

RESOURCE CONSENT APPLICATION

S127 Change of Conditions

**34 White Swan Road, Mount Roskill,
Auckland**

Job no: 20333

Date: September 2020

P: 09 576 3276 | www.clcgroup.co.nz

PO Box 51547, Pakuranga, Auckland, 2140

4 Johns Lane, Pakuranga, Auckland, 2010

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Issue Numbers and Revisions

Issue	Description	Author	Date
A	Draft	Grace Ng	1 October 2020
B	Final		21 October 2020

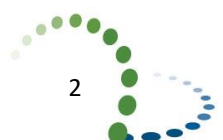
Document Acceptance

Action	Signed	Author	Date
Prepared By		Grace Ng	21 October 2020
Reviewed by		Hamish Hey	21 October 2020
Approved by		Stu Jones	21 October 2020
On behalf of		CLC Consulting Group Ltd	



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1 Introduction

1.1 Purpose of Report

CLC Consulting Group Limited (CLC) has been commissioned by Mr Madhav Karmakar – the applicant – to apply for resource consent to carry out a variation of the approved Land Use Consent LUC60333519 and Subdivision Consents SUB60333660 and SUB60339537 for the property at 34 White Swan Road, Mount Roskill, Auckland. Under these consents, a total of five units/dwellings with four carpark spaces were approved. This included the conversion of an existing dwelling into four dwellings and a new two-storey standalone dwelling.

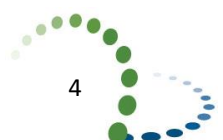
The proposed changes consist of the removal of carpark spaces and associated driveway, impervious and easements areas. Minor changes to the existing dwelling are also proposed - amendment of the internal layout of the existing house within Lot 2 and additional deck areas proposed in the southern quadrant, and adjustment of the boundary of Lot 2 is also proposed. A new height in relation to boundary infringement will result from the partition fence for the extended deck area.

An application for a Change of Conditions under s127 is required as a Discretionary Activity to vary the approved conditions to reflect the changes stated above.

This report has been prepared in accordance with the requirements of Section 88 and the Fourth Schedule of the RMA. It is intended to provide all the information necessary for a full understanding of the proposal and any potential effects on the receiving environment.

This document contains information and discussion regarding the following:

- A description of the site and surrounding locale.
- A description of the proposed activity.
- An assessment of the Environmental Effects the proposal could potentially have on the environment.
- An analysis of the relevant provisions in the RMA and statutory planning documents.



2 Site Description

2.1 Location

34 White Swan Road (Lot 1 DP 212178, CT - NA140A/538) is situated at the south east side of White Swan Road as indicated in Figure 1 below. The site is a rear site that covers an area of 1526m². The site is an irregular rectangular shape with a share of an access way to White Swan Road. It has a Net Site area of 1479m² (exclusive of the ROW easement).

White Swan Road is an arterial road and the surrounding local environment is predominantly a residential neighbourhood characterised by single and two storey development. Many of the neighbouring sites have been the subject of infill development over the last 30 - 40 years.

The entry to the site is opposite the Mount Roskill Substation operated by Transpower NZ Ltd. High voltage power lines cross the site with transmission towers on 30 and 26 White Swan Road. A Vector transformer facility is located at 36 White Swan Rd on the south western side of the access way and has a high perimeter wall surrounding it such that it looks much like a two storey building from the outside.

The subject site is well served with public transportation with bus stops in both directions at the end of the drive. Local shops and restaurants are located a few minutes away either on Ellis Ave or Richardson Road. The Mt Roskill New World supermarket is a short three (3) minute bus trip, and the major shopping precinct of New Lynn is 12 minutes by Bus. Schools are also in close proximity with Marshall Lang Primary a 10 minute/800m walk, and Lynfield College a 4 minute bus trip or 16 minute walk.

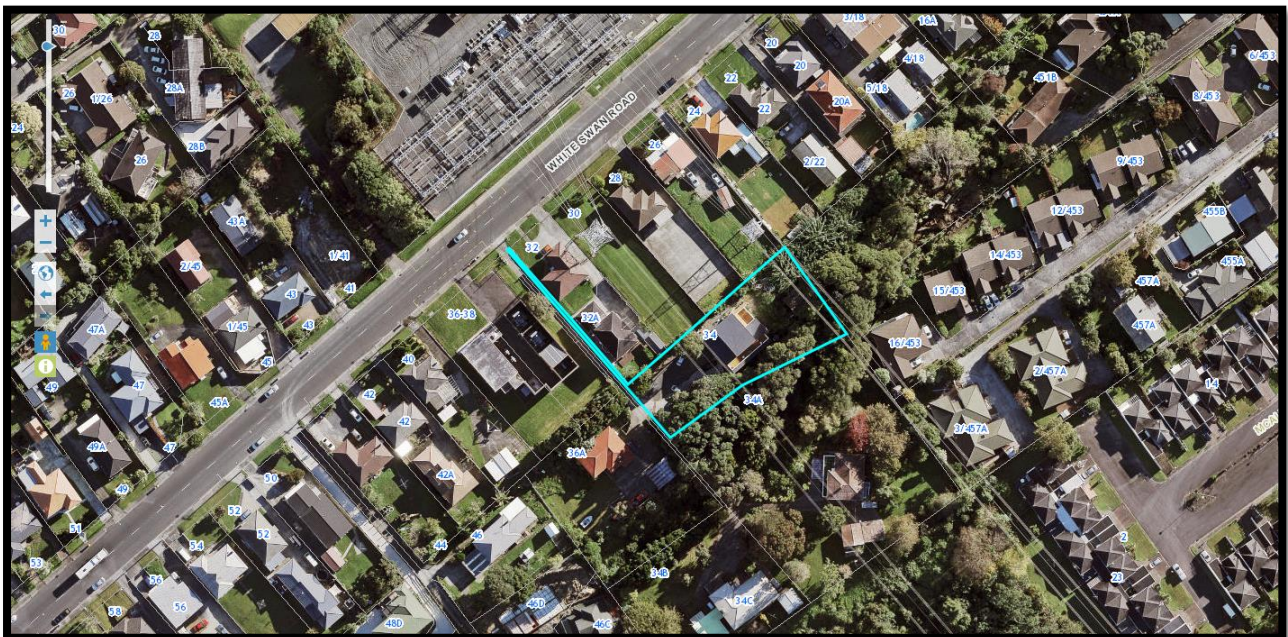


Figure 1: Aerial location map¹

¹ Map courtesy of GeoMaps Viewer

2.2 Topography

The site is of gentle to steep gradient, in a NW/SE axis across the site, with historical works have benched the existing dwelling and parking area adjacent the existing access way to a relatively gentle contour before a steeper densely vegetated bank drops to a watercourse on adjacent 34a White Swan Rd.

The site is fenced on its north western and north eastern boundaries. The south eastern boundary is a steep bush clad gully leading down to an ephemeral water course.

As the shared driveway passes the site, the down slope third drops below the site and is bordered by a concrete retaining wall supporting the site as the driveway continues to drop to a culvert crossing of the watercourse to access 34 A and 34C White Swan Road.

2.3 Summary of Details

Applicant:	Mr Madhav Karmakar
Location:	34 White Swan Road, Mount Roskill
Legal Description:	LOT 1 DP 212178
Certificates of title	CT-NA140A/538
Total Site Area:	1526m ²
Territorial Local Authority:	Auckland Council
Road Classification:	Arterial Road
Hazards:	None
Zone:	Residential - Mixed Housing Suburban
Overlays:	Infrastructure: National Grid Corridor Overlay – National Grid Yard Uncompromised Infrastructure: National Grid Corridor Overlay – National Grid Subdivision Corridor
Controls:	Macroinvertebrate Community Index - Urban
Designations:	NOR7: Proposed Northern Runway, Airspace Restriction Designation
Precinct:	N/A

Table 1: Summary of Site Details

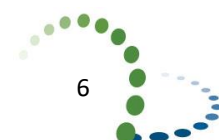
3 Description of Proposal

3.1 Overview of Approved Development

Land Use and Subdivision Resource Consent was obtained for the conversion and alteration of the existing dwelling into four dwellings and a new two-storey standalone dwelling, resulting in a total of five dwellings on site as summarised below. The approved resource consent and stamped plans are attached as Appendix A.

Land Use - LUC60333519

- 1) The conversion of the existing dwelling into four apartment units, as follows:



- a) Unit B1 – A basement level 2 bedroom unit, entry from the south west side of the building, with outlook space to the south west and deck area on the south east side of the building adjacent the bush;
 - b) Unit B2 – A basement level 1 bedroom unit, with entry from the north east side, large deck area, outlook space to the east;
 - c) Unit G1 - A 3 bedroom unit, entry from the NW side, outlook to the south west and large deck on the eastern/bush side of the building;
 - d) Unit F1 – 1 bedroom unit, ground floor entry and kitchen, first floor lounge ensuite and bedroom, outlook to the north and a large north facing deck.
- 2) The creation of a 90m² building platform area (5th dwelling) outside of the National Grid Corridor.
 - 3) Provision of 4 car park spaces with pergolas.
 - 4) A total area of earthworks of 652m², of this total the driveway works area covers a total of 348m².

Subdivision

- 1) The approved two stage subdivision, as follows:

- a) SUB60333660

Creation of 2 fee simple lots, being Lot 1 (1028m²) being a future proof land holding block for future development. The lot includes the entry and access way wrapping around Lot 2 (498m²) being the existing building, with easements facilitating access, parking and utility services and the identification of a 90m² vacant dwelling site (i.e. 5th dwelling unit area). The plan of subdivision also includes a passing bay easement to be established over 36 White Swan Rd, being Easement area B on the plan of subdivision. This easement area currently exists but is unformed and in favour of No 34A only.

- b) SUB60339537

Creation of a four unit, unit title subdivision of Lot 2 with auxiliary unit areas.

The approved coverage calculations for each lot are collated in the table below.

Lot	Gross site area	Net site area	Building coverage	Impervious area	Landscaped area
Parent site	1526m ²	1459m ²	309m ² (21%)	768m ² (50%)	760m ² (52%)
Lot 1	1028m ²	692m ²	110m ² (16%)	493m ² (48%)	537m ² (78%)
Lot 2	498m ²	498m ²	199m ² (40%)	276m ² (55%)	224m ² (45%)

3.2 Proposed Changes to the Approved Development

The following changes are proposed to the approved development:

- 1) Removal of 3 carpark spaces and two motorcycle spaces, associated driveway and impervious areas. The extent of driveway area will decrease from 319m² to 163.8m². The parking pad in Lot 1 will be retained and moved adjacent to the standalone dwelling;
- 2) The proposed driveway is shortened, in line with the Lot 2 boundary. The area beside the driveway between the carpark space within Lot 1 and the existing dwelling of Lot 2 will be levelled to create a more practical use



of space. Retaining walls are proposed along both lengths of the driveway. Refer to the Proposed Common Access Way Site Plan for the extent of retaining required. The maximum retaining wall height is 1.6m cut into the ground. Pedestrian access is provided along the southern side of the driveway and wraps around the sides of the existing dwelling in Lot 2;

- 3) Removal all of the pergolas over the carpark spaces;
- 4) Remove the 1000 litre underground detention tank serving the paved driveway in the northern corner of Lot 1;
- 5) Remove the 2000 litre underground detention tank within Lot 1. Replace with a new 4000 litre underground detention tank under the deck area in Lot 2;
- 6) The boundary of Lot 2 will be adjusted and have an area of 388m² as the two parking spaces within the original Lot 2 boundary will be removed. Lot 1 will have a greater area of 1138m²;
- 7) Due to the adjusted boundaries of Lot 2 the sewer pumping station will now be located within Lot 1;
- 8) Modifications to the internal layout of Unit G1 and B1;
 - a) Unit G1 – the kitchen and lounge rooms will switch over. The Lounge is now proposed to the south of the Unit with direct access from a new sliding door to the existing timber deck. The outlook space will be dimensioned from the south-eastern window.
 - b) Unit B1 – the master bedroom is proposed to be a lounge room, and a new study room and bathroom are proposed adjacent to the kitchen/dining area. This will reduce the kitchen/dining space. The lounge will have direct access to the existing timber deck. The outlook space will be dimensioned from the south-eastern window. Unit B1 will be a one bedroom unit.
 - c) The timber deck area and a 1.8m high partition fence in the southern quadrant is proposed to be extended. This area is directly accessed by the basement units – Unit B1 and Unit B2. This will result in a new Height in Relation to Boundary Infringement from the deck balustrade and partition fence protruding into the southern recession plane. Note: although a part of the deck is defined as being a building with a height greater than 1.5m, uncovered decks are exempt from the building coverage.
- 9) The Memorandum of Easements will be updated to reflect the above changes. New easements proposed include:
 - a) Removal of easements over approved driveway, parking areas and associated right to drain water easements;
 - b) Right to temporary movement of furniture delivery and maintenance vehicles;
 - c) Pedestrian right of way along the driveway;
 - d) Drainage easement over the existing wastewater pump within Lot 1;
 - e) Updated drainage easements for sewage and water;
 - f) Easements for the outlook spaces of the principal bedroom in Unit B1 and principal bedroom in Unit B2 within Lot 2 extending into Lot 1. The outlook space for Unit B1 will extend 2m into Lot 1 and the outlook for Unit B2 will extend 0.57m into Lot 1;
 - g) It is of note that the approved Easement Q for the Passing Bay at the entrance of the right of way will no longer be required for the subject site. The Passing Bay, Area A LT 545442, will be utilised for Lot 1 approved under a separate s348 application.
- 10) Consequential amendments to the second stage Unit Title Plans are also proposed, as attached in Appendix G.

The new proposed coverage calculations for each lot is collated in the table below.



Lot	Gross site area	Net site area	Building coverage	Impervious area	Landscaped area
Parent site	1526m ²	1459m ²	331.1m ² (22.7%)	608.6m ² (39.9%)	902.3m ² (61.8%)
Lot 1	1130m ²	1071m ²	106.9m ² (10.0%)	365.5m ² (32.3%)	761.1m ² (71.1%)
Lot 2	396m ²	396m ²	224.2m ² (56.6%)	243.1m ² (59.8%)	141.2m ² (35.7%)

3.3 Changes to Conditions Sought

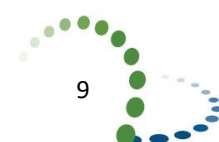
3.3.1 Land Use – LUC60333519

Additional Consent:

- The proposed removal of 3 carpark spaces will result in an equivalent shortfall for Lot 2 and requires consent as a **Restricted Discretionary** activity under E27.4.1 (A2).
- The partition fence on the deck between Unit B1 and Unit B2 will protrude the southern recession plane with a maximum height of 45mm over a horizontal length of 100mm and requires consent as a **Restricted Discretionary** activity under Standard H4.6.5.
- The balustrade of the deck extension will also protrude the southern recession plane with a maximum height of 432mm reducing to 0mm over a horizontal length of 2,633mm and requires consent as a **Restricted Discretionary** activity under Standard H4.6.5.
- The change in the internal layout and the readjustment of the internal boundaries will result in an outdoor living space and outlook space infringement from Unit B1 and Unit B2:
 - The readjusted south-western boundary of Lot 2 will require the outdoor living space area to be contained within the south-eastern side of Unit B1 where there is only a 4.557m distance between the building and the southern site boundary. The outdoor living space of Unit B2 is also located within the southern quadrant of the site. Thus consent as a **Restricted Discretionary** activity under the Standard H4.6.13 is required.
 - The new lounge is located in the southern room of Unit B1 where the 6m by 4m outlook space exceeds the parent site southern boundary by a maximum of 1.5m thus requires consent as a **Restricted Discretionary** activity under H4.6.11.
 - From the existing bedroom (now a principal bedroom) for Unit B1, the 3m by 3m outlook space also exceeds the internal south-western boundary of Lot 2 by 2.0m into Lot 1. The outlook space for the principal bedroom of Unit B2 will also exceeds the internal north-eastern boundary of Lot 2 by 0.57m into Lot 1. However this will not create an infringement under the Land Use consent but will be a new infringement as result of the proposed subdivision. As the Subdivision was approved around an approved Land Use consent under Rule E38.4.2 (A14) no further subdivision consent is required. The outlook spaces are however protected by an easement.

Proposed changes to conditions sought:

1. Amended Condition 1 Activity in Accordance with the Application now reads (proposed changes are made in bold)

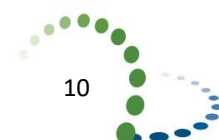


This consent shall be carried out in accordance with the documents and drawings and all supporting additional information submitted with the application, detailed below, and all referenced by the council as resource consent number LUC60333519:

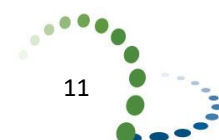
- Application Form and Assessment of Environmental Effects prepared by CLC Consulting Group, dated 15 January 2019.
- **Application entitled “S127 Change of Conditions Application 34 White Swan Road, Mount Roskill, Auckland”, prepared by CLC Consulting Group Ltd, dated September 2020.**

Report title and reference	Author	Rev	Dated
Geotechnical Investigation Report (ref. GL215)	Geoconsult	-	25/03/2019
Firefighting Water Supply at 34 White Swan Road	NOVA Flowtec Services	-	01/03/2019
Infrastructure Report (ref. 20333)	CLC Consulting Group	A	15/01/2019
Stormwater Outlet Condition Assessment (ref. 19730)	CLC Consulting Group	-	26/02/2019
Traffic Report	Da Vinci Transport Planning	V3	14/01/2018

Drawing title and reference	Author	Rev	Dated
Full Site Plan (Sheet 001)	ArchPoint	-	11/04/2019
Proposed Site Plan (Sheet 002)	ArchPoint	-	11/04/2019
Floor Plans (Sheet 003)	ArchPoint	-	13/01/2019
Elevations (Sheet 004)	ArchPoint	B	31/05/2019
Proposed Basement Floor (Sheet A02)	EMACS	B	April 2019
Proposed Ground Floor (Sheet A04)	EMACS	B	April 2019
Proposed First Floor (Sheet A06)	EMACS	B	April 2019
Elevations (Sheet A07)	EMACS	-	15/06/2017
Elevations (Sheet A08)	EMACS	-	15/06/2017
Proposed Fee Simple Subdivision Outlook & Outdoor Living Space (Sheet 20333-220-C)	CLC Consulting Group	C	09/04/2019
Proposed Fee Simple Subdivision Outlook & Outdoor Living Space – Lvl 2 (Sheet 20333-221-B)	CLC Consulting Group	C	09/04/2019
Proposed Fee Simple Subdivision Outlook & Outdoor Living Space – Lvl 3 (Sheet 20333-222-B)	CLC Consulting Group	C	09/04/2019
Proposed Fee Simple Subdivision Building Coverage (Sheet 20333-215-C)	CLC Consulting Group	C	09/04/2019
Proposed Fee Simple Subdivision Impervious Areas (Sheet 20333-216-C)	CLC Consulting Group	C	09/04/2019
Proposed Fee Simple Subdivision Landscape Areas (Sheet 20333-217-C)	CLC Consulting Group	C	09/04/2019



Landscape Plan (Sheet WSR-01/2)	City to Coast Landscape Design	2	04/04/2019
Planting Plan (Sheet WSR-02/02)	City to Coast Landscape Design	1	21/01/2019
Driveway Plan (Sheet 20333-102-F)	CLC Consulting Group	F	03/04/2019
Pergola Plan and Elevation – Car Park 1-3 (Sheet 005)	ArchPoint	-	06/03/2019
Pergola Plan and Elevation – Car Park 4 (Sheet 006)	ArchPoint	-	06/03/2019
Driveway Longsection (Sheet 20333-103-B)	CLC Consulting Group	B	15/01/2019
Driveway Cross Sections (Sheet 20333-104-B)	CLC Consulting Group	B	15/01/2019
Driveway Typical Cross Section (Sheet 20333-105-B)	CLC Consulting Group	B	14/01/2019
Earthworks Plan (Sheet 20333-106-C)	CLC Consulting Group	C	09/04/2019
Drainage Plan (Sheet 20333-107-D)	CLC Consulting Group	D	09/04/2019
Stormwater Calculation Coverage Areas (Sheet 20333-221-A)	CLC Consulting Group	A	26/03/2019
Proposed Fee Simple Subdivision Scheme Plan (Sheet 20333-210-C)	CLC Consulting Group	C	03/04/2019
<u>Proposed Common Access Way Site Plan (Sheet 20333-600-A)</u>	<u>CLC Consulting Group</u>	<u>A</u>	<u>07/09/2020</u>
<u>Proposed Common Access Way Longsection (Sheet 20333-601-A)</u>	<u>CLC Consulting Group</u>	<u>A</u>	<u>07/09/2020</u>
<u>Proposed Common Access Way Typical Cross Section (Sheet 20333-602-A)</u>	<u>CLC Consulting Group</u>	<u>A</u>	<u>07/09/2020</u>
<u>Proposed Drainage Site Plan (Sheet 20333-603-A)</u>	<u>CLC Consulting Group</u>	<u>A</u>	<u>07/09/2020</u>
<u>Proposed Earthworks Plan (Sheet 20333-604-A)</u>	<u>CLC Consulting Group</u>	<u>A</u>	<u>07/09/2020</u>
<u>Proposed Tank Detail (Sheet 20333-605-A)</u>	<u>CLC Consulting Group</u>	<u>A</u>	<u>07/09/2020</u>
<u>Proposed Fee Simple Subdivision Scheme Plan (Sheet 20333-400-D)</u>	<u>CLC Consulting Group</u>	<u>D</u>	<u>19/10/2020</u>
<u>Building Coverages Plan (Sheet 20333-402-B)</u>	<u>CLC Consulting Group</u>	<u>B</u>	<u>19/10/2020</u>
<u>Impervious Coverages Plan (Sheet 20333-403-B)</u>	<u>CLC Consulting Group</u>	<u>B</u>	<u>19/10/2020</u>
<u>Landscaped Areas Plan (Sheet 20333-404-B)</u>	<u>CLC Consulting Group</u>	<u>B</u>	<u>19/10/2020</u>
<u>Outlook Spaces (Sheet 20333-405-B)</u>	<u>CLC Consulting Group</u>	<u>B</u>	<u>19/10/2020</u>
<u>Outdoor Living Spaces (Sheet 20333-406-B)</u>	<u>CLC Consulting Group</u>	<u>B</u>	<u>19/10/2020</u>
<u>Lower Floor Plan – Existing Dwelling (Sheet No: RC11)</u>	<u>ArchPoint Ltd</u>		<u>30/09/2020</u>
<u>Ground Floor Plan – Existing Dwelling (Sheet No: RC12)</u>	<u>ArchPoint Ltd</u>		<u>30/09/2020</u>



Upper Floor Plan – Existing Dwelling (Sheet No: RC13)	ArchPoint Ltd		30/09/2020
Elevations – Existing House (Sheet No: RC14)	ArchPoint Ltd		30/09/2020
Elevation – Existing Dwelling (Sheet No: RC15)	ArchPoint Ltd		30/09/2020
Elevation – Existing Dwelling (Sheet No: RC16)	ArchPoint Ltd		30/09/2020

2. Amended Condition 4 Stormwater (proposed changes are made in bold):

4. All the necessary pipes and ancillary equipment shall be supplied and laid to provide individual private stormwater connections to the proposed building and existing converted building, and connect them via a stormwater detention tanks to the existing stormwater outlet in general accordance with the Infrastructure Report dated January 2019 and Drawing **20333-603-A dated 07/09/2020** ~~20333-107-E dated 30/04/2019~~ prepared by CLC Consulting Group Ltd.

3. Amended Condition 7 Wastewater (proposed changes are made in bold):

7. All the necessary pipes and ancillary equipment are to be supplied and laid to extend the private wastewater system located within the site in general accordance with Drawing **20333-603-A dated 07/09/2020** ~~20333-107-E dated 30/04/2019~~ prepared CLC Consulting Group Ltd.

Advice note:

An Engineering Plan Approval application for this work is required to be submitted to Auckland Council's Development Engineering and approved prior to the works commencing.

Comment:

Condition 4 and 7 are to be amended to reflect the new drainage plan and driveway layout. Only one 4,000L underground detention tank servicing both Lots will replace the two individual tanks within Lot 1. This will be located under the deck in Lot 2. The impervious area to be removed will be grassed.

The approved wastewater connection was to be extended from within the adjoining property at 30 White Swan Road. Instead, it is proposed to amend this to retain the wastewater connection to the existing sewer pump station for Lot 2 from the existing wastewater manhole in the western corner of the site. A new wastewater rising main and chamber for the new dwelling (Lot 1) is also proposed to extend from the existing wastewater manhole.

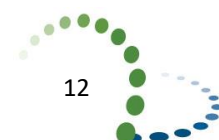
4. Amended Condition 22 Access (proposed changes are made in bold):

22. The proposed shared driveway shall be formed, paved and drained to Auckland Council specifications including the provision of stormwater catchpits and/or slot drains within the boundaries of the driveway. Where necessary the provision of kerbing or similar to prevent water flowing on to other properties (including the footpath) shall be provided.

- a. The final formation of the accessway shall be in general accordance with Drawings **20333-600-A, 20333-601-A, 20333-602-A and 20333-102-F, 20333-103-B, 20333-104-B, 20333-105-B and 20333-109-B** prepared by CLC Consulting Group Ltd.

- b. A surveyor's certified "as-built" will be required to confirm compliance with the approved dimensions and grades.

Advice note:



An Engineering Common Accessway application for construction of this work is required to be submitted and approved by Development Engineering prior to the works commencing. A building consent will be required for any drainage work required on the Right of Way.

5. Cancel Condition 24 Access (proposed changes are made in bold):

~~**24. The recommendations in the Traffic Report dated 14/01/2018 prepared by Da Vinci Transport Planning Ltd. and shown on Drawing 20333-210C prepared by CLC Consulting Group Ltd shall be implemented including widening the shared driveway to a minimum formed width of 5.5m over a 12m length from the road boundary to allow two way flow and storage for at least one vehicle waiting to exit marked 'Q'; and the formation of the passing bay marked 'A'. This shall be completed prior to the construction of the new dwelling and to the satisfaction of the Team Leader Compliance Monitoring Central.**~~

Advice note:

~~**Relevant permissions and approvals must be obtained to gain rights over the land proposed to be used for the widened portions of the shared accessway including completion of the necessary legal requirements.**~~

Comment:

This condition is no longer required as the total number of vehicle movements will be reduced as a result of the proposed removal of three carpark spaces and two motorcycle spaces which will render the Traffic Report obsolete.

6. Cancel Condition 26 Access (proposed changes are made in bold):

~~**26. The power pole, letter boxes and other telecommunication equipment located in the easement area labelled Q and the area to be occupied by the new vehicle crossing shall be moved to a new appropriate location adjacent to the new driveway and/or vehicle crossing.**~~

Advice note:

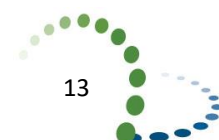
~~**Relocation of the power pole and other telecommunication equipment will require approval from the utility operator.**~~

Comment:

The approved driveway configuration extended the length of the north-western site boundary to accommodate a total of four carpark spaces and manoeuvring. It is proposed to remove three of the carpark spaces and the two motorcycle parks designated for Lot 2 and the associated manoeuvring areas. This will effectively shorten the driveway and reduce the total impervious area. The carpark space for Lot 1 will be retained for its use but relocated to sit adjacent the new dwelling. Easement over the driveway is provided for the right to temporary movement of furniture delivery and maintenance vehicles. Conditions 22, 23 and 24 will require updating with the new reference from the amended plan.

The removal of three parking spaces and two motorcycle spaces will result in less vehicle movements to and from the site hence easement area labelled Q is no longer required as a passing bay. There is now no requirement for existing passing bay 'Area A LT 545442' to service the development at 34 White Swan Road. Therefore, it is proposed that the whole of Condition 24 and Condition 26 be cancelled.

7. Cancel Condition 27 - 28 Landscaping and fencing (proposed changes are made in bold):



~~27. The landscaping as detailed on the Landscaping and Planting plans referenced in condition 1 above shall be implemented within the first planting season (May to September) following the date of grant to the satisfaction of Council's Team Leader Compliance Monitoring Central.~~

~~28. The landscaping required by condition 27 above shall be retained and maintained thereafter in accordance with the Landscaping and Planting plans with any plant losses being replaced and maintained for the lifetime of the activity to the satisfaction of Council's Team Leader Compliance Monitoring Central.~~

Comment:

With the proposed removal of the three carpark spaces and associated manoeuvring areas the landscaping plan is no longer applicable due to a large area of the approved impervious area being reverted back to grassed area. The outdoor living space for Units B1 and B2 and required 6m by 4m outlook spaces will be relocated and dimensioned from the south-eastern face of the building where greater privacy and better outlook amenity is offered. Hence landscaping to demarcate the outdoor living spaces between the existing and new dwellings and between the approved car parking spaces and outdoor living spaces for each Lot is no longer required.

8. Cancel Condition 29 - 31 National Grid (proposed changes are made in bold):

~~29. The consent holder shall design and install pergola/car port structures over all proposed parking spaces on the site, in accordance with the locations, sizes and dimensions shown on the approved plans, to the satisfaction of Council's Team Leader Compliance Monitoring Central. The structures shall be retained and maintained for the lifetime of the consented activities.~~

~~30. The structures required by condition 29 above shall be constructed with non-conductive material and the consent holder shall provide written confirmation of this to Council's Team Leader Compliance Monitoring Central by a suitably qualified professional prior to the occupation of the dwellings.~~

Advice note:

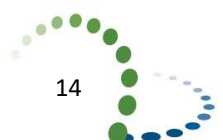
~~The aim of the condition is to avoid long runs of metal pipes, sheets of cladding and steel beams, etc., which under certain circumstances have the potential to transfer energy that might cause discharges of energy. For avoidance of doubt, the use of metal fittings/fixtures, such as screws, nails, etc. is acceptable provided the main structure is non-conductive, such as timber. The consent holder may contact Council's Team Leader Compliance Monitoring Central for guidance if required.~~

~~31. The structures required by condition 29 above shall remain open on all sides to avoid them being used as potential habitable rooms in the future. This shall be an on-going requirement in perpetuity.~~

Comment:

It is proposed to remove a total of three carpark spaces and two motorcycle parking spaces. Only one permanent parking space will remain for Lot 1 and provision of easements to allow for furniture delivery or maintenance vehicles for Lot 2. The applicant would also like to remove the requirement to have a pergola over the Lot 1 carpark as there is adequate clearance between the car and transmission lines. The new dwelling is for residential use only and it is not anticipated that a large truck or similar will be utilising the space. With ample clearance overhead and no specific requirement under the Auckland Unitary Plan to provide a pergola in this instance, Conditions 29, 30 and 31 are considered an onerous requirement hence the proposed cancellation of these conditions.

9. Amended Condition 34 Existing Development (proposed changes are made in bold):



34. All necessary works, including creation of fire walls and fixed kitchen facilities, shall be undertaken to achieve the floor layouts shown on **ArchPoint Ltd drawings RC11, RC12, RC13** ~~EMACS drawings A02E, A04B and A06B. Such works shall be completed within 3 months of the decision date of this consent to the satisfaction of the Team Leader Compliance Monitoring Central.~~

Comment:

There are proposed internal floor layout changes for Unit G1 and Unit B1 and Condition 34 is to be updated with the correct plan references to reflect these changes. The time constraint was a historical issue to the number of persons in the building and number of kitchen facilities. This is no longer a relevant matter.

10. Amended Condition 35 Existing Development (proposed changes are made in bold):

35. All excess paving on the site shall be removed such that compliance is achieved with the impervious areas shown on plan **20333-403-A** ~~20333-221-A~~ prepared by CLC Consulting Group. ~~This shall occur within 3 months of the decision date of this consent to the satisfaction of the Team Leader Compliance Monitoring Central.~~

Comment:

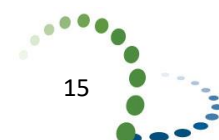
With the proposed removal of the three carpark spaces, manoeuvring area and shortened driveway the total impervious area will reduce. The plan reference for Condition 35 is changed to reflect this adjustment to the site. The time constraint is no longer appropriate. Works will be completed so that s224c for the two subdivision stages can be signed off.

3.3.2 SUBDIVISION - SUB60333660 (2 Lot Subdivision)

Proposed changes to conditions sought:

11. Amended Condition 1 Activity in Accordance with the Application now reads (proposed changes are made in bold)

Drawing title and reference	Author	Rev	Dated
Driveway Plan (Sheet 20333-102-F)	CLC Consulting Group	F	03/04/2019
Pergola Plan and Elevation – Car Park 1-3 (Sheet 005)	ArchPoint	-	06/03/2019
Pergola Plan and Elevation – Car Park 4 (Sheet 006)	ArchPoint	-	06/03/2019
Driveway Longsection (Sheet 20333-103-B)	CLC Consulting Group	B	15/01/2019
Driveway Cross Sections (Sheet 20333-104-B)	CLC Consulting Group	B	15/01/2019
Driveway Typical Cross Section (Sheet 20333-105-B)	CLC Consulting Group	B	14/01/2019
Earthworks Plan (Sheet 20333-106-C)	CLC Consulting Group	C	09/04/2019
Drainage Plan (Sheet 20333-107-D)	CLC Consulting Group	D	09/04/2019
Stormwater Calculation Coverage Areas (Sheet 20333-221-A)	CLC Consulting Group	A	26/03/2019
Proposed Fee Simple Subdivision Scheme Plan (Sheet 20333-210-C)	CLC Consulting Group	C	03/04/2019
Proposed Common Access Way Site Plan (Sheet 20333-600-A)	CLC Consulting Group	A	07/09/2020



Proposed Common Access Way Longsection (Sheet 20333-601-A)	CLC Consulting Group	A	07/09/2020
Proposed Common Access Way Typical Cross Section (Sheet 20333-602-A)	CLC Consulting Group	A	07/09/2020
Proposed Drainage Site Plan (Sheet 20333-603-A)	CLC Consulting Group	A	07/09/2020
Proposed Earthworks Plan (Sheet 20333-604-A)	CLC Consulting Group	A	07/09/2020
Proposed Tank Detail (Sheet 20333-605-A)	CLC Consulting Group	A	07/09/2020
Proposed Fee Simple Subdivision Scheme Plan (Sheet 20333-400-D)	CLC Consulting Group	D	19/10/2020

12. Amended Condition 6 Private Stormwater (proposed changes are made in bold):

6. All the necessary pipes and ancillary equipment shall be supplied and laid to provide individual private stormwater connections to the proposed Lots 1 and 2 and connect them via **a** stormwater detention tanks to the existing stormwater outlet in general accordance with the Infrastructure Report dated January 2019 and **20333-603-A dated 07/09/2020** ~~20333-107-E dated 30/04/2019~~ prepared by CLC Consulting Group Ltd.

Advice note:

On completion any new connections shall be marked by a 50mm x 50mm x 1m tanalised stake painted blue and clearly dimensioned on any drainage "As-Built".

13. Amended Condition 8 Public wastewater (proposed changes are made in bold):

8. All the necessary pipes and ancillary equipment are to be supplied and laid to extend the private wastewater system located within the site in general accordance with Drawing **20333-603-A dated 07/09/2020** ~~20333-107-E dated 30/04/2019~~ prepared CLC Consulting Group Ltd.

Advice note:

An Engineering Plan Approval application for this work is required to be submitted to Auckland Council's Development Engineering and approved prior to the works commencing.

Comment:

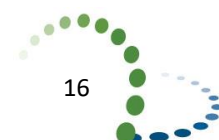
Conditions 6 and 8 is to be amended to reflect the new drainage plan and driveway layout (parallel with Conditions 4 and 7 under LUC60333519).

14. Amended Condition 12 Access (proposed changes are made in bold):

12. The Right of Way labelled A, B, C, **I, E, F, G, H, J & Q** shall be formed, paved and drained to Auckland Council specifications including the provision of stormwater catchpits and/or slot drains within the boundaries of the Right of Way. Where necessary the provision of kerbing or similar to prevent water flowing on to other properties (including the footpath) shall be provided.

- c. The final formation of the accessway shall be in general accordance with Drawings **20333-600-A, 20333-601-A, 20333-602-A and 20333-102-F, 20333-103-B, 20333-104-B, 20333-105-B and 20333-109-B** prepared by CLC Consulting Group Ltd.

- d. A surveyor's certified "as-built" will be required to confirm compliance with the approved dimensions and grades.



- e. Separate Certification is required by a Chartered Professional Engineer with the Section 224(c) application confirming the construction and stormwater runoff management from the Right of Way is in accordance with Auckland Council standards.

Advice Note:

An Engineering Common Accessway application for construction of this work is required to be submitted and approved by Development Engineering prior to the works commencing. A building consent will be required for any drainage work required on the Right of Way.

Comment:

The proposed changes to the approved driveway will result in a revision of the Memorandum of Easements for the development. Amendment to Condition 12 reflects these changes to easement labels and the updated references to the new plans showing the new driveway configuration.

15. Cancel Condition 13 Access (proposed changes are made in bold):

~~**13. The recommendations in the Traffic Report dated 14/01/2018 prepared by Da Vinci Transport Planning Ltd. and shown on 20333-210C prepared by CLC Consulting Group Ltd. shall be implemented including widening the shared driveway to a minimum formed width of 5.5m over a 12m length from the boundary to allow two way flow and storage for at least one vehicle waiting to exit shown 'Q', and the formation of the passing bay shown 'A'.**~~

Advice note:

~~**Relevant permissions and approvals must be obtained to gain rights over the land proposed to be used for the widened portions of the shared accessway including completion of the necessary legal requirements.**~~

Comment:

The new shortened driveway configuration as a result of the proposed removal of three carpark spaces and associated manoeuvring areas is reflected on the plan reference as proposed in Condition 13 (parallel with Condition 24 under LUC60333519) is no longer needed.

16. Cancel Condition 15 Access (proposed changes are made in bold):

~~**15. The power pole, letter boxes and other telecommunication equipment located in the easement area labelled Q and the area to be occupied by the new vehicle crossing shall be moved to a new appropriate location adjacent to the new driveway and/or vehicle crossing.**~~

Advice note:

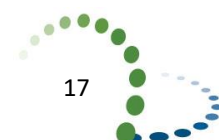
~~**Relocation of the power pole and other utilities will require approval from the utility operator. If the pole is moved more than 2m from its current location a further resource consent is required.**~~

Comment:

With the reduced number of carpark spaces there will be less vehicle movement and an additional passing bay is not required thus the proposed cancellation of Condition 15 (parallel with Condition 26 under LUC60333519).

3.3.3 SUBDIVISION – SUB60339537 (Unit Title Subdivision)

17. Amended Condition 1 Activity in Accordance with the Application now reads (proposed changes are made in bold)



Drawing title and reference	Author	Rev	Dated
Proposed Unit Title Subdivision Level 1 (Sheet 20333-410-B)	CLC Consulting Group	B	09/04/2019
Proposed Unit Title Subdivision Level 2 (Sheet 20333-201-B)	CLC Consulting Group	B	09/04/2019
Proposed Unit Title Subdivision Level 3 (Sheet 20333-202-B)	CLC Consulting Group	B	09/04/2019
Proposed Unit Title Subdivision Cross Sections (Sheet 20333-203-B)	CLC Consulting Group	B	09/04/2019
<u>Proposed Unit Title Subdivision Level 1 (Sheet 20333-410-A)</u>	<u>CLC Consulting Group</u>	<u>A</u>	<u>26/09/2020</u>
<u>Proposed Unit Title Subdivision Level 2 (Sheet 20333-411-A)</u>	<u>CLC Consulting Group</u>	<u>A</u>	<u>26/09/2020</u>
<u>Proposed Unit Title Subdivision Level 3 (Sheet 20333-412-A)</u>	<u>CLC Consulting Group</u>	<u>A</u>	<u>26/09/2020</u>
<u>Proposed Unit Title Subdivision Cross Sections (Sheet 20333-413-A)</u>	<u>CLC Consulting Group</u>	<u>A</u>	<u>26/09/2020</u>

4 Considering the Application – Statutory Matters RMA

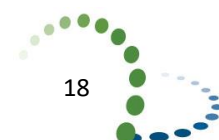
The following paragraphs outline an assessment of the proposal with regards to the relevant statutory provisions of the Resource Management Act 1991 (RMA or the Act), with reference to the relevant activity status of the Unitary Plan.

4.1 s127 – Change or Cancellation of Consent Condition(s)

Section 127 of the Resource Management Act states:

Section 127 RMA – Change or cancellation of consent condition on application by consent holder

- (1) *The holder of a resource consent may apply to a consent authority for a change or cancellation of a condition of the consent, subject to the following:*
 - (a) *the holder of a subdivision consent must apply under this section for a change or cancellation of the consent before the deposit of the survey plan (and must apply under section 221 for a variation or cancellation of a consent notice after the deposit of the survey plan); and*
 - (b) *no holder of any consent may apply for a change or cancellation of a condition on the duration of the consent.*
- (3) *Sections 88 to 121 apply, with all necessary modifications, as if–*
 - (a) *the application were an application for a resource consent for a discretionary activity; and*
 - (b) *the references to a resource consent and to the activity were references only to the change or cancellations of a condition and the effects of the change or cancellation respectively.*
- (4) *For the purposes of determining who is adversely affected by the change or cancellation, the consent authority must consider, in particular, every person who–*
 - (a) *made a submission on the original application; and*
 - (b) *may be affected by the change or cancellation.*



Pursuant to s127(3)(a), this application for a change of condition is to be processed as a Discretionary Activity.

4.2 s104 – Matters to be Considered

Applications made pursuant to s127 require an assessment of effects arising from the change to the consent conditions in the context that they do not result in a fundamental change to the activity for which land use consent was granted (i.e. that consent was granted to convert an existing dwelling into four dwellings and construct a new two-storey standalone dwelling, resulting in a total of five dwellings on the site).

This then sets the parameters for the assessment of the application in accordance with s104. The relevant matters for consideration under s104 are addressed as follows:

s104(1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to –

(a) any actual and potential effects on the environment of allowing the activity; and

(b) any relevant provisions of –

(iii) a national policy statement;

(vi) a plan or proposed plan; and

(c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

The effects on the environment will be assessed in the following section of the report. The relevant provisions of the Plan and proposed changes to the approved conditions have been identified in section 3 of this report and have determined the activity status of the application as a Discretionary Activity.

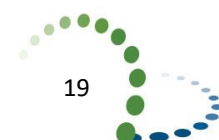
It is considered that the s127 application achieves the sustainable management purposed of the RMA in Part 2 as the amendments to the previously consent plans will create lesser effects on the environment with the reduced impervious areas, reduced earthworks and offering of low cost housing solutions for the community. The proposal is able to satisfy the objectives and policies of the Auckland Unitary Plan and relevant provisions under the National Policy Statement, thus is considered to be consistent with the intent, Purpose and Principals of the Act.

S104(2) stipulates that when forming an opinion for the purposes of subsection (1)(a), *a consent authority may disregard an adverse effect of the activity on the environment if ... the plan permits an activity with that effect.*

This concept of a permitted level of effect is known as the ‘permitted baseline’. Activities that are permitted by a Plan cannot be considered to be adverse effects on the environment. The permitted baseline also includes effects that have already been consented to (see *Queenstown Lakes District Council v Hawthorn Estate Limited* [2006] CA45/ 2005. Also, in *Lloyd v Gisborne District Council* [2005] W106/05, the court summed up the three categories of activity that needed to be considered as part of the permitted baseline.

- What lawfully exists on the site at present
- Activities (being non- fanciful activities) which could be conducted on the site as of right i.e. without having to obtain a resource consent; and,
- Activities which could be carried out under a granted, but as yet unexercised resource consent.

The Environment Court in *Eyres Eco- Park v Rodney District Council* (A147/04) suggested that existing use rights are part of the environment. Permitted and consented activities should be considered as part of the existing and reasonably foreseeable future environment. It is then necessary to define the existing environment, this can include the site as it presently exists, any unimplemented resource consents and the permitted baseline.



Finally;

s104(3) A consent authority must not,

(a) when considering an application, have regard to—

(ii) any effect on a person who has given written approval to the application:

The approved Land Use and Subdivision consents under the bundled application BUN60333616 therefore forms part of the permitted baseline as a granted but partially unexercised resource consent. It follows then that only the proposed amendments are to be assessed and not the overall activity as a whole. The standalone dwelling, the four separate units within the existing dwelling and consented impervious and landscaped areas form part of the 'existing environment'.

4.3 s104B Determination of Applications for Discretionary Activities

The understood principle of a Discretionary Activity is that Council can exercise full discretion as to whether or not to grant consent and any further conditions to impose on the consent if granted.

104B Determination of applications for discretionary or non-complying activities

After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority –

(a) may grant or refuse the application; and

(b) if it grants the application, may impose conditions under section 108.

5 Notification - Section 95 Considerations

5.1 Introduction - the Three Methods of Processing an Application

Section 95 essentially applies for three forms of processing an application;

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

Full (Public) Notification has historically been the default position of the Act for a Consent Authority. Today, specific assessment is now undertaken as to the manner in which a consent is processed in an evaluation as to the appropriateness of each method. The decision to look at all the levels of notification is laid out by following the steps of s95A to 95E, thus enabling a decision about the appropriate method of processing the application can be made in a transparent manner.

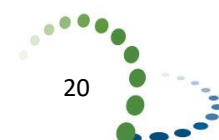
5.2 Does the Application Need Public Notification?

Initially s95A(3) sets out 3 initial considerations as step 1 to identify if application must be notified. This test can be summarised as follows:

5.2.1 Step 1: s95A(3) – Step 1 mandatory public notification in certain circumstances

(a) the applicant has requested that the application be publicly notified

The applicant does not request Public Notification in this instance.



(b) public notification is required under section 95C:

As yet there is no s92 request that gives rise to any matter altering the notification assessment.

(c) the application is made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.

No proposal for an exchange of recreation reserve land is involved in the proposal.

5.2.2 Step 2: s95A(5) - if not required by step 1, public notification precluded in certain circumstances

(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:

There are no rules of the AUP or a NES that preclude notification in respect of this application.

(b) the application is for a resource consent for 1 or more of the following, but no other, activities:

(ii) a restricted discretionary or discretionary activity, but only if the activity is a subdivision of land or a residential activity.

This s127 application is to be processed as a Discretionary Activity for changes to the approved conditions under both the Land Use and Subdivision Consents. Meeting this criteria, Step 3 will not apply and assessment to proceed to Step 4.

5.2.3 Step 4: s95A(9) public notification in special circumstances

Determine whether special circumstances exist in relation to the application that warrant the application being publicly notified and,—

(a) if the answer is yes, publicly notify the application; and

(b) if the answer is no, do not publicly notify the application, but determine whether to give limited notification of the application under section 95B.

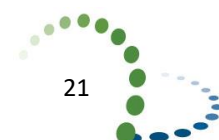
“Special circumstance” has been defined by the Court of Appeal as those unusual or exceptional, but they may be less than extraordinary or unique (*Peninsula Watchdog Group (Inc.) v Minister of Energy* [1996] 2 NZLR 529). With regards to what may constitute an unusual or exceptional circumstance, Salmond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

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

In this case, the application to change the approved conditions under s127 at 34 White Swan Road is provided for as a Discretionary Activity. The proposed changes to the conditions are within the scope of the approved activity/consents and cannot be considered as being out of the ordinary or giving rise to special circumstances. Hence, the application does not warrant notification on these grounds.

5.3 Does the Application Need Limited Notification?

If the application is not publicly notified, a council must decide if limited Notification is required. This decision follows another four step test.



5.3.1 Step 1: s95B(2) and (3) - certain affected groups and affected persons must be notified

In deciding who is an affected person under section 95E, a council:

(2) *Determine whether there are any—*

- (a) *affected protected customary rights groups; or*
- (b) *affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity).*

N/A – the proposal is not in a marine area subject to a marine title and no customary right groups affected.

(3) *Determine—*

- (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*
- (b) *whether the person to whom the statutory acknowledgement is made is an affected person under section 95E.*

N/A – the proposal is not affected by any Treaty Settlement Acts.

5.3.2 Step 2: s95B(6) - if not required by step 1, limited notification precluded in certain circumstances

(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:*

There are no rules in an NES precluding Notification in respect of this application.

(b) *the application is for a resource consent for either or both of the following, but no other, activities:*

- (i) *a controlled activity that requires consent under a district plan (other than a subdivision of land):*

The proposal is not for a controlled activity.

5.3.3 Step 3: s95B(7) & (8) - if not precluded by step 2, certain other affected persons must be notified

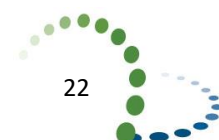
Determine whether, in accordance with section 95E, the following persons are affected persons:

(7) *in the case of a boundary activity, an owner of an allotment with an infringed boundary; and*

There is a new Height in Relation to Boundary infringement resulting from the proposed extension of the 1.8m high partition fence in Lot 2. The partition fence only protrudes the southern recession plane by a height of 45mm however being only a fence, the horizontal length of this infringement is only 100mm. The balustrade of the deck extension will also protrude the southern recession plane by a maximum height of 432mm decreasing to 0mm over a maximum horizontal length of 2633mm. Screening is also offered by trees along the southern boundary and on the adjoining property. It is considered that the proposed HIRB infringement will have less than minor adverse effects. Hence the adjoining property at 34A White Swan Road is not considered to be an affected person in accordance with section 95E.

(8) *in the case of any other activity, determine whether a person is an affected person in accordance with section 95E.*

Transpower is considered an affected person as the subject site falls within the National Grid Yard. Under the approved consent LUC60333519, Transpower required pergolas to be built over the proposed carpark spaces as per Condition 29-31. The proposed removal of the three carpark spaces and two motorcycle



parking spaces will result in only one car parking space which will be relocated next to the new dwelling in Lot 1 and provision of an easement over the driveway within the site to allow for temporary furniture and maintenance vehicles. The requirement for a pergola over the single carpark space is considered to be onerous as the parking space is well within the minimum clearance required under the transmission lines.

The cancellation of the conditions to provide pergolas will not create any additional safety hazards. Thus cancelling the requirement for pergolas will have less than minor adverse effects.

5.3.4 Step 4: s95B(10) - further notification in special circumstances

(10) Determine whether special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined to be eligible for limited notification under this section (excluding persons assessed under section 95E as not being affected persons),

The circumstances for what constitutes special circumstances is in the discussion of section 5.2.3. The application is for a use intended for by the zone – residential units. Therefore special circumstances do not apply and notification is not warranted.

5.4 Can the application be processed via the Non-Notified Method?

Having regard to the provisions of 95B and 95E, (and the assessment of Section 7 of this report) we consider that the potential effects to be less than minor and thus do not consider that any persons are affected by the activity for the following reasons;

- The adverse effects of the proposed changes of condition on the surrounding environment are believed to be less than minor.
- There are no changes to the approved activity for a total of 5 dwellings. There are less effects on the traffic use of the ROW as a result of the reduced number of parking spaces.
- The overall impervious areas are reduced as a result of the proposed changes and consequent increase in landscape area. Less earthworks are also proposed. Hence effects are lessened from what was approved.
- Transpower as an affected party of the approved consent require the provision of pergolas over each carpark space. However the proposed cancellation of conditions to provide Pergolas is considered to be less than minor as minimum clearance from transmission lines is met, in fact it is well under.

Accordingly, we consider this application can be processed **non-notified**.

5.5 95D Consent authority decides if adverse effects likely to be more than minor

Section 95D defines what is a 'more than minor' effect, through the application of the following test in for public notification:

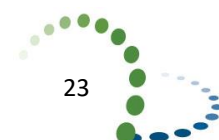
A consent authority that is deciding, for the purpose of section 95A(8)(b), whether an activity will have or is likely to have adverse effects on the environment that are more than minor—

(a) must disregard any effects on persons who own or occupy—

(i) the land in, on, or over which the activity will occur; or

(ii) any land adjacent to that land; and

There are no potential adverse effects of the proposal beyond this one property radius of the activity site. The new HIRB infringement from the extension of the partition fence will have less than minor effects on the adjoining property at 34A White Swan Road and thus is not considered an affected



party. With regard to this it is considered that there are no other adverse effects of the proposal beyond this one property radius of the activity site.

- (b) may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect; and*

The activity, a total of 5 dwellings, form part of the permitted baseline being an approved activity under the bundled Land Use and Subdivision Resource Consent BUN60333616. The proposed changes to the conditions will not create additional adverse effects over what is already approved.

- (c) in the case of a restricted discretionary activity, must disregard an adverse effect of the activity that does not relate to a matter for which a rule or national environmental standard restricts discretion; and*

This s127 application is to be processed as a Discretionary Activity.

- (d) must disregard trade competition and the effects of trade competition; and*

N/A – there are no business activities proposed.

- (e) must disregard any effect on a person who has given written approval to the relevant application.*

There are no persons that are considered to be affected by the proposed changes to the conditions under s95E above.

5.6 Conclusion on Notification of the Application

Accordingly, we consider this application can be processed without public notification due to:

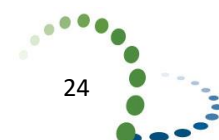
- The adverse effects on the surrounding environment being no more than minor – refer to the s95D discussion and section 7 (Assessment of Effects chapter) of the report.
- The proposal will create a HIRB infringement however due to the slim form/open structure of the partition fence and deck balustrade protruding the southern recession plane, it is considered to have less than minor effects on the adjoining property. Hence limited or public notification is not warranted.
- The proposal is considered as having no reason to warrant public and / or limited notification as there are no special circumstances.
- There are no changes to the scale or intensity of the activity. The proposed changes to the condition are minor and any adverse effects can largely be contained within the property.
- The proposed cancellation of the pergola provisions will have less than minor effects on Transpower as the affected party due to the minimum line clearance achieved above the carpark space for Lot 1.

6. Assessment of Environmental Effects

6.1. Introduction – Effects to be Examined

This section contains a detailed assessment of the actual and potential environmental effects associated with the proposed s127 change of consent conditions. As a Discretionary Activity the following matters will form part of the assessment of environmental effects.

- National Policy Statement – Urban Development
- Mixed Housing Suburban
 - Relevant Objectives and Policies
 - Height in Relation to Boundary



- o Outdoor Living Space
- o Outlook Space
- Transport
 - o Relevant Objectives and Policies
 - o Carpark Space Shortfall

6.2. National Policy Statement on Urban Development 2020 (NPS-UD)

Section s104(1)(b) of the Act sets out when considering an application for resource consent, the council shall have regard to any relevant provisions of...(iii) *a national policy statement*. Having regard to this, the relevant statutory document in this case is the National Policy Statement on Urban Development 2020. The following objectives and policies will be discussed in relation to the proposed variation to consent.

Relevant Objectives

Objective 2: *Planning decisions improve housing affordability by supporting competitive land and development markets.*

The proposed variation to the consent BUN60333616 provides housing options in the form of smaller units to capture the market of those looking for an affordable housing option with low maintenance costs and lower asset value being units with no parking and outdoor landscaping to maintain in an apartment living scenario.

Objective 3: *Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:*

- (a) *the area is in or near a centre zone or other area with many employment opportunities*

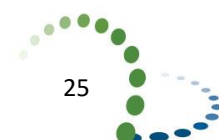
The subject site is near the Mount Roskill Town Centre Zone, Mixed Use Zone and Light Industry Zone which offers many employment opportunities. It is readily accessible via public transport and is also of a walkable distance within 20 minutes. In light of this, easy access to businesses and community services is possible without the need for use of a car.

- (b) *the area is well-served by existing or planned public transport*

There is a shortfall of 3 carpark spaces for the existing dwelling containing a total of 4 units, however the subject site is well served with public transport, with two main bus routes along White Swan Road that connect directly to two major interchange stations i.e. New Lynn and Onehunga, and several other routes to connect to the wider Auckland Area including the option to transfer to a train line.

Objective 4: *New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.*

As greater density is anticipated within the Mount Roskill area, this will naturally attract a diverse group of people that reside in the area. The development will appeal to single occupants or small families that work locally, who need affordable housing options with good access to public transport and walkability to local centres and amenities. Though the subject site is not representative of the wider suburban neighbourhood it offers an affordable alternative for those with different needs to larger families or those with greater commutes that otherwise require a carpark space onsite.



Relevant Policies

Policy 1: *Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:*

(a) *have or enable a variety of homes that:*

(i) *meet the needs, in terms of type, price, and location, of different households; and*

The approved dwelling units provides housing options with units of varying sizes for single or smaller households as opposed to many properties within the immediate neighbourhood that are mainly standalone dwellings. This provides more affordable housing for people that do not require a car as the subject site is located in an area that is well supported by public transport.

(b) *have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and*

N/A.

(c) *have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and*

The site is well served with public transport with two major routes that pass along White Swan Road. Within an 8 minute bus ride or 20 minute walk, the Mount Roskill Town Centre along Stoddard Road can be reached from the subject site. The closest park i.e. Nirvana Park and the Lynfield Youth & Leisure Centre are both within a 10 minute walk away. Hence there is good accessibility to a wide variety of employment opportunities, community services and leisure activities within reach of the subject site.

(d) *support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and*

The Proposed units offer an affordable alternative to cater for different types of households. While there is a shortfall of 3 parking spaces, public transport within the local area and to the wider Auckland area is available. These units will appeal to those with different priorities looking for a smaller low maintenance and affordable dwelling without the need for car parking.

(e) *support reductions in greenhouse gas emissions; and*

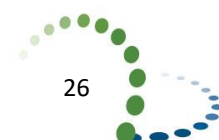
The reduced number of carpark spaces will result in less car movement on the rear site and cater for those that do not require a car. Although the scale is small, this will support the move towards more public transport use, and to reduce greenhouse gas emissions arising from vehicle use.

(f) *are resilient to the likely current and future effects of climate change.*

It is not considered that there will be any adverse effects from the proposed site on climate change effects. There will be less impervious area overall (more landscape area) and lesser earthwork required. Hence combined with the implied use of public transport, there are positive effects in respect of climate change.

Policy 2: *Tier 1, 2, and 3 local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term.*

The total number of units approved under BUN60333616 is retained. Over the long term as development of the neighbourhood occurs in accordance with the projected zoning, in particular the town centre zone and adjacent areas, there will be a greater need to cater for different household types such as smaller or single households. It is anticipated that greater development even more comprehensive public transport network will be provided in the Auckland area. In turn this means that less cars are required in the long term. The subject site is currently well served with public transport and the proposed units without carparks will offer housing for people with different priorities and needs that differ from those with larger families or longer work commutes.



Policy 11: *In relation to car parking:*

- (a) *the district plans of tier 1, 2, and 3 territorial authorities do not set minimum car parking rate requirements, other than for accessible car parks; and*

The provision to remove minimum car parking rate requirements within the Auckland Unitary Plan will mean that in the foreseeable future there will no such requirements applicable to the site. The proposed removal of the 3 carpark spaces although currently results in an equivalent shortfall, is aligned with this Policy. Lot 1 will retain the use of one carpark space being a dwelling that may attract families. However the four units within Lot 2 are smaller with single or small households in mind whom do not require vehicle use.

- (b) *tier 1, 2, and 3 local authorities are strongly encouraged to manage effects associated with the supply and demand of car parking through comprehensive parking management plans.*

The current shortfall in parking spaces for the four units is considered to have less than minor effects as the subject site is well served with public transport. There are many employment opportunities, amenities and community services also within a walkable distance.

Subpart 8 - 3.38 Car parking

- (1) *If the district plan of a tier 1, 2, or 3 territorial authority contains objectives, policies, rules, or assessment criteria that have the effect of requiring a minimum number of car parks to be provided for a particular development, land use, or activity, the territorial authority must change its district plan to remove that effect, other than in respect of accessible car parks.*

It is anticipated that the minimum number of carparks will be removed from the AUP where Council has 18 months from the commencement date of the NPS-UD to implement. Thus there will be no shortfall for the units within Lot 2 once the AUP has been updated. It is considered that the current shortfall of 3 carpark spaces is able to be offset by the ability for occupants to easily access public transport.

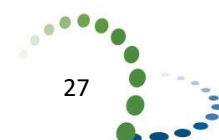
6.5. Transport**E27.2 Objectives**

- (3) *Parking and loading supports urban growth and the quality compact urban form.*

The new dwelling in Lot 1 will be provided with a single carpark space. Lot 2 however is proposed to have all three parking spaces removed. To ensure the existing dwelling in Lot 2 is able to be serviced by furniture delivery and maintenance vehicles an easement is provided over the driveway within the site for this specific temporary vehicle use. Increasing the number of dwellings as proposed supports urban growth area with no parking as compact urban form.

- (4) *The provision of safe and efficient parking, loading and access is commensurate with the character, scale and intensity of the zone.*

The proposed carpark spaces removed will create less vehicle movement for shared driveway which is used by several properties hence creating a safer access for vehicles entering and exiting the adjacent properties to the arterial road network. Although there will be no parking spaces for the small units in Lot 2, it is considered that the proposed loading space for temporary use only, combined with the availability of public transport, the small household units will be adequately supported. Furthermore, the NPS-UD anticipates that there will no minimum parking requirements in the foreseeable future. The proposed removal of carpark spaces is aligned with the expected shift towards encouraging more development and reliance on public transport use in accordance with the NPS-UD.



E27.3 Policies

Parking

- (3) *Manage the number, location and type of parking and loading spaces, including bicycle parking and associated end-of-trip facilities to support all of the following:*

- (a) *the safe, efficient and effective operation of the transport network;*

The proposed carpark removal for Lot 2 and replacement with an easement for temporary vehicle use will adversely affect the efficient and effective vehicle movements to and from the site. The proposed removal will instead provide lesser and safer vehicle movements hence the proposed removal easement Q area as it is no longer required. There is adequate manoeuvring area for delivery and maintenance vehicles using the driveway within the site before exiting from the shared driveway onto White Swan Road in forward gear.

- (b) *the use of more sustainable transport options including public transport, cycling and walking;*

The proposed removal will encourage residents to make full utilisation of the public transport available. There are two main bus routes that connect to several interchange stations and train access to the wider Auckland area.

- (c) *the functional and operational requirements of activities;*

It is considered that the residential use of the site is able to be adequately supported by the public transport network. With an easement over the driveway within the site provided for temporary use of furniture delivery and maintenance vehicles appropriate provision is made of occasional use scenarios.

- (d) *the efficient use of land;*

The proposed removal of the carpark spaces will reduce the total impervious area and increase the landscaped areas for the subject site where this will provide better onsite amenity for both Lot 1 and Lot 2.

- (e) *the recognition of different activities having different trip characteristics; and*

The subject site is a residential zoned property and associated activity. It is considered that access to local stores, leisure activities, amenities and work opportunities is readily accessible via public transport or is of a walkable distance.

- (f) *the efficient use of on-street parking.*

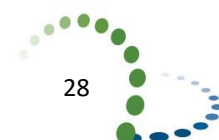
No on-street parking is proposed.

- (8) *Require all other subdivision, use and development to provide a minimum level of on-site parking in recognition of the more limited alternatives to private vehicle travel unless it can be demonstrated that a lesser amount of on-site parking is needed for a particular site or proposal or the provision of on-site parking would be inconsistent with the protection of Historic Heritage or Special Character overlays.*

The proposed shortfall of three carpark spaces is able to be provided with an alternative with public transport. White Swan Road being a main arterial is well supported with bus routes that connect to the local centres and wider Auckland area.

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

The proposed removal of the carpark spaces reflect the type of units provided within Lot 2 being geared towards catering for single occupants or couples that do not own or require a car. As the subject site has ready access to public transport the shortfall of three parking spaces will have less than minor effects, an easement for temporary furniture and maintenance vehicle use is provided for Lot 2. This will ensure that moving in or



out of these units will not create unnecessary issues with vehicle access as these are not a day to day need for residents.

Design of parking and loading

(17) Require parking and loading areas to be designed and located to:

- (a) avoid or mitigate adverse effects on the amenity of the streetscape and adjacent sites;*
Provision for a single carpark space and temporary use for delivery and maintenance vehicles will not affect the amenity of the streetscape being a rear site not visible from the streetscape and adjacent sites.
- (b) provide safe access and egress for vehicles, pedestrians and cyclists;*
A pedestrian path will be marked as per the approved consents. The reduced number of parking spaces will allow for a safer pedestrian environment especially to the four units in Lot 2 as fewer cars will use the shared driveway.
- (c) avoid or mitigate potential conflicts between vehicles, pedestrians and cyclists; and*
The pedestrian path will be marked to reduce potential conflict. There is also less potential of conflict occurring as there will only be one carpark space on site rather than four.
- (d) in loading areas, provide for the separation of service and other vehicles where practicable having regard to the functional and operational requirements of activities.*
No loading spaces are provided. An easement is provided to allow for temporary movement of furniture delivery and maintenance vehicles.

(18) Require parking and loading areas to be designed so that reverse manoeuvring of vehicles onto or off the road does not occur in situations which will compromise:

- (a) the effective, efficient and safe operation of roads, in particular arterial roads;*
White Swan Road is a primary arterial road. The vehicle from Lot 1's parking space is able to fully manoeuvre within the site and exit in forward gear. Furniture delivery and maintenance vehicles will be able to manoeuvre using the shared driveway and exit onto White Swan Road in forward gear.
- (b) pedestrian safety and amenity, particularly within the centre zones and Business – Mixed Use Zone; and*
N/A.
- (c) safe and functional access taking into consideration the number of parking spaces served by the access, the length of the driveway and whether the access is subject to a vehicle access restriction.*
The easement area labelled Q under the approved consents is proposed to be removed due the decrease in vehicle movement it is no longer required. The proposed new driveway configuration within the subject site and the shared driveway is considered functional and safe.

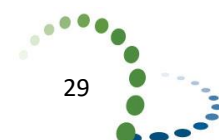
Access

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

No changes are proposed to the approved vehicle crossing arrangement.

6.5. Carpark Space Shortfall

The removal of three carpark spaces is proposed for Lot 2 and will result in the equivalent shortfall under the AUP. From E27.8.2(5), the Council has restricted its discretion to all of the following matters when assessing a performance standard as a Restricted Discretionary Activity:



(5) any activity or development which provides fewer than the required minimum number of parking spaces under Standard E27.6.2(1):

(a) the amount of parking proposed is sufficient for the proposal having regard to:

(i) the nature of the operation including the interaction between activities on the site;

The only activity on site is residential. Lot 1 contains a two storey standalone dwelling which caters for a family thus one parking space is provided. The four units within the existing dwelling in Lot 2 are smaller in scale and catered towards alternative household types such as singles or couples. As the subject site is able to be supported by the public transport network, it is considered that the shortfall in parking spaces will have less than minor effects. The units provide an option for those that do not own a car, and require a low-maintenance and affordable housing option (i.e. apartment style living).

(ii) the availability and accessibility of the site by public transport serving the site;

As discussed previously, the subject site is well served with public transport.

(iii) the measures and commitments outlined in a travel plan for the site which will reduce the need for vehicle use to a level where parking demands can be satisfactorily addressed through efficient use of the proposed parking; or

It is a necessity for furniture delivery and maintenance vehicles access to any residential site hence the provision of an easement for temporary vehicle movement for Lot 2. The day to day movement of residents is considered to be supported by public transport. Also the local Mount Roskill centre and amenities are within a walkable distance from the site.

(iv) the extent to which activities on the site have complementary parking demands.

Only residential activity is provided and anticipated onsite.

(b) the effects of parking overspill from the reduction in parking on adjacent activities and on the transport network;

There is parking available on White Swan Road for visitors however it is not anticipated that there will be parking overspill that might otherwise arise from large family units with more vehicles due to the nature of the small units and household type expected as single occupants.

(c) the extent to which there is public parking on-street or off-street in the immediate vicinity with capacity and availability at the times required to serve the proposal;

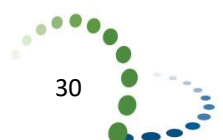
There is some parking available on-street in the immediate vicinity with no parking restrictions. It is noted that there is a bus stop right outside of the subject site and opposite on White Swan Road providing convenient and easy access to public transport.

(d) the extent to which the parking requirements of the proposal will be met by entering into a shared parking arrangement with another site in the immediate vicinity that has available parking spaces which are not required at the same time as the proposed activity;

N/A

(e) the extent to which it is physically practicable to provide the required parking on the site including in terms of the existing location of buildings and the availability of access to the road; or

The three parking spaces that were provided for the site previously were to meet AUP standards under the approved resource consents. It is proposed to vary the consent to remove the three parking spaces to reduce the impervious areas and provide better on-site landscape amenities. It is also proposed to remove



all associated pergolas which will reduce the built environment while better achieving the Mixed Housing Suburban character which provides for development with good onsite amenity. The shortfall in parking is countered with access to public transport and the provision of low cost housing. It is noted that the NPS-UD requires no minimum parking in the foreseeable future. Thus what is infringing now will be compliant once the AUP is updated to reflect the Policy Statement.

- (f) *if a character overlay applies to the site, the extent to which the provision of a minimum car parking requirement would detrimentally affect the character and features of the area or site identified by the overlay.*

N/A

6.3. Mixed Housing Suburban

H4.2. Objectives

- (1) *Housing capacity, intensity and choice in the zone is increased.*

There are no changes to the capacity or intensity of the approved resource consents. A total of five dwellings in the form of a standalone house and four smaller units within the existing dwelling. The proposed changes to the conditions are minor variations to the approved consent. Housing choice is provided by lowering the investment cost and providing affordable housing for those who do not need a car.

- (2) *Development is in keeping with the neighbourhood's planned suburban built character of predominantly two storey buildings, in a variety of forms (attached and detached).*

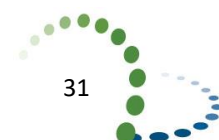
The approved and existing dwellings will remain the same and they are both in keeping with the built suburban character. It is not considered that the proposed variation to consents will alter this character of built form.

- (3) *Development provides quality on-site residential amenity for residents and adjoining sites and the street.*

The proposed internal layout changes to the existing dwelling of Lot 2 will improve the on-site amenity for the residents of each unit. The approved kitchen area of Unit G1 will turn into the lounge room and vice versa where the lounge will provide direct access to this Unit's outdoor living area being in the form of a deck facing the dense bush of the gully and stream. Although the new lounge outlook space from the principal living area will be dimensioned from the south-eastern window of Unit G1, there is a better flow and utilisation of the main living area and outdoor living space.

It is also proposed to change the internal layout of Unit B1 to better utilise the internal layout by turning the approved master bedroom into a lounge room and a proposed bathroom and new study room adjacent to the kitchen and dining space. This will also allow the new lounge room to have direct access to the outdoor deck area. Again, the outlook space will be dimensioned from the south-eastern window however there is better flow and connection from the main living area to the outdoor living space and improve amenity in the outlook being towards bushed area.

The outdoor living space area for Unit B1 and Unit B2 is in the form of a new deck area which also has access to the yard area at ground level. It is proposed to increase the width of the deck which will require removal of a few trees. However this is not considered to negatively affect the approved amenities, but rather provide Units with a low-maintenance outdoor living space area by reducing the ongoing upkeep of a garden space while providing a useable outdoor space. This will contribute in provision of housing variety and lifestyle choice.



Overall it is considered that these proposed changes to the approved consent do not contravene the objectives of the Mixed Housing Suburban Zone as quality on-site amenity for residents are still provided. The variation of Conditions to update approved plans as detailed above will reflect these proposed changes.

H4.3 Policies

(2) Achieve the planned suburban built character of predominantly two storey buildings, in a variety of forms by:

(a) limiting the height, bulk and form of development;

The changes to the existing dwelling proposed do not result in any added height or dominating bulk. A minor HIRB infringement from the partition fence and the deck balustrade on a basement level deck is not considered to add to the bulk of built form, is screen from the neighbour by existing bush and have less than minor effects.

(b) managing the design and appearance of multiple-unit residential development; and

There are no major changes to the design or appearance of the new or existing dwellings. The proposed extension of the deck will have a small change in appearance in the southern quadrant of the existing dwelling. The extension will improve on-site amenities for the residents of Units B1 and B2 by focusing outlook toward the bush clad gully.

The removal of the three carpark spaces also change the appearance of the overall site with less impervious areas to be replaced with grass and will provide a more pleasant outdoor area. Though there will no longer be parking available for the Units in Lot 2, an easement is provided for furniture delivery and maintenance vehicles for this Lot and access to public transport is readily available as discussed prior.

(c) requiring sufficient setbacks and landscaped areas.

Sufficient setbacks and landscaped areas are provided.

(4) Require the height, bulk and location of development to maintain a reasonable standard of sunlight access and privacy and to minimise visual dominance effects to adjoining sites.

There are no changes to sunlight access or privacy for each approved dwelling as a result of the proposed change to conditions as the proximity of the two buildings to each other remains the same.

(5) Require accommodation to be designed to meet the day to day needs of residents by:

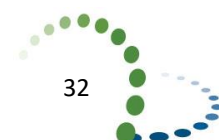
(a) providing privacy and outlook; and

(b) providing access to daylight and sunlight and providing the amenities necessary for those residents.

Units B1 and B2 now use the decks as their outdoor living and outlook spaces. The extended deck area will provide each of these units with at least 20m² of outdoor living space. Privacy is provided between the units with a partition fence and there is screening from the adjacent site by the bush gully to the south. Outlook space is offered towards the southern boundary which provides an improved outlook into the bush gully rather than other buildings. Though the outdoor living space is south facing, access to adequate daylight and sunlight is also provided from the south-western windows and the outdoor living space area will offer respite from direct sunlight in the summer.

(6) Encourage accommodation to have useable and accessible outdoor living space.

The proposed internal layouts of Units B1 and G1 will result in better flow between the principal living space and the outdoor living deck areas. The deck of Units B1 and B2 will be extended to provide better useable and low maintenance outdoor living space areas. Thus the proposed changes are still aligned with these objectives and policies of the Mixed Housing Suburban Zone.



- (7) *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 proposed impervious areas will reduce as a result of the three carpark and two motorcycle spaces removal. This is reflected in the proposed updated drainage plans and development plans. Landscaped areas will increase and create a better outdoor amenity for both Lots.

6.4. Height in Relation to Boundary (HIRB)

The proposed extension to the deck area for Unit B1 and B2 will also result in the extension of the partition fence in between the two units. The partition fence will protrude into the southern HIRB recession plane by a maximum height of 45mm over a length of 100m being the width of the fence post. The deck balustrade of Unit B1's deck area will encroach the southern recession plane by a maximum height of 432mm reducing to nil over a horizontal length of 2,633mm. From H4.8.2(6), the Council has restricted its discretion to all of the following matters when assessing a performance standard as a restricted discretionary activity:

- (6) *for height in relation to boundary:*

- (a) *refer to Policy H4.3(2) - Achieve the planned suburban built character of predominantly two storey buildings, in a variety of forms by:*

- (a) *limiting the height, bulk and form of development;*

The height of the fence is a regular 1.8m high fence with only a small section of the wall extending through the HIRB hence it is not considered to be a bulk or a form that is dominating over the adjoining property. The deck balustrade is an open structure with only a small corner protruding the HIRB and is also not considered to create added bulk that will dominate the neighbour's. There are trees within the adjoining property that will provide full screening of the protruding fence from the dwelling on 34A White Swan Road.

- (b) *managing the design and appearance of multiple-unit residential development; and*

The proposed deck extension itself is well within the HIRB recession plane. The extension to the partition fence is required to provide privacy between Unit B1 and B2. Being a multi-unit building, it is important that private areas are well marked for each unit, the purpose the partition fence and balustrade serves. The compliant bulk of the existing building, elevated position on land form to 34A White Swan Road, means that the new deck with partition screen and the balustrade of Unit B1's deck will not be any more dominant to the neighbour.

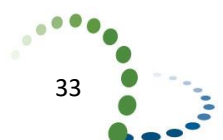
- (c) *requiring sufficient setbacks and landscaped areas.*

There are sufficient yard setbacks and landscaped areas proposed. No new buildings or impervious areas are proposed.

- (b) *refer to Policy H4.3(4) - Require the height, bulk and location of development to maintain a reasonable standard of sunlight access and privacy and to minimise visual dominance effects to adjoining sites.*

The infringing portion of the fence will not compromise sunlight access between Unit B1 and B2 instead it provides much needed privacy for each unit with the extension of the deck.

Due to only a small section of the partition fence that protrudes the HIRB recession plane and being almost perpendicular to the adjoining property at 34A White Swan Road, it will not be a noticeable infringement. The balance of the deck balustrade is within the recession plane thus the infringing corner in Unit B1 in comparison with the balance of the deck balustrade along the entirety of the deck



will also be unnoticeable. Additionally, the deck area itself is screened from the adjoining property by the densely bush clad gully to the southern boundary of the subject site.

- (c) *refer to Policy H4.3(5) - Require accommodation to be designed to meet the day to day needs of residents by:*

- (a) *providing privacy and outlook; and*

The partition fence is required to provide privacy of the outdoor living area and outlook areas between Unit B1 and Unit B2. The deck balustrade for Unit B1 is to provide a safety barrier. Hence it is considered that the protrusion of a small section of the fence and balustrade will have negligible effects to the neighbour at 34A while providing for the needs of the residents.

- (b) *providing access to daylight and sunlight and providing the amenities necessary for those residents*

The infringing section of the partition fence and balustrade will not create a more intrusive shadowing than the balance of the compliant fence.

6.5. Outdoor Living Space

The readjusted Lot 2 boundary will result in a new outdoor living space area proposed along the south-eastern side of Unit B1. From H4.8.2(14), the Council has restricted its discretion to all of the following matters when assessing a performance standard as a restricted discretionary activity:

- (12) *for outdoor living space:*

- (a) *refer to Policy H4.3(2) - Achieve the planned suburban built character of predominantly two storey buildings, in a variety of forms by:*

- (a) *limiting the height, bulk and form of development;*

No changes are proposed to the actual existing building except for the extension of the approved deck for Units B1 and B2. This deck extension is of a suitable height, bulk and form that is compliant with the standards under the Mixed Housing Suburban Zone.

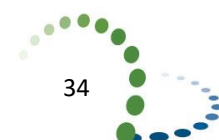
- (b) *managing the design and appearance of multiple-unit residential development; and*

No changes are proposed to the actual existing building. The extension of the deck will provide Unit B1 with a low-maintenance outdoor living space area. Though it will reduce the vegetated/grassed area, the extended deck will provide have greater usability due to the site sloping downwards to the southern boundary. It also provides greater privacy from the multilevel unit on Lot 1, and uses the bush area for shelter from the prevailing wind.

- (c) *requiring sufficient setbacks and landscaped areas.*

With the new outdoor living space area being within the southern quadrant of the site, there is insufficient setback between Units B1 and B2 to the southern boundary. It is considered that the new orientation of the open space as a deck area provides greater usability of the outdoor living area for an apartment. Further this, accessibility outweighs the shortfall in setback area of the former courtyard. The extended deck space will provide the residents with a low-maintenance and minimal upkeep offering a different household/lifestyle type of apartment living for those who choose to live here.

- (b) *refer to Policy H4.3(4) - Require the height, bulk and location of development to maintain a reasonable standard of sunlight access and privacy and to minimise visual dominance effects to adjoining sites.*



Located within the southern quadrant of the site will result in less sunlight accessibility for the outdoor living space. However the outdoor living space as a southern facing large deck area is practical year round being shaded in summer and dry underfoot in winter. Thus it is considered that this infringement will have less than minor effects for the resident/s as sunlight access is still able to be gained from south-western window, adequate privacy is offered, and a far nicer outlook is afforded.

- (c) *refer to Policy H4.3(5) - Require accommodation to be designed to meet the day to day needs of residents by:*

(a) *providing privacy and outlook; and*

Whilst there will also be an outlook space infringement for Unit B1 (shortfall of 1.5m) extending over the adjoining property at 34A White Swan Road, the existing vegetation and screening to the adjoining property and privacy. This creates an outlook from the deck that is attractive and private. The outlook space for B2 is contained wholly within the site.

(b) *providing access to daylight and sunlight and providing the amenities necessary for those residents*

Access to daylight and sunlight will still be received from the windows along the south-western face of the building. The relocated outdoor living space will however have evening sunlight access in the summer and hence be more useable in the hottest times of the year when shade and respite from the heat are warranted.

With outlook from the deck unencumbered by building the overall amenity is considered superior to the former courtyard scenario.

- (d) *refer to Policy H4.3(6) - Encourage accommodation to have useable and accessible outdoor living space.*

With the reconfiguring of Unit B1, the principal lounge room will have a more private outlook and the useable indoor to outdoor flow is improved. Thus despite the building to southern aspect of the layout change, a functional outdoor living space for the resident/s is still provided with greater amenity of outlook to bush rather than other buildings.

6.6. Outlook Space

The proposed internal layout change to Unit B1 will result in a new outlook space infringement where the required 6m by 4m dimensioned from the south-eastern window will extend the southern site boundary into 34a White Swan Road by a maximum of 1.5m. From H4.8.2(12), the Council has restricted its discretion to all of the following matters when assessing a performance standard as a restricted discretionary activity:

(13) *for outlook space:*

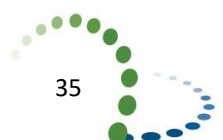
- (e) *refer to Policy H4.3(2) - Achieve the planned suburban built character of predominantly two storey buildings, in a variety of forms by:*

(a) *limiting the height, bulk and form of development;*

No changes are proposed to the bulk of built form of the existing building. The outlook space is a result of the internal layout change for Unit B1.

(b) *managing the design and appearance of multiple-unit residential development; and*

The outlook space is a result of the internal layout change for Unit B1. This façade of Units B1 and B2 is screened from 34A by the bush clad gully.



(c) requiring sufficient setbacks and landscaped areas.

There is sufficient yard setback from the existing building. The landscaped area after subdivision will fall short of the minimum 40% by 1.5% however this is due to the provision of an extended deck area where the coverage is not counted towards the landscaped area calculation because of elevation above ground. The deck extension will allow for a more useable outdoor living space with direct access from the principal living room.

The bush clad gully offers screening from trees and vegetation within the applicant's and neighbouring sites, despite the reduced outlook space. The bulk of the outlook space is able to be contained within the subject site. It is considered that the benefits of an amended layout and access between the lounge and outdoor space outweigh the slight shortfall of outlook space within the site especially given the separation by land form to the dwelling on 34A afforded by contour.

(f) refer to Policy H4.3(4) - Require the height, bulk and location of development to maintain a reasonable standard of sunlight access and privacy and to minimise visual dominance effects to adjoining sites.

Sunlight access into the proposed lounge room will remain as the window placement retains unfettered outlook and access to the space by the bush clad gully. Privacy will also be maintained as there is screening from the adjacent property. There will be no visual dominance effects as the existing building. The section of the deck extension where greater than 1.5m in height though defined as a building is not included in the building coverage as such being an uncovered deck and is well within the height in relation to boundary except for a small corner wedge of the balustrade within Unit B1, and is screened from the neighbour by the bush gully.

(g) refer to Policy H4.3(5) - Require accommodation to be designed to meet the day to day needs of residents by:

(a) providing privacy and outlook; and

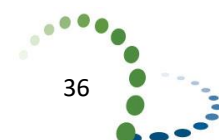
Whilst the new outlook space for Unit B1 will result in a shortfall of 1.5m where this extends over the adjoining property at 34A White Swan Road, the existing vegetation screening and separation by the gully landform ensures a greater level of privacy for B1 than the consented proposal.

(b) providing access to daylight and sunlight and providing the amenities necessary for those residents

Access to daylight and sunlight will still be received from the windows along the south-western face of the building. Though there is a slight shortfall of the outlook space overlooking the south-eastern side of the site, the landform and stream ensure no development can occur on the neighbour's property. Hence access to the horizon in the outlook is ensure, creating an attractive outlook.

(h) refer to Policy H4.3(6) - Encourage accommodation to have useable and accessible outdoor living space.

The change in the layout where the main window of the principal living room faces the south-eastern side of the site will allow for a useable outdoor living space with direct accessibility from the Unit to the deck area via a sliding door. This indoor to outdoor flow will create an illusion of a more spacious and practical living area. Previously access to the outdoor area was also through front door for the Unit to a courtyard or via the master bedroom to a smaller deck. The shortfall in outlook depth arising from the internal layout change will create a more useable and more private space for the residents from Lot 1.



7. Conclusion

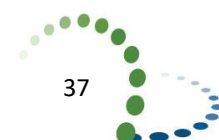
The subject site at 34 White Swan Road is a 1526m² rear site in the Residential - Mixed Housing Suburban Zone of the Auckland Unitary Plan. A combined land use and subdivision resource consent was approved on 12 June 2019 under BUN60333616 (LUC603333519; SUB603333660; SUB60339537). This was for the conversion of the existing dwelling in to four dwellings and a new two-storey standalone dwelling resulting in a total of five dwellings. Four parking spaces and two motorcycle parks, vehicle access, associated earthworks, retaining and landscaping were also proposed. The subject site is also constrained by the National Grid Yard overlay with two sets of high voltage power lines crossing the site.

The proposal of this s127 application seeks to vary the approved conditions to reflect the following changes:

- 1) Removal of 3 carpark spaces for Lot 2, associated driveway and impervious areas;
- 2) Removal all of the pergolas over the carpark spaces;
- 3) Update to the drainage plan including the removal of the 1000L underground detention tank serving the paved driveway in the northern corner of Lot 1. A new 4000L volume underground detention tank is proposed under the new deck extension within Lot 2;
- 4) The readjustment of boundary areas for Lot 1 and Lot 2;
- 5) Modifications to the internal layout of Unit G1 and B1;
 - a) Unit G1 – the kitchen and lounge rooms will switch over. The Lounge is now proposed to the south of the Unit with direct from a new sliding door to the existing timber deck. The outlook space will be dimensioned from the south-eastern window.
 - b) Unit B1 – the master bedroom is now proposed to be a lounge room, and a new study room and bathroom is proposed adjacent to the kitchen/dining area. This will reduce the kitchen/dining space. The lounge will have direct access to the enlarged timber deck. The outlook space will be dimensioned from the south-eastern window. Unit B1 is reduced to be a one bedroom unit. The outdoor living space will also be relocated to the south-eastern side of the building over the bush clad gully.
 - c) The extended timber deck area has a 1.8m high partition fence and a timber balustrade. This will result in a new Height in Relation to Boundary Infringement from the partition fence and a small corner of the balustrade protruding into the southern recession plane.
- 6) Update to the Memorandum of Easements.

To accommodate the proposed changes variation to several conditions are required as a Discretionary activity under s127 of the RMA. The update to the approved development and consequent conditions is not considered to contravene the objectives and policies of the Auckland Unitary Plan. Four additional infringements will however result from the proposed changes as follows:

- The internal layout change within B1 will move the principal living room to the southern side of the unit where the outlook space and outdoor living space will follow. The outlook space will encroach into the adjacent property boundary by a maximum of 1.5m requiring consent as a Restricted Discretionary activity.
- The outdoor living space for both Unit B1 and Unit B2 is located in the southern quadrant of the site on the deck and is unable to provide the minimum setback and requires consent being in the southern quadrant. However due to the change to the proposed layout the outdoor living space is able to be separated from the main entrance of Unit B1 and is offered improved privacy in the form of an extended deck area. The benefits



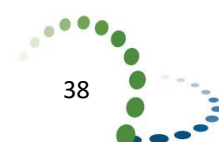
of having direct access between the lounge and deck area for both units and greater privacy outweighs the shortfall in outlook space and being in the southern quadrant.

Whilst being a more comfortable climate in the height of summer when deck use will at its highest, it is considered that Unit B1 will still be able to receive adequate sunlight and daylight access via the windows on the south-western façade. With no buildings in the outlook space the vista protected by the bush clad gully. The deck will also provide a greater functional use of the outdoor living space that is also low-maintenance. Hence the reduced outlook space and southern orientation of outdoor space will have less than minor effects and is improvement of the consented scenario.

- A small Height in Relation to Boundary infringement occurs by the extension of the deck/partition fence. This partition is necessary in providing privacy between Units B1 and B2. Due to its narrow form, being a fence the bulk is minimal and will have less than minor effects on the adjoining property at 34A White Swan Road, which is separated by a bush clad gully.
- The proposed removal of the three parking spaces will create an equivalent shortfall for Lot 2 however the subject site is well served with public transport access. An easement for Lot 2 is provided for furniture delivery or maintenance vehicles where access within the site is necessary. It is noted that the National Policy Statement on Urban Development 2020 dictates that no minimum parking requirements should be required. Thus it is considered that the removal will create less than minor adverse effects as it lessens the effects of the consented traffic movements with reduced impervious areas and earthworks, increase in landscaped area and improved onsite amenity.

Other changes to the internal layout of Units B1 and G1 will allow for better flow between the principal living rooms and outdoor living spaces. The deck area for Units B1 and B2 will create a more useable outdoor living space area that is low-maintenance and lower cost of running in the long term for its residents. Each Lot will continue to be provided with adequate drainage and appropriate easements. Additionally no changes proposed will result in any rules under the National Grid Overlay to be triggered as there are only two buildings as per the approved consents.

It is our opinion that the adverse effects associated with this proposal are considered to range between less than minor and minor and the effects can be avoided, remedied or mitigated by the application of further suitable consent conditions if required. The proposal is in accordance with the RMA and the objectives and policies of the NPS-UD and the AUP-OIP. Therefore, it is recommended that the required Resource Consent be **granted** on a **non-notified** basis.



6 APPENDICES

- A. Approved Resource Consents and Plans
- B. Amended Architecture Plans
- C. Proposed Common Access Way Design
- D. Proposed Drainage Design
- E. Proposed Earthworks Plan
- F. Proposed Subdivision Plan
- G. Proposed Unit Title Subdivision Plans
- H. Proposed Coverage Plans
- I. Proposed Outlook and Outdoor Space Plans

