 95E (i.e. persons on which effects will be minor or more than minor, but not less than minor) for the reasons set out in the preceding Section 104(1)(a) and Section 104(2)(v) assessments.

In particular, the key considerations in terms of an assessment under section 95E relate to the visual dominance, and privacy effects associated with the proposed development, construction and construction related effects (noise and vibration), groundwater drawdown effects and flooding effects on the persons identified in Figure 4 above.

It is noted that the implementation of the alternative height in relation to boundary will be considered without limited notification or the need to obtain the written approval from affected parties.

Bulk, Dominance and Privacy Effects

1/17, 2/17 and 3/17 Ascot Avenue (properties to the north)

1/17, 2/17 and 3/17 Ascot Avenue are occupied by two standalone two-storey buildings. The front building comprises two residential units. The outlook of the eastern unit is primarily to the north with a balcony extending out from the eastern elevation. Similarly, the western unit of this front building also has outlook to the north with a balcony extending out from the western elevation. The units have been configured such that main living areas are largely orientated to the north, with bedrooms to the south. The

rear dwelling is a detached and two storeys in height and has outlook primarily to the north.

The effects with respect to visual dominance and privacy has been addressed in Section 6 above. In summary, the persons at 1/17, 2/17 and 3/17 Ascot Avenue are not considered adversely affected with respect to bulk and dominance because the proposed development complies with the building height and side yard setback controls. Moreover, the architectural design strategy is coupled with landscaping which includes a variety of plantings and specimen trees suitable to soften the bulk of the building.

To protect the neighbour's privacy from views from the north-facing residential units, notably on the upper levels, a planting buffer is proposed along the site's northern boundary, consisting of a mix of native shrubs and trees. Perforated screens and opaque glass balustrades will be attached to the balconies to obstruct direct sightlines into the habitable rooms of the adjoining properties. Refer to Architectural Drawing RC515 Cross Section 10-10 (Attachment (a)).

21 and 23 Ascot Avenue and 26a Cotter Avenue (properties to the south)

Existing development at 21 Ascot Avenue consists of a single-storey dwelling approximately 10 metres from the shared boundary and a detached single garage positioned in the along the shared boundary. Similarly, the site at 23 Ascot Avenue is occupied by a standalone single-level that is separated from the subject site's southern boundary by the vehicle access of 21 Ascot Avenue. The site 26a Cotter Avenue features two single level buildings containing six residential units. The building closest to the subject site's southern boundary is setback by approximately 6 metres, and orientated towards the subject site's southern boundary.

The persons at 21 and 23 Ascot Avenue and 26a Cotter Avenue are not considered to be adversely affected by the proposal because the design of the scheme responds to the boundary condition by positioning the driveway along the southern boundary, which increases the separation distance between the proposed development and dwellings at these properties. Further, any direct overlooking and privacy effects onto these properties will be avoided due to the planted buffer along the shared boundary and the northern orientation of the proposed residential units.

14, 16 and 18 Cotter Avenue (properties to the west)

The properties located at 14, 16 and 18 Cotter Avenue are zoned Mixed Housing Urban and are occupied by standalone detached dwellings. The dwellings are located centrally on the sites with their outlook primarily orientated to the west. The western boundary of these sites is lined by existing vegetation and trees.

The proposed development will not adversely affect the persons at 14, 16 and 18 Cotter Avenue with respect to visual dominance and privacy, as the proposed building form consists of four stepped modules that follows the topography of the site, with the western element being only two storeys in height and setback at least 7 metres from the site's western boundary. Further, in recognition of the lower intensity zoning of these sites, the rear portion of the subject site will feature a garden comprising of existing trees and newly planted specimen trees, forming a vegetative screen. The privacy of the persons at these adjoining properties will not be affected for the same reasons noted above.

22 and 24 Ascot Avenue (properties on the eastern side of Ascot Avenue)

The properties at 22 and 24 Ascot Avenue are occupied by standalone residential dwellings and have outlook primarily to the east of the site. It is noted that although 24a Ascot Avenue is directly opposite the subject site, 24a Ascot Avenue is a rear site, and is sufficiently screened by the dwelling and vegetation at 24 Ascot Avenue, and therefore is not considered affected.

Any bulk, dominance, and privacy effects on the persons at these adjoining sites will be less than minor because the proposed development is sufficiently separated from these properties by the 20m road width of Ascot Avenue. Further the principal outlook and outdoor living areas of the proposed residential units are to the north and therefore the privacy effects on the persons at these properties are considered to be negligible.

Summary

It is acknowledged that the proposal will alter the existing character of the immediately surrounding area. However, it is considered that the proposed development is in keeping with the intended future character of this area, which allows for medium to high intensity developments as enabled by the AUPOP. Overall, the design and layout of the building has been carefully considered to provide high-quality on-site amenity for the residents

whilst at the same time avoiding or mitigating adverse effects on the adjoining residential sites.

Construction and Construction Related Effects

The matters over which discretion has been restricted with regard to applications for Land Disturbance – District and Noise and Vibration are discussed in the preceding sections.

The earthworks phase of the operation is temporary and the earthworks operations will be limited to between the hours of 7:30am to 6:30pm Monday to Friday and Saturday mornings to avoid disturbance of neighbours during more sensitive periods.

Based on the acoustic assessment prepared by Hegley Acoustics, construction noise associated with initial piling exceed the long-term construction noise limit of 70 dB L_{Aeq} at the façade of the buildings at 1/15, 16a, 1/17, 22 – 26a Ascot Avenue, and 8G, 8J, 14, and 16 – 22 Cotter Avenue, by an average of 5 decibels. It is noted that that this threshold is permitted for construction activities up to 20 weeks. Standard excavation works is expected to comply with the long-term construction noise threshold, except at the façade of the buildings at 2/17 and 3/17 Ascot Avenue. Further, noise from piling of foundations when measured at the façade of the buildings at 2/17, 3/17, 21 Ascot Avenue and 26 Cotter Avenue is predicted to exceed by up to 15 decibels for short periods of time.

The report also confirms that vibration levels from the construction activity, including piling and excavating, will comply with vibration levels set out in the German Industrial Standard DIN 4150-3 (1999) for controlling cosmetic damage to buildings, but the vibration would likely be apparent to occupants on site while the closest piles were being drilled, exceeding the amenity criteria of 2mm/s (Table E25.6.30.1 of the AUPOP) at 1/17, 2/17, 3/17, 21 and 23 Ascot Avenue, and 16 – 20 and 26 Cotter Avenue.

Considering the temporary nature of the construction phase, occurring at various locations on the site, and that high noise levels and associated vibration levels (dependent on the type of construction activity) are only generated for short periods of time, and that construction noise will be carefully managed, aural and vibration effects on these persons are considered less than minor. Furthermore, a Construction Noise and Vibration Management Plan will be prepared and implemented, including informative communication, to manage any nuisance to adjoining sites.

Groundwater Drawdown Effects

Due to the excavation depth, the proposal will result in a permanent diversion of groundwater during the excavation phase and following construction.

The nearest structures to the face of the retaining wall are the retained driveway along the site's northern boundary servicing 1/17, 2/17 and 3/17 Ascot Avenue, and the front building of 17 Ascot Avenue. In this regard, the analysis prepared using R2 software predicts that the ground settlement effects will be within the tolerance limits outlined in the New Zealand Building Code Handbook, and that differential ground movement effects on the adjacent structures will be 'negligible' to 'very slight'.

No other adjoining properties are considered affected by the groundwater diversion (and consequent ground settlement or groundwater drawdown impacts) given that other dwellings are located a considerable distance from the face of the retaining wall.

Flooding Effects

As noted, the open watercourse has been identified as an overland flow path that captures the 1% AEP overland flows. The proposed earthworks will not alter the landform to a degree that changes the exit and entry point of the overland flow paths, or increases potential volume of flooding. Further, the proposed development has been designed above the required freeboard levels to avoid any potential flooding risks upstream and/or downstream of the catchment.

Having regard to the preceding analysis, limited notification of the application is therefore not required.

8.3 Notification Recommendation

It is recommended that, pursuant to sections 95A and 95B of the RMA, this application is processed without notice because:

- As a residential activity, the proposal is precluded from public notification;
- The Applicant does not invite public notification;
- No owners or occupiers of adjacent sites are considered to be adversely affected to a degree that is minor or more than minor; and
- There are no special circumstances to warrant notification.

9. CONCLUSION

The Applicant seeks resource consent for the establishment of a six-storey (including a semi-basement) apartment complex containing 25 residential units at 19 Ascot Avenue, Remuera.

Restricted discretionary land use resource consent is required under the AUPOP for the establishment of four or more dwellings within the Terrace Housing and Apartment Building zone; for retaining walls greater than 1.5 metres in height (classed as a 'structure') within the front and riparian yards; for the use of the alternative height in relation to boundary control; for the diversion and dewatering of groundwater associated with the basement excavation; for general land disturbance works on sites zoned residential; for general land disturbance works within the riparian margin of an urban stream; for the removal of vegetation within 10 metres of an urban stream and within the bed of an intermittent stream; for construction works exceeding the permitted noise and vibration standards; for a new activity gaining access onto an arterial road; and for buildings located within and over an overland flow path.

The proposal provides an apartment building that accords with the purpose and expectations of the THAB zoning. In particular, the proposal provides for a high degree of internal and external amenity and, in the context of the zoning, will contribute to the amenity of the surrounding area. The proposal utilises the alternate height in relation to boundary control as enabled by the THAB provisions to allow the efficient use of the site, while maintaining a reasonable level of daylight access and reducing visual dominance effects to these neighbours by dint of design. The design and layout of the proposed crossing onto Ascot Avenue will provide safe access and egress without disrupting the efficiency of the transport network. The vegetation within the riparian margin that is being removed is of no ecological significance, and its loss will be mitigated by the proposed comprehensive landscaping plan for the subject site. Earthworks will be managed to avoid sedimentation of stormwater and will be undertaken in a manner to provide stability to neighbouring sites. Further, noise and vibration measures associated with the construction will be applied to protect the amenities of the adjoining sites. The diversion of groundwater associated with basement excavation will be undertaken in such manner to ensure that the proposed development will not generate adverse effects on neighbouring properties resulting from subsidence. Finally, the proposed development, including site works, will not exacerbate flood effects upstream or downstream of the catchment.

The section 104 assessment concludes that the proposal accords with the relevant assessment criteria of the AUPOP with regard to the requisite consents that are required and that the proposal accords with the purpose of the THAB zoning. The proposal is also consistent with the sustainable management purpose of Part 2 of the RMA in providing a high amenity apartment development.

This application should be processed without notification because, with regard to those matters over which discretion has been restricted, because residential activities are precluded from public notification, and because effects on the adjacent properties will be less than minor. The Applicant does not request public notification and there are no special circumstances to warrant notification.

This resource management proposition meets the requisite tests for restricted discretionary activities and is thus recommended to Council for its consideration and approval on a non-notified basis.

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