

17 December 2020

Our Ref: 20333 / GN

Auckland Council
Private Bag 92300
Victoria Street West
Auckland 1142

Dear Raymond,

Re: Section 92 Response

Request for further information under section 92 of the Resource Management Act 1991

Application Number(s): LUC60333519-A, SUB60333660-A, SUB60339537-A
Applicant: Madhav Karmakar
Proposed activity(s): To vary the conditions of the existing resource consent BUN60333616 (LUC60333519, SUB60333660, SUB60339537) to provide for additions/alterations to existing dwelling and parking shortfall.
Site Address: 34 White Swan Road, Mount Roskill 1041

Amendments to the Proposal

The proposed entrance to the common accessway has been widened to 6.65m at the property boundary to the shared access way and tapers down to 3.3m wide in front of the new dwelling then widens to 4.8m before reducing to 3.5m along the existing dwelling. The widened accessway at the property boundary will provide for better manoeuvring to allow larger vehicles (6.4m long truck and a 99% service utility vehicle) to exit onto White Swan Road in forward gear. Refer to the Proposed Common Accessway Site Plan attached.

The impervious area and landscaped area coverages have minor adjustments as a result. The proposed Impervious Coverage area for the underlying lot is 619.6m² (40.6%) and the proposed Landscaped Area is 893.6m² (61.2%). These coverages are still within the permitted thresholds under the Mixed Housing Suburban Zone. The Impervious Coverage and Landscaping Coverage Plans have been amended to reflect this change.

We have also confirmed the construction methodology and retaining wall materiality of the boundary retaining wall adjoining the access way up to the existing building. The retaining walls will be of concrete block construction.

Traffic

1. Due to the number of car parking spaces served by the vehicle access, there is still an automatic infringement to passing bay rule. Please provide a traffic assessment prepared by a suitably qualified person to justify the proposed removal of the previously approved 12m passing bay.

A Traffic Report has been prepared by Da Vinci Transport Planning Limited and an assessment of the approved passing bay removal was determined to have less than minor effects for the following reasons:

- No. 34B already has a passing bay (yet to be constructed) to accommodate the additional vehicle movement from their approved development;
- The subject site will be removing the approved parking spaces hence there is no alteration in the current trip generation from no. 34 (subject site) – i.e. there is a permitted baseline level of effect from the site; and

- The queuing assessment and implications on the removal of the passing bay has been assessed as likely to result in less than minor effects. The probability of queuing delay is less than 1.5%. Refer to the Traffic Report attached.
2. Given the proposal involves the removal of previously approved and required parking spaces, pedestrian amenity and safety should be prioritised. It appears that no dedicated pedestrian access is provided within the length vehicle access from the road to provide for safe pedestrian movement in and out of the site. Please provide further explanations on why such vital pedestrian access has not been proposed, noting that the AEE report has not appropriately addressed policy E27.3(20) and the associated assessment criteria.

The neighbouring property at 34B has an approved resource consent for a total of 4 dwellings/ lots. As part of their development a 1.0m wide pedestrian walkway is proposed along the shared driveway from the road to their site. This pedestrian walkway once constructed is able to be utilised by the subject site in accordance with the easements over the shared driveway.

However should the proposed works for the subject site be carried out prior to the development of the neighbouring property, a condition of consent is already in place to ensure a marked pedestrian access is provided. Condition 23 of the approved Land Use consent, copied below, will be retained and carried out to ensure safe pedestrian access.

Condition 23 (LUC60333519)

A pedestrian path measuring 1m wide shall be paint marked on the eastern side of the driveway connecting into the pedestrian path proposed along the southern side of the driveway within the site. Red oxide, green paint or other visually obtrusive colours should not be used in marking out the paths. All work shall be completed to the satisfaction of Council's Team Leader Monitoring Compliance Central.

A passing bay has been approved by Council and will also be constructed and installed for the use of the property at number 34B (and its subsequent lots) only. As the applicant's revised proposal will not increase the number of vehicle movements above what is existing, there is no additional traffic quantum effect to mitigate. Hence for the applicant to provide a passing bay as a condition of consent does not serve a resource management purpose and hence it is inappropriate for Council to impose such a condition. There is no new effect of additional vehicle movements that necessitate mitigation.

The Traffic Report determines that there is clear sightlines for opposing vehicles and pedestrians to give way to each other. The proposal will also not increase the number of existing parking spaces that would result in additional vehicle movements. Thus the potential number of conflicts between pedestrians and vehicles are no greater than what already exists or is already approved for. Refer to the Traffic Report attached.

3. The AEE report states that the proposed formed access intended to provide temporary access for furniture delivery and maintenance vehicles to the apartment complex. Given that the proposal will not provide a dedicated formed manoeuvring space, this means a lengthy reverse manoeuvre down the shared driveway would be required. Please provide further assessment to address to this matter.

The splay of the entrance of the proposed common accessway within the site will be widened for easier vehicle manoeuvring out of the site. Refer to the Proposed Common Access Way Site Plan, 20333-600-B. The vehicle tracking curve assessment in the Traffic Report is based on this amended design.

Vehicle tracking curves have been provided and assessed for different sized vehicles. The proposal is compliant with the main requirement to provide on-site vehicle manoeuvring to accommodate the 85 percentile car tracking curves under Chapter E27 as demonstrated in Appendix B of the Traffic Report.

A 6.4m (12m³) light delivery or service truck that is able to be hired and driven on a normal full driver's licence has also been assessed. Manoeuvring is able to take place within the driveway limits as shown in the Traffic Report.

Where a service utility vehicle (99% vehicle) or a 8m long moving truck requires access down the shared driveway, this will require the neighbour's driveway at 36A White Swan Road to be used to exit the

property in forward gear. It is expected that prior to using the neighbour's driveway permission from the neighbour will be sought. We note for the 99% vehicle only the chassis will over hang the boundary of the shared access way. Use of the access way by these larger vehicles is considered to be a rare occurrence, hence special provisions are unnecessary to accommodate large truck movements on a daily basis.

4. It is acknowledged that policy 11 of the National Policy Statement on Urban Development requires minimum car parking rules to be removed not later than 18 months after commencement date. It is also acknowledged that the consent authority must have regard to this matter as part of the section 104 assessment. However, given that the minimum car parking rules under the AUP (OP) are still operative, the application must first adequately address all the potential adverse effects associated with the parking shortfall under the S95 Notification Assessment.

In this case, the assessment on parking shortfall in section 6.5 of the AEE does not provide sufficient assessment to demonstrate the adverse effects will be minor or less than minor on the environment and any persons, notably potential parking overflow effects. Given the unique characteristics of the subject site and its neighbouring properties, an updated traffic assessment is considered necessary in this instance for this application. Please provide a traffic assessment prepared by a suitable qualified person to support your application.

We have previously noted the relevant direction of the National Policy Statement - Urban Development in respect of parking quantum standards, and the higher order status of this document in regard to s104 RMA. Further we note that by the time the development and associated works are complete, the AUP will have been modified in accordance with the directions of the NPS.

A Traffic Report was commissioned and includes an assessment of the parking supply shortfall in regard to the standards of the AUP that the NPS-UD directs to be removed. This is presented in section 3.3 of the traffic report. It is concluded that removal of the approved parking spaces can be mitigated with the proximity and high frequency of public transport available along White Swan Road. The public transport service is frequent enough to support the new units without on-site parking.

It is also noted that any overflow of parking (e.g. visitors) will be able to be catered for by on-street parking along White Swan Road. There is adequate space/capacity to park on White Swan Road particularly in front of the transmission yard and the vacant site housing a tower (#30) without affecting traffic flow or bus stops. Refer to the Traffic Report for an analysis on parking availability/capacity.

Consultation

Further consultation with Transpower has been carried out regarding the proposed s127 application. The proposed driveway, retaining wall and works for the construction of the wall and installation of the detention tank will comply with the minimum clearance heights. Notably we have confirmed the construction methodology for the retaining wall to be concrete block, hence there will not be any tall plant or machinery required for construction activities under the National Grid Yard.

Transpower has confirmed it has no concerns with the proposed works and application. They will also accept the cancellation of the condition requiring a pergolas over proposed carpark spaces. Please find the email correspondence with Jenna McFarlane from Transpower attached.

The attached documents include:

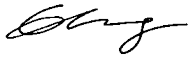
1. Proposed Common Access Way Site Plan, 20333-600-B (1:100) and 20333-600-B (1:200)
2. Revised Proposed Fee-Simple Subdivision Scheme Plan, 20333-400-E
3. Revised Impervious Coverage Plan, 20333-403-C and Landscaping Coverage Plan, 20333-404-C
4. Traffic Report, Da Vinci Transport Planning Limited, dated 16 December 2020
5. Evidence of consultation with Transpower

We trust that this S92 response and the attached documents address Council's concerns and that processing of this application can now continue without undue delay.

If you require any further information or clarification please contact either Grace Ng (Intermediate Planner) on 09 576 1977.

For and on behalf of CLC Consulting Group Limited,

Prepared By:



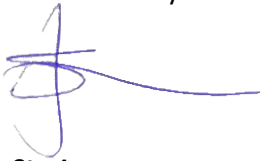
Grace Ng
Planner

Reviewed By:



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